

18A:11-3 to 18A:11-5

LEGISLATIVE HISTORY CHECKLIST

HJSA 18A:11-3 to 18A:11-5 (Schools - Boards of Education - Join  
voluntary associations which regulate  
student activities)  
LAWS OF 1979 CHAPTER 172  
Bill No. S789  
Sponsor(s) Errichetti and Foran  
Date Introduced Feb. 9, 1978  
Committee: Assembly Education  
Senate Education  
Amended during passage Yes ~~xxx~~ Substituted for A1349  
according to Governor's recommendations. (attached)  
Date of Passage: Assembly June 5, 1978 Re-enacted May 21, 1979  
Senate April 27, 1978 Re-enacted Feb. 22, 1979  
Date of approval Aug. 26, 1979

Following statements are attached if available:

Sponsor statement	Yes	<del>xxx</del>
Committee Statement: Assembly	Yes	<del>xxx</del>
Senate	Yes	<del>xxx</del>
Fiscal Note	<del>Yes</del>	No
Veto message	Yes	<del>xxx</del>
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

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8-26-79  
[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 789

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1978

By Senators ERRICHETTI and FORAN

Referred to Committee on Education

AN ACT concerning boards of education with respect to membership in certain voluntary associations and supplementing Title 18A of the New Jersey Statutes.

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

1 1. A board of education may join one or more voluntary associa-  
2 tions which regulate the conduct of student activities between and  
3 among their members, whose membership may include private and  
4 public schools. *\*\*Any such membership shall be by resolution of the*  
5 *board of education, adopted annually.\*\* \*No such voluntary asso-*  
6 *ciation shall be operative without approval of its charter, constitu-*  
7 *tion, bylaws, and rules and regulations by the Commissioner of*  
8 *Education.\* \*\****[Any such membership shall be by resolution of the**  
9 **board of education, adopted annually.]\*\*** Upon the adoption of  
10 said resolution the board, its faculty, and students shall be governed  
11 by the rules and regulations of that association. **\*[The said rules**  
12 **and regulations shall be deemed to be the policy of the board of**  
13 **education and shall be enforced first by the internal procedures in**  
14 **the association and thereafter by appeal either to the Commissioner**  
15 **of Education or by an action in the Superior Court.]\* \* The said**  
16 **rules and regulations shall be deemed to be the policy of the board**  
17 **of education and enforced first by the internal procedures of the**  
18 **association. In matters involving only public school districts and**  
19 **students, faculty, administrators and boards thereof, appeals shall**  
20 **be to the commissioner and thereafter the Superior Court. In all**  
21 **other matters, appeals shall be made directly to the Superior Court.**  
22 **The commissioner shall have authority to direct the association to**  
23 **conduct an inquiry by hearing or otherwise on a particular matter**

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

24 or, alternatively, direct that particular matter be heard directly by  
 25 him. The association shall be a party to any proceeding before the  
 26 commissioner or in any court.\*

1     \*\*2. The minutes of every meeting of any association functioning  
 2 under this act which shall oversee activities associated with state-  
 3 wide interscholastic sports programs in this State shall be trans-  
 4 mitted by and under certification thereof to the commissioner or  
 5 his designee who shall acknowledge the receipt of the minutes by  
 6 his signature. \*\*\*[The commissioner or his designee shall prepare  
 7 a report detailing all programs and fiscal activities of the associa-  
 8 tions functioning under this act and detailing any developments  
 9 contrary to the public interest, and further, indicating whether or  
 10 not the intent of the Legislature in its grant of statutory authority  
 11 to boards of education to join such associations is faithfully being  
 12 executed. This report shall be presented to the Legislature on  
 13 June 1 of each year commencing June 1, 1979.\*\*\*]\*\*\* \*\*\*The com-  
 14 missioner or his designee shall prepare a report detailing all pro-  
 15 grams and fiscal activities of the Statewide associations and such  
 16 other associations functioning under this act as he feels may be  
 17 necessary. This report shall be based upon annual reports sub-  
 18 mitted to him by the associations operating under this act and  
 19 shall detail any developments contrary to the public interest and  
 20 shall indicate whether or not the intent of the Legislature in its  
 21 grant of statutory authority to boards of education to join such  
 22 associations is faithfully being executed.\*\*\*

1     \*\*[2.]\*\* \*\*\*3.\*\* Any existing association shall submit its charter,  
 2 constitution, bylaws, rules and regulations to the commissioner  
 3 within \*\*[30]\*\* \*\*90\*\* days after the effective date of this act.  
 4 Such charter, constitution, bylaws, rules and regulations shall be  
 5 deemed approved unless the commissioner disapproves them, in  
 6 whole or in part, within \*\*[30]\*\* \*\*90\*\* days of their submission.

1     \*\*[3.]\*\* \*\*\*4.\*\* Any amendment to the charter, constitution, by-  
 2 laws, rules or regulations of the association shall be effective not  
 3 less than 20 days after its submission to the commissioner. No such  
 4 amendment shall take effect if the commissioner in said 20-day  
 5 period returns to the secretary of the association his disapproval  
 6 of the amendment.\*

1     \*[2.]\* \*\*[4.]\* \*\*5.\*\* This act shall take effect immediately.

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STATE OF NEW JERSEY

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AN ACT concerning boards of education with respect to membership in certain voluntary associations and supplementing Title 18A of the New Jersey Statutes.

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

1 1. A board of education may join one or more voluntary associa-  
2 tions which regulate the conduct of student activities between and  
3 among their members, whose membership may include private and  
4 public schools. Any such membership shall be by resolution of the  
5 board of education, adopted annually. Upon the adoption of said  
6 resolution the board, its faculty, and students shall be governed  
7 by the rules and regulations of that association. The said rules  
8 and regulations shall be deemed to be the policy of the board of  
9 education and shall be enforced first by the internal procedures in  
10 the association and thereafter by appeal either to the Commissioner  
11 of Education or by an action in the Superior Court.

1 2. This act shall take effect immediately.

STATEMENT

One of the most encouraging developments in New Jersey education in recent years has been the growth of organized competition among all secondary schools, public, private and parochial. In fields ranging from boys' and girls' athletics to forensics, chess, mathematics and chemistry, high schools and preparatory schools have joined statewide, regional and national associations designed to foster organized competition.

This has been accomplished on a voluntary basis, with each school free to join as it chooses. However, complications have arisen because of a lack of statutory recognition of such voluntary associations. This has resulted in often costly litigation.

This bill is designed to overcome the problem by permitting local boards of education to authorize their high schools to join such associations. It also spells out the authority of such associations to enforce their regulations, first through internal procedures, then—if public schools are involved on both sides of a dispute—through appeal to the Commissioner of Education. Ultimately any dispute could be appealed to the Superior Court. Enactment of this bill, however, is expected to resolve most questions short of the court.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 789**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: MAY 25, 1978

The purpose of this bill is to provide statutory authority for boards of education to join voluntary associations which regulate student activities. With the growth of organized competition among secondary schools in fields ranging from boys' and girls' athletics to forensics, chess, mathematics and chemistry, high schools and preparatory schools have joined Statewide, regional and national associations designed to foster organized competition. In an effort to insure that any policies and regulations promulgated are in the best social and educational interests of students and the public, it has become necessary to grant to the Department of Education the authority to oversee the policies and regulations of these associations.

The committee amendments bring this bill into conformity with Assembly Bill No. 1349 since they are very similar in nature. The amendments are technical with the exception of the new section 2. This section provides that minutes of an association which a board of education may join that oversees Statewide interscholastic sports programs must be submitted to the commissioner. The committee felt this provision was needed in order that a continuous review of these activities be maintained, particularly those involving the New Jersey State Interscholastic Athletic Association which regulates the sports programs in school districts throughout the State and has been acting as a quasi-public agency in the area of sports.

The committee further amended the bill to require that a report be forwarded by the commissioner detailing the programs and fiscal activities of these associations which is to be submitted to the Legislature and thereby strengthens and improves legislative oversight by the Education Committee. The commissioner is charged with the responsibility to ascertain whether proposed or existing rules and policies of such associations are in the public interest and consistent with the legislative intent.

# ASSEMBLY, No. 1349

## STATE OF NEW JERSEY

INTRODUCED MAY 8, 1978

By Assemblywoman GARVIN, Assemblymen NEWMAN, MARTIN,  
RAND, DEVERIN, Assemblywoman SCANLON, Assemblymen  
MAYS, SCHWARTZ, CODEY and THOMPSON

Referred to Committee on Education

AN ACT concerning boards of education with respect to membership  
in certain voluntary associations and supplementing Title 18A  
of the New Jersey Statutes.

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

1 1. A board of education may join one or more voluntary associa-  
2 tions which regulate the conduct of student activities between and  
3 among their members, whose membership may include private and  
4 public schools. No such voluntary association shall be operative  
5 without approval of its charter, constitution, bylaws, and rules  
6 and regulations by the Commissioner of Education. Upon the  
7 adoption of said resolution the board, its faculty, and students shall  
8 be governed by the rules and regulations of that association.

9 The said rules and regulations shall be deemed to be the policy  
10 of the board of education and enforced first by the internal pro-  
11 cedures of the association. In matters involving only public school  
12 districts and students, faculty, administrators and boards thereof,  
13 appeals shall be to the commissioner and thereafter to the Superior  
14 Court. In all other matters, appeals shall be made directly to  
15 Superior Court. The commissioner shall have authority to direct  
16 the association to conduct an inquiry by hearing or otherwise on a  
17 particular matter or, alternatively, direct that particular matter  
18 be heard directly by him. The association shall be a party to any  
19 proceeding before the commissioner or in any court.

1 2. The minutes of every meeting of any association functioning  
2 under this act shall be transmitted to the commissioner. No action  
3 taken at any such meeting by said association shall have force or  
4 effect for a period of 10 days after the minutes shall have been so

5 transmitted. The commissioner shall within 10 days after the  
6 minutes have been received cause the same to be returned to the  
7 association with or without his veto on any action therein recited  
8 as having been taken by said association. If the commissioner does  
9 not return the minutes within said 10-day period, any action therein  
10 recited shall have force and effect according to the wording thereof.  
11 If the commissioner within said 10-day period, returns the minutes  
12 with a veto against the action of the association recited therein, the  
13 action shall be null and of no effect.

1 3. Any existing association shall submit its charter, constitution,  
2 bylaws, rules and regulations to the commissioner within 30 days  
3 after the effective date of this act. Such charter, constitution,  
4 bylaws, rules and regulations shall be deemed approved unless the  
5 commissioner disapproves them, in whole or in part, within 30 days  
6 of their submission.

1 4. Any amendment to the charter, constitution, bylaws, rules or  
2 regulations of the association shall be effective not less than 20 days  
3 after its submission to the commissioner. No such amendment  
4 shall take effect if the commissioner in said 20-day period returns  
5 to the secretary of the association his disapproval of the amend-  
6 ment.

1 5. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to provide statutory authority for boards of education to join voluntary associations which regulate student activities. With the growth of organized competition among secondary schools in fields ranging from boys' and girls' athletics to forensics, chess, mathematics and chemistry, high schools and preparatory schools have joined statewide, regional and national associations designed to foster organized competition. In an effort to insure that any policies and regulations promulgated are in the best social and educational interests of students and the public, it has become necessary to grant to the Department of Education the authority to oversee the policies and regulations of these associations.



[OFFICIAL COPY REPRINT]  
**ASSEMBLY, No. 1349**

**STATE OF NEW JERSEY**

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RAND, DEVERIN, Assemblywoman SCANLON, Assemblymen  
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AN ACT concerning boards of education with respect to membership  
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2 tions which regulate the conduct of student activities between and  
3 among their members, whose membership may include private and  
4 public schools. *\*Any such membership shall be by resolution of*  
5 *the board of education, adopted annually.\** No such voluntary as-  
6 sociation shall be operative without approval of its charter, con-  
7 stitution, bylaws, and rules and regulations by the Commissioner  
8 of Education. Upon the adoption of said resolution the board, its  
8A faculty, and students shall be governed by the rules and regula-  
8B tions of that association.

9 The said rules and regulations shall be deemed to be the policy  
10 of the board of education and enforced first by the internal pro-  
11 cedures of the association. In matters involving only public school  
12 districts and students, faculty, administrators and boards thereof,  
13 appeals shall be to the commissioner and thereafter to the Superior  
14 Court. In all other matters, appeals shall be made directly to  
15 Superior Court. The commissioner shall have authority to direct  
16 the association to conduct an inquiry by hearing or otherwise on a  
17 particular matter or, alternatively, direct that particular matter  
18 be heard directly by him. The association shall be a party to any  
19 proceeding before the commissioner or in any court.

1 2. The minutes of every meeting of any association functioning  
2 under this act **\*[shall be transmitted to the commissioner. No**

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

3 action taken at any such meeting by said association shall have  
 4 force or effect for a period of 10 days after the minutes shall have  
 5 been so transmitted. The commissioner shall within 10 days after  
 6 the minutes have been received cause the same to be returned to the  
 7 association with or without his veto on any action therein recited  
 8 as having been taken by said association. If the commissioner does  
 9 not return the minutes within said 10-day period, any action therein  
 10 recited shall have force and effect according to the wording thereof.  
 11 If the commissioner within said 10-day period, returns the minutes  
 12 with a veto against the action of the association recited therein, the  
 13 action shall be null and of no effect.】\* *which shall oversee activi-*  
 14 *ties associated with Statewide interscholastic sports programs in*  
 15 *this State shall be transmitted by and under certification thereof*  
 16 *to the commissioner or his designee who shall acknowledge the*  
 17 *receipt of the minutes by his signature. The commissioner or his*  
 18 *designee shall prepare a report detailing all programs and fiscal*  
 19 *activities of the associations functioning under this act and detail-*  
 20 *ing any developments contrary to the public interest, and further,*  
 21 *indicating whether or not the intent of the Legislature in its grant*  
 22 *of statutory authority to boards of education to join such associa-*  
 23 *tions is faithfully being executed. This report shall be presented*  
 24 *to the Legislature on June 1 of each year commencing June 1,*  
 25 *1979.\**

1 3. Any existing association shall submit its charter, constitution,  
 2 bylaws, rules and regulations to the commissioner within \***[30]**\*  
 3 \*90\* days after the effective date of this act. Such charter, consti-  
 4 tution, bylaws, rules and regulations shall be deemed approved  
 5 unless the commissioner disapproves them, in whole or in part,  
 6 within \***[30]**\* \*90\* days of their submission.

1 4. Any amendment to the charter, constitution, bylaws, rules or  
 2 regulations of the association shall be effective not less than 20 days  
 3 after its submission to the commissioner. No such amendment  
 4 shall take effect if the commissioner in said 20-day period returns  
 5 to the secretary of the association his disapproval of the amend-  
 6 ment.

1 5. This act shall take effect immediately.

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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1349**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 25, 1978

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The committee amendments are technical in nature with the exception of the amendment to section 2. This new section eliminates the veto authority of the commissioner over the minutes of any associations a board of education might join and instead requires any association which oversees statewide interscholastic sports programs to submit its minutes to the commissioner. The committee felt this provision was needed in order that a continuous review of these activities be maintained, particularly those involving the New Jersey Interscholastic Athletic Association which regulates the sports programs in school districts throughout the State and has been acting as a quasi-public agency in the area of sports.

The committee further amended the bill to require that a report be forwarded by the commissioner detailing programs and fiscal activities of these associations to the Legislature thereby strengthening and improving legislative oversight by the Education Committee. The commissioner is charged with the responsibility to ascertain whether proposed or existing rules and policies of such associations are adequate, proper, timely and consistent with legislative intent and generally to monitor the implementation of this bill.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

January 18, 1979

SENATE BILL NO. 789 2nd OCR

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 789, with my objections, for reconsideration.

Senate Bill No. 789 would authorize local boards of education to join voluntary associations which promote and regulate extra-curricular student activities. The bill would also require the Commissioner of Education to approve the charter, bylaws, constitutions and rules and regulations of all such associations. Moreover, the bill would authorize the Commissioner to direct an association to conduct an inquiry or to direct that a particular matter be heard directly by him. Finally, the bill would require the Commissioner to prepare an annual report to the Legislature detailing all programs and fiscal activities of the associations functioning under the act, detailing any developments contrary to the public interest and indicating whether the legislative intent in granting authority to boards of education to join such associations is faithfully being executed.

I am of the opinion that this reporting requirement is too broad. It could be construed to include every local athletic or band conference in the state. In addition, I believe that a separate reporting requirement is unnecessary because the required information can be included in the general annual report on education. Furthermore, the bill contains no reporting requirement on the part of the associations which might form the basis of the Commissioner's report.

Accordingly, I respectfully recommend the following change in Senate Bill No. 789:

On Page 2, Section 2, Line 6: beginning after "signature" delete remainder of section and insert:

"The Commissioner or his designee shall prepare a report detailing all programs and fiscal activities of the statewide associations and such other associations functioning under this act as he feels may be necessary.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

- 2 -

This report shall be based upon annual reports submitted to him by the associations operating under this act and shall detail any developments contrary to the public interest and shall indicate whether or not the intent of the Legislature in its grant of statutory authority to boards of education to join such associations is faithfully being executed."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Robert E. Mulcahy, III

Chief of Staff, Secretary