

18A:38-13

3/19/87

### LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 18A:38-13 (Regional schools-- amend criteria for withdrawal from district)

#### CHAPTER 156

**Laws Of:** 1986

**Bill No:** A2072

**Sponsor(s):** Bocchini

**Date Introduced:** February 20, 1986

**Committee:** **Assembly:** Education

**Senate:** Education

**Amended during passage:** Yes Substituted for S2294 (not attached since identical to A2072). Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** September 8, 1986

**Senate:** October 9, 1986

**Date of Approval:** November 24, 1986

#### Following statements are attached if available:

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes

**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

#### Following were printed:

**Reports:** No

**Hearings:** No

See newspaper clipping-- attached:  
"New law enables schools to end 'sending' pacts", 11-25-86 Trenton Times.

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**ASSEMBLY, No. 2072****STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 20, 1986

By Assemblyman BOCCHINI

AN ACT concerning sending-receiving relationships between local boards of education\*, *supplementing Title 18A of the New Jersey Statutes\** and amending N. J. S. 18A:38-13.

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

1 1. N. J. S. 18A:38-13 is amended to read as follows:

2 18A:38-13. No such designation of a high school or high schools  
3 and no such allocation or apportionment of pupils thereto, hereto-  
4 fore or hereafter made pursuant to law shall be changed or with-  
5 drawn, nor shall a district having such a designated high school  
6 refuse to continue to receive high school pupils from such sending  
7 district except **[for good and sufficient reason]** upon application  
8 made to and approved by the commissioner\***[, who]**\* \*. *Prior to*  
9 *submitting an applicataion the district seeking to sever the relation-*  
10 *ship shall prepare and submit a feasibility study considering the*  
11 *educational and financial implications for the sending and receiving*  
12 *districts, the impact on the quality of education received by pupils*  
13 *in each of the districts, and the effect on the racial composition of*  
14 *the pupil populations of each of the districts. The commissioner\**  
15 *shall make equitable determinations **[upon any such applications]***  
16 *based upon consideration of all the circumstances, including the*  
17 *educational and financial implications for the affected districts, the*  
18 *impact on the quality of education received by pupils and the effect*  
19 *on the racial composition of the pupil population of the districts.*  
20 *The commissioner shall grant the requested change in designation*  
21 *or allocation if no substantial negative impact will result therefrom.*

**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.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted May 22, 1986.**

1    \*2. (New section) Any school district entering into a sending-  
2    receiving relationship subsequent to severing a prior sending-  
3    receiving relationship pursuant to the provisions of N. J. S.  
4    18A:38-13 shall remain in the subsequent relationship for not less  
5    than five years. If, after that five year period that sending-receiv-  
6    ing relationship is severed, any student in the sending district shall  
7    be permitted to complete his secondary education within the re-  
8    ceiving district.\*

1    \***[2.]**\* \*3.\* This act shall take effect immediately.

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EDUCATION — GENERAL

Modifies the criteria used to determine when a local board of educa-  
tion may alter or withdraw from a sending-receiving relationship.

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**ASSEMBLY, No. 2072**  

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**STATE OF NEW JERSEY**  

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boards of education and amending N. J. S. 18A :38-13.

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6 refuse to continue to receive high school pupils from such sending  
7 district except **[for good and sufficient reason]** upon application  
8 made to and approved by the commissioner, who shall make equit-  
9 able determinations **[upon any such applications]** *based upon con-*  
10 *sideration of all the circumstances, including the educational and*  
11 *financial implications for the affected districts, the impact on the*  
12 *quality of education received by pupils and the effect on the racial*  
13 *composition of the pupil population of the districts. The commis-*  
14 *sioner shall grant the requested change in designation or allocation*  
15 *if no substantial negative impact will result therefrom.*

1 2. This act shall take effect immediately.

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**STATEMENT**

This bill amends existing law to modify the standard to be applied by the Commissioner of Education when a local board of education applies for permission to alter or terminate a sending-receiving relationship with another board. At present, when a local board

**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.**

seeks to change or end an arrangement under which it sends high school students to another district or receives high school students from another district, the commissioner will approve the application only upon the showing of "good and sufficient reason." This bill would provide instead that the commissioner's decision should be based upon consideration of all the circumstances, including the educational and financial implications for the affected districts, the impact on the quality of education received by pupils and the effect on the racial composition of the pupil population of the districts. The commissioner is required to grant the requested change in designation or allocation if no substantial negative impact will result.

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EDUCATION — GENERAL

Modifies the criteria used to determine when a local board of education may alter or withdraw from a sending-receiving relationship.

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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2072**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 22, 1986

The Assembly Education Committee favorably reports Assembly Bill No. 2072 as amended.

This bill amends N. J. S. 18A :38-13 to modify the standard applied by the Commissioner of Education when considering requests to alter or terminate sending-receiving relationships between school districts.

At present, when a local board seeks to change or end an arrangement under which it sends high school students to another district or receives high school students from another district, the commissioner shall grant approval only upon the showing of "good and sufficient reason." Under the provisions of this bill that standard would be changed and the commissioner would grant the requested change upon a finding that "no substantial negative impact will result therefrom."

The present law does not specify the criteria which the commissioner should consider in making a judgment. This bill specifies that the commissioner should consider the educational and fiscal impact on all affected districts, the impact on the quality of education received by pupils, and the effect on the racial composition of the pupil population of the districts, among other factors.

At the sponsor's request, the committee amended the bill to provide that a district seeking to sever a sending-receiving relationship must conduct and submit a feasibility study prior to its application, and that if a district enters a new sending-receiving relationship after severing a prior relationship, the subsequent relationship must be for at least five years.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2072**

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**STATE OF NEW JERSEY**

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DATED: OCTOBER 2, 1986

The Senate Education Committee favorably reports this bill without amendment.

This bill amends N. J. S. 18A:38-13 to modify the standard applied by the Commissioner of Education when considering requests to alter or terminate sending-receiving relationships between school districts.

At present, when a local board seeks to change or end an arrangement under which it sends high school students to another district or receives high school students from another district, the commissioner shall grant approval only upon the showing of "good and sufficient reason." Under the provisions of this bill that standard would be changed and the commissioner would grant the requested change upon a finding that "no substantial negative impact will result therefrom."

Under this bill, a district seeking to sever a sending-receiving relationship must conduct and submit a feasibility study prior to its application. In reviewing the application, the commissioner must consider the educational and fiscal impact on all affected districts, the impact on the quality of education received by pupils, and the effect on the racial composition of the pupil population of the districts, among other factors prior to making a judgment on the application. The bill also specifies that if a district enters a new sending-receiving relationship after severing a prior relationship, the subsequent relationship must be for at least five years.

Under present law, a school district with sufficient accommodations must receive pupils from another district with inadequate facilities (N. J. A. 18A:38-8). Tuition is established by the receiving board of education. The maximum tuition rate is the actual cost per pupil in the district under regulations of the State Board of Education (N. J. S. 18A:38-19). Once established the term of the relationship is indefinite unless it is necessary to provide additional facilities to accommodate the children from outside the district, in which case the sending district must agree to maintain the relationship for up to 10 years (N. J. S. 38-20). However, the commissioner may, for "good grounds" approve

the termination of such an agreement upon application by either party. This bill would not apply to sending-receiving relationships established under such a contract.

In addition, this bill only applies to sending-receiving relationships at the high school level.

Currently there are 83 districts in the State which receive pupils from 147 sending districts. Of these, 15 send pupils for all grades and a handful send pupils for grades 7-9. Most of the relationships are for high school pupils in grades 9-12. A sizeable majority of these sending districts are located in the shore area.

This bill is identical to Senate Bill No. 2294.

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# New law enables schools to end 'sending' pacts

By PAT R. GILBERT  
Staff Writer

Gov. Thomas H. Kean signed legislation yesterday that gives school boards more leverage in discontinuing "sending-receiving" agreements with other school districts.

The measure, sponsored by Assemblyman Joseph L. Bocchini Jr., D-Hamilton, was drafted in response to a legal battle in which Washington Township tried to end the practice of sending its students to Allentown High School.

"This law will make it easier for Washington and other school districts to terminate an agreement once another district no longer best fits its needs," Bocchini said.

"Countless dollars for legal expenses will be saved as well," he said.

Washington Township has tried for five years to pull its 90 students out of Allentown High because officials say the facility is overcrowded.

allow school districts that lack the enrollment for a secondary school to send students to another district that meets both space and educational needs.

The new law, effective yesterday, changes the standards applied by the state Commissioner of Education when a local part of education requests permission to end a sending or receiving agreement with another school district.

Under the old law, the board applying for a change must establish "good and sufficient reason" to end the arrangement.

Under the new law, the local board is required to show that "no substantial negative impact" would result to the districts because of the change.

The measure requires the Commissioner of Education and the State Board of Education to consider the educational, financial and racial impact on all students in the districts involved in order to determine whether to end a sending-receiving agreement.

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