18A: 13-8

LEGISLATIVE HISTORY CHECKLIST

NJSA	18A:13-8	(Boards of Education – Regional – Membership)	

LAWS OF __1979__   CHAPTER __37__

Bill No. __S1391__

Sponsor(s) __Foran__

Date Introduced __October 19, 1978__

Committee: Assembly __Education__

             Senate __Education__

Amended during passage   Yes   XX   Amendments during passage denoted by asterisks

Date of Passage: Assembly __February 22, 1979__

                 Senate __December 4, 1978__

Date of approval __March 2, 1979__

Following statements are attached if available:

Sponsor statement	Yes	XX
Committee Statement: Assembly	Yes	XX
Senate	Yes	XX
Fiscal Note	XXX	No
Veto Message	XXX	No
Message on signing	XXX	No
Following were printed:		
Reports	XXX	No
Hearings	XXX	No

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SENATE, No. 1391

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senator FORAN

Referred to Committee on Education

An Act concerning regional school districts and amending
N. J. S. 18A:13-8.

1 Be it enacted *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 18A:13-8 is amended to read as follows:
2 18A:13-8. The board of education of a regional district shall
3 consist of nine members unless it consists of more than nine con-
4 stituent districts, in which case the membership shall be [as herein-
5 after set forth] *the same as the number of constituent districts,*
6 *plus one.* If there are nine or less constituent districts, the members
7 of the board of education of the regional district shall be appor-
8 tioned by the county superintendent or county superintendents
9 of the county or counties in which the constituent districts are
10 situate, among said districts as nearly as may be according to the
10A number of their inhabitants except that each constituent district
11 shall have at least one member.
12 In making the apportionment of the membership of a regional
13 board of education among the several school districts uniting to
14 create a regional school district *having nine or less constituent*
15 *districts,* as required by section 18A:13-36, there shall be subtracted
16 from the number of inhabitants of a constituent school district, as
17 shown by the last Federal census officially promulgated in this
18 State, the number of such inhabitants who according to the records
19 of the Federal Bureau of the Census were patients in, or inmates
20 of, any State or Federal hospital or prison, or who are military
21 personnel stationed at, or civilians residing within the limits of,
22 any United States Army, Navy or Air Force installation, located
23 in such constituent school district. [The resulting number of inhab-
24 itants of the constituent district, so determined, shall be known as
25 the apportionment population of the constituent district.]

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

26   If there are more than nine constituent districts, the [board of
27 education shall consist of not less than nine and not more than 15
28 members. The number of] members on the board [shall be deter-
29 mined and they] shall be apportioned among the constituent dis-
30 tricts *and the weight of their votes in all proceedings of the board*
31 *shall be determined* by the appropriate county superintendent or
32 superintendents through the following procedure:

33   a. The [apportionment population] *number of inhabitants* of
34 each constituent district shall be [calculated] *determined as shown*
35 *by the last Federal census officially promulgated in this State.*

36   b. [An "approximate board size" shall be selected, which shall
37 be the same as the number of constituent districts.

38   c. An "approximate representative ratio"] *A representative*
39 *ratio* shall be calculated by adding the [apportionment popula-
40 tions] *number of inhabitants* of all constituent districts and divid-
41 ing the sum by the [approximate] board size.

42   [d.] *c.* All constituent districts shall be listed in ascending order
43 of their [apportionment populations] *number of inhabitants.* If
44 the first constituent district in said list has [an apportionment
45 population] *a number of inhabitants* which is less than the
46 ["approximate representative ratio,"] *representative ratio,* it
47 shall be combined with the constituent district contiguous to it
48 having the smallest [apportionment population] *number of inhab-*
49 *itants.* This process shall be repeated for each successively larger
50 constituent district or combination of constituent districts until all
51 remaining constituent districts or [combination] *combinations* of
52 constituent districts shall have [apportionment populations] *a*
53 *number of inhabitants* equal to, or exceeding the [approximate]
54 representative ratio. The districts formed in this manner shall be
55 known as ["]representative districts["].

56   [e.] *d.* There shall be established a priority list according to the
57 method of equal proportions for the apportionment of [not more
58 than 15 seats on] *the members of* the regional district board of
59 education among the representative districts.

60   [f. At each successive possible size for the regional district board
61 of education from nine through 15 members:

62   (1) The representative ratio shall be calculated by dividing the
63 sum of the apportionment populations of the representative dis-
64 tricts by the number of members of the regional board of edu-
65 cation, and

66   (2) The members shall be apportioned among the representative
67 districts by the method of equal proportions, and

68 (3) The relative deviation for each representative district shall
69 be calculated by dividing the apportionment population of the
70 representative district by the number of seats assigned to that
71 district, subtracting from the resulting quotient the representative
72 ratio, and expressing the result as a percentage of the repre-
73 sentative ratio.

74 g. The number of members of the regional district board of
75 education shall be fixed at the point from nine through 15 members,
76 inclusive, where the most extreme relative deviation of any repre-
77 sentative district is found to be the smallest.]

78 [h.] e. The members of the regional district board of education
79 shall be apportioned among the representative districts according
80 to the method of equal proportions, and where a representative
81 district is composed of more than one constituent district, members
82 shall be elected at large from within the representative district.

83 *f. The number of inhabitants of each representative district shall
84 be divided by the number of members assigned to that district to
85 find the number of inhabitants per members.*

86 *g. The vote to be cast by each member of the regional district
87 board of education in all proceedings of the board shall be deter-
88 mined by dividing the number of inhabitants per member in the
89 representative district from which the member is elected by the
90 representative ratio for the regional district, and rounding off the
91 quotient to the nearest tenth of a full vote.*

92 *Wherever any statute or bylaw of the board requires decision in
93 any matter by vote of a majority of the board members, or of the
94 members present, this shall be interpreted as meaning a majority
95 of the weighted votes of all members, or of the members present,
96 as the case may be.*

97 [i.] h. Whenever the above reapportionment procedure is used
98 for a regional district having more than nine constituent districts,
99 the terms of office of all incumbent board of education members
99ᴀ shall terminate on the *[Monday following the first Tuesday in
99ʙ February not less than 60 days]* *day on which the annual organi-
100 zation meeting of the board is held pursuant to N. J. S. 18A:13-12*
101 following certification by the county superintendent of the repre-
102 sentative districts and the number of members to be elected from
103 each; provided, that if the reapportionment results in any repre-
104 sentative district retaining its former boundaries and the same
105 number of board members, that the members elected from such
106 a district shall serve the full term for which they were elected.
107 All other board members shall be elected in an election to be held
108 on the first Tuesday in *[February]* *April* at least 60 days

109 following certification by the county superintendent for initial
110 terms of office to be designated in advance by the county superin-
111 tendent so that, as nearly as possible, one-third of the board shall
112 be elected in each future year, to serve for 3-year terms, and where
113 a representative district has more than one member, their terms
114 of office shall terminate in different years.

115 If any constituent district is a consolidated district, or a district
116 composed of two or more municipalities, and

117   a. The regional district is a limited purpose regional
118   district and such constituent district has such population
119   that it is entitled to have apportioned to it a number of
120   members equal to or greater than the number of districts
121   making up such constituent district, or

122   b. The regional district is an all purpose district,
123 the membership of the regional board of education from such
124 district shall be apportioned, and from time to time reapportioned,
125 and the members from the district shall be elected, as their respec-
126 tive terms expire, in the same manner as though each of the munici-
127 palities making up such constituent district were constituent
128 districts of the regional district.

1   **2. *(New section) Notwithstanding the 60-day time limitation*
2 *on certification of the vacancies and terms of office in school board*
3 *elections established pursuant to N. J. S. 18A:13–8, for the year*
4 *1979 in the event that such certification has not been made by the*
5 *county superintendent pursuant to said statute, the county super-*
6 *intendent shall certify such existing vacancies and their terms of*
7 *office, for which nominating petitions have been filed, on the day*
8 *following the effective date of this act.*

1   *3. (New section) Notwithstanding the provisions of N. J. S.*
2 *18A:14–9, for the year 1979 the filing of nominating petitions for*
3 *school board elections affected by this act shall occur no later than*
4 *7 days following the effective date of this act.***

1   **[2.]** **4.** This act shall take effect immediately.

112 board shall be elected in each future year, to serve for 3-year terms,
113 and where a representative district has more than one member,
114 their terms of office shall terminate in different years.
115   If any constituent district is a consolidated district, or a district
116 composed of two or more municipalities, and

117   a. The regional district is a limited purpose regional
118   district and such constituent district has such population
119   that it is entitled to have apportioned to it a number of
120   members equal to or greater than the number of districts
121   making up such constituent district, or

122   b. The regional district is an all purpose district,

123 the membership of the regional board of education from such
124 district shall be apportioned, and from time to time reapportioned,
125 and the members from the district shall be elected, as their respec-
126 tive terms expire, in the same manner as though each of the munici-
127 palities making up such constituent district were constituent
128 districts of the regional district.
1   2. This act shall take effect immediately.

STATEMENT

Prior to 1972, where a regional school district included more than nine constituent districts, the board of education consisted of one member from each constituent district. If the constituent districts varied widely in population, large inequalities of representation could occur.

Chapter 161 of the Laws of 1972 attempted to eliminate this potential inequity through a step-by-step apportionment procedure. As applied to North Hunterdon Regional High School District, the only regional to which the law has been applicable, the district's 12 constituent districts were grouped into 7 representative districts, seats were distributed among the representative districts by the method of equal proportions, and the number of members on the board was set at the size between 9 and 15 where the relative deviation in apportionment population per board member was the smallest (15 members). The resulting relative deviations, based on the 1970 census, extended from —23.1% to +27.2%, for a range of 50.3%.

This statute was challenged in *Township of Franklin v. Board of Education of North Hunterdon Regional High School* on the ground that the range of relative deviations was too large to provide true equality of representation, and that the statute thereby violated the "one-person, one-vote" rule laid down by the United States Supreme Court. In a decision rendered on September 22, 1977, the New Jersey Supreme Court, by a vote of 7-0, ruled the statute

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unconstitutional as applied to North Hunterdon Regional, and expressed the expectation that the Legislature would devise a new apportionment formula consistent with the Constitution. The court indicated that such a plan probably should be based on total population, rather than "apportionment population" (the total minus institutional and military population), and that it should have a range of deviations of no more than 10%, unless justified to the satisfaction of the Court. The case was appealed to the United States Supreme Court, which denied *certiorari* on April 3, 1978.

This bill meets the constitutional requirements, as stated by the New Jersey court.

(1) It bases the apportionment on total number of inhabitants, instead of eliminating institutional and military population.

(2) It specifies that the size of the board of education shall be the same as the number of constituent districts plus one; in this case, 13.

(3) It provides for grouping of constituent districts into representative districts—North Hunterdon's 12 constituent districts would be grouped into seven representative districts.

(4) It provides for members of the board of education to cast weighted votes in all proceedings of the board—weights are assigned a range from 0.9 for four members to 1.3 for one other member.

As shown below, the resulting range of relative deviations in population per vote in North Hunterdon would be 9.7%, well within the 10% range suggested by the court.

At the present time, this bill applies only to the North Hunterdon Regional High School District, although it would apply to any regional with more than nine constituent districts in the future.

North Hunterdon Regional School Board

Representative District	Number of Inhabitants	Members	Inhabitants Per Member	Weighted Vote Per Member	Total Weighted Vote	Inhabitants Per Vote	Relative Deviation
A. Clinton Town Franklin	3,896	2	1,948	.9	1.8	2,164	+5.5%
B. Califon Tewksbury	3,929	2	1,965	1.0	2.0	1,965	—4.2%
C. Union	2,351	1	2,351	1.1	1.1	2,137	+4.2%
D. Hampton Glen Gardner Bethlehem	3,645	2	1,823	.9	1.8	2,025	—1.3%
E. Lebanon Bor. Clinton Twp.	6,004	3	2,001	1.0	3.0	2,001	—2.4%
F. High Bridge	2,606	1	2,606	1.3	1.3	2,005	—2.2%
G. Lebanon Twp.	4,235	2	2,118	1.0	2.0	2,118	+3.3%
	26,666	13	2,051		13.0	2,051	

Range of Deviation=9.7%

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1391

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JANUARY 25, 1979

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	26,666	13	2,051		13.0	2,051	

Range of Deviation = 9.7%

The Assembly Education Committee carefully considered the alternatives and fully supports the proposals set forth in this bill.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1391

with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 20, 1978

The Senate Education Committee favorably reports this bill and endorses the sponsor's statement.

COMMITTEE AMENDMENTS:

The committee amendments are necessary in order to make this bill conform to the new school election dates established by P. L. 1978, c. 136.