

18A: 8-18 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A: 8-18 et al (School boards-- organization meetings-- held anytime within 2 weeks of election)

LAWS OF: 1987 **CHAPTER:** 289

Bill No: S1945

Sponsor(s): Gagliano

Date Introduced: March 10, 1986

Committee: **Assembly:** -----

Senate: Education

Amended during passage: No

Date of Passage: **Assembly:** September 10, 1987

Senate: May 11, 1987

Date of Approval: October 29, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

SENATE, No. 1945
STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1986

By Senator GAGLIANO

Referred to Committee on Education

AN ACT concerning boards of education and revising parts of the
Statutory Law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 18A:8-18 is amended to read as follows:
2 18A:8-18. The members of the board of education of the original
3 district shall continue in office as members of such district until
4 the creation of the new district and the members of said board who
5 reside in the new district shall also be members of the first board
6 of education of the new district and those who do not reside therein
7 shall also be members of the first board of education of the remain-
8 ing district. They shall continue to serve as members of the
9 board of education of the new and remaining districts respectively
10 until the expiration of the respective terms for which they were
11 elected as members of the board of education of the original district.
12 Such number of additional members of the first board of education
13 of the new district and of the remaining district as shall be re-
14 quired to complete full membership thereof, shall be appointed by
15 the county superintendent and their successors shall be elected at
16 school elections of the districts, which shall be held at the same time
17 as that on which the annual election of the original district would
18 have been held in the next school year. The elected members of said
19 boards shall take office [upon the first Monday] *at the organiza-*
20 *tional meeting* succeeding their election and the appointed mem-
21 bers shall continue in office until said date.

1 2. N. J. S. 18A:10-3 is amended to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *thus* is new matter.

2 18A:10-3. Each board of education shall organize annually at a
3 regular meeting held not later than at 8 p.m. at which time new
4 members shall take office:

5 a. In type I districts on May 16, or on the following day if that
6 day be Sunday;

7 b. In all type II districts on any day of the first or second week
8 following the annual school election.

9 If the organization meeting cannot take place on that day by
10 reason of lack of a quorum or for any other reason, said meeting
11 shall be held within three days thereafter.

1 3. N. J. S. 18A:12-13 is amended to read as follows:

2 18A:12-13. If at the election the question of increasing the mem-
3 bership of the board shall be adopted, the membership of the board
4 shall be increased accordingly as of the **[Monday]** *organizational*
5 *meeting* next following the next annual school election and the
6 additional members shall be elected at such annual school election,
7 for terms as follows:

8 a. If the increase is from three to five, two for three years and
9 one for two years;

10 b. If the increase is from three to seven, two for three years,
11 one for two years and one for one year;

12 c. If the increase is from five to seven, one for three years and
13 one for a term of either one or two years, whichever is necessary
14 to cause the terms of two members to expire at each of the next
15 two annual school elections;

16 d. If the increase is from any other number to nine, for such
17 terms not over three years, as will as soon as possible constitute
18 a board of nine, with three-year terms expiring, three each year.

19 Each year thereafter successors to the members whose terms
20 expire shall be elected for three years.

1 4. N. J. S. 18A:12-19 is amended to read as follows:

2 18A:12-19. If at said election the question shall be adopted, the
3 members of the board of education then in office shall continue in
4 office until the expiration of their respective terms and thereafter
5 until the **[first Monday]** *organizational meeting* following the next
6 annual school election and their respective successors shall be
7 elected by the legal voters of the district at such and each following
8 annual school election to be held in the district, for terms of five
9 years.

1 5. N. J. S. 18A:13-10 is amended to read as follows:

2 18A:13-10. The board of education of each regional district shall
3 provide for the holding of an annual school election for the regional
4 district on the first Tuesday in April.

5 At such election there shall be elected for terms of three years,
 6 beginning on any day of the first or second week following such
 7 election, the members of the regional boards of education to succeed
 8 those members of the board whose terms shall expire in that year,
 9 except as is in this chapter provided for the election of the first
 10 elected members of the board.

1 6. N. J. S. 18A:13-12 is amended to read as follows:

2 18A:13-12. The board shall hold a regular meeting forthwith
 3 after its first appointment, and annually thereafter on any day
 4 of the first or second week following the annual school election, at
 5 which it shall organize by the election, from among its members,
 6 of a president and vice president, who shall serve until the organ-
 7 ization meeting next succeeding the election of their respective
 8 successors as members of the board. If any board shall fail to
 9 organize within said **[week]** *two weeks*, the county superintendent
 10 of the county, or the county superintendents of the counties, in
 11 which the constituent districts are situate, shall appoint, from
 12 among the members of the board, a president and vice president
 13 to serve until the organization meeting next succeeding the next
 14 election.

1 7. Section 2 of P. L. 1970, c. 305 (C. 18A:13-9.2) is amended
 2 to read as follows:

3 2. In the event that such a resolution is adopted and approved,
 4 the terms of the present members of the regional board whose
 5 terms would terminate in the year of said election shall be con-
 6 tinued until the **[first Monday]** *organization meeting which shall*
 7 *be held during the first or second week* after said special election
 8 at which time the board shall organize pursuant to section
 9 18A:13-12 of the New Jersey Statutes and the terms of the mem-
 10 bers elected in said election shall commence. The powers of the
 11 present board shall continue unaltered until said **[first Monday]**
 12 *organizational meeting* after said special election. Each such new
 13 member shall serve for the unexpired term only.

1 8. This act shall take effect immediately.

STATEMENT

This bill allows district boards of education to organize on any day during the first two weeks following the annual school election. Under current law, boards must organize during the week following the election. Failure to do so results in the organization of the board by the County Superintendent of Schools (N. J. S. 18A:13-12).

Since the date of the annual school election was changed from February to April, the requirement that the boards of education must organize within one week has created difficulties, because this often coincides with religious holidays or with Spring recess. Current law permits an adjustment of the election date if that coincides with a period of religious observance (P. L. 1983, c. 63, C. 18A:14-2.1), but does not address the problem of the organization of the board.

The two week period will provide flexibility to the boards, while not creating a lengthy interregnum. Currently type I school board members are appointed between April 1 and April 15, but do not commence their term until May 16.

EDUCATION—GENERAL

Allows elected boards of education to organize on any day during the first two weeks following the annual school election.

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SENATE EDUCATION COMMITTEE
STATEMENT TO
SENATE, No. 1945

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 1987

The Senate Education Committee favorably reports this bill.

This bill would permit boards of education in type II school districts to organize on any day during the first two weeks following the annual school election. Current law requires that the organizational meeting occur during the first week.

In 1978, the date of the annual school election was changed from the second Tuesday in February to the first Tuesday in April (P. L. 1978, c. 136, N. J. S. 18A:14-2). This new election date caused some difficulties when it coincided with the time of religious observances. In 1983, a new law (P. L. 1983, c. 63, C. 18A:14-2.1) authorized the Commissioner of Education to adjust the school budget and election calendar if a conflict arose with religious observances. That law did not contain a provision for modifying the date of the organization of the school board following the election.

This bill would provide districts greater flexibility in the scheduling of their organizational meeting.