

18A:13-52 et al

LEGISLATIVE HISTORY CHECKLIST

HJSA 18A:13-52 et al (Regional school districts--procedure for withdrawal by constituent districts)

LAWS OF 1977 CHAPTER 279

Bill No. A3505

Sponsor(s) Newman, Doyle

Date Introduced Sept. 12, 1977

Committee: Assembly -----

Senate -----

Amended during passage Yesx No Substituted for S3399 (enclosed)

Date of Passage: Assembly Sept. 26, 1977

Senate Sept. 29, 1977

Date of approval November 1, 1977

Following statements are attached if available:

Sponsor statement Yes Nox

Committee Statement: Assembly Yesx No

Senate Yesx No

Fiscal Note Yesx No

Veto Message Yesx No

Message on signing Yes Nox

Following were printed:

Reports Yesx No

Hearings Yesx No

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CHAPTER 279 LAWS OF N. J. 19 77
APPROVED 11-1-77

ASSEMBLY, No. 3505

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 12, 1977

By Assemblymen NEWMAN and DOYLE

(Without Reference)

AN ACT to amend "An act concerning education, authorizing and providing a procedure for withdrawal from a limited purpose regional school district and supplementing Title 18A of the New Jersey Statutes," approved March 3, 1976.

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

1 1. Section 2 of P. L. 1975, c. 360 (C. 18A:13-52) is amended
2 to read as follows:

3 2. The county superintendent shall, within **[30]** 60 days after
4 such request, file with the governing bodies of the municipalities
5 constituting the regional district and the boards of education of
6 all of the constituent school districts and the board of education
7 of the regional school district a report containing a statement of
8 the current assets and operating expenses of the regional district
9 for the then current year and such financial, educational and other
10 information as he may deem necessary to enable said governing
11 bodies and local boards of education and regional board of educa-
12 tion to form an intelligent judgment as to the advisability of the
13 proposed withdrawal and the effect thereof upon the educational
14 and financial condition of the withdrawing district and the regional
15 district and setting forth the amount of indebtedness, if any, to be
16 assumed by the withdrawing and the regional districts, calculated
17 as hereinafter provided.

1 2. Section 3 of P. L. 1975, c. 360 (C. 18A:13-53) is amended
2 to read as follows:

3 3. The county superintendent shall calculate the amount of in-
4 debtedness so to be assumed on the basis of the proportion which
5 the replacement cost of the buildings, grounds, furnishings, equip-
6 ment, and additions thereto of the regional district situated in the
7 withdrawing district bears to the replacement cost of the buildings,

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

8 grounds, furnishings, equipment and additions thereto situated in
9 the entire regional district. Said replacement cost shall be de-
10 termined according to rules prescribed by the commissioner with
11 the approval of the State board and in accordance with recognized
12 accounting practices. [The amount of indebtedness to be assumed
13 shall be calculated in the same manner as is provided in article 4 of
14 chapter 8 of Title 18 of the New Jersey Statutes.]

1 3. Section 7 of P. L. 1975, c. 360 (C. 18A:13-57) is amended
2 to read as follows:

3 7. If the application be granted, the county superintendent shall,
4 [within 30 days thereafter, fix a day between April 1 next ensuing
5 and December 1 next occurring after said April 1, and a time on
6 said day] *after conferring with the boards of education of the*
7 *constituent district, fix a day and a time on said day for holding*
8 *a special school election, at which time the question whether or*
9 *not the withdrawing school district shall withdraw from the re-*
10 *gional district shall be submitted to the legal voters of the with-*
11 *drawing district and to the legal voters within the remainder of*
12 *the regional district.*

1 4. Section 9 of P. L. 1975, c. 360 (C. 18A:13-59) is amended
2 to read as follows:

3 9. If the question is adopted at said elections, the withdrawal of
4 the district shall become effective upon [July 1 of the next ensuing
5 school year] a date to be determined by the commissioner of edu-
6 cation.

1 5. Section 11 of P. L. 1975, c. 360 (C. 18A:13-61) is amended
2 to read as follows:

3 11. The withdrawing district and the remaining districts shall
4 take title to and control of all school grounds and buildings, and
5 the furnishings and equipment therein, other than those which had
6 been rotated or shared among the regional schools, situated in
7 their respective districts [when the commissioner shall certify to
8 each board that suitable facilities and accommodations have been
9 made available for the instruction of the pupils in each district.
10 However, the districts shall not take title and control of grounds,
11 buildings, furnishings and equipment before July 1 of the calen-
12 dar year next following the date of the special election, except by
13 agreement of the districts and with the approval of the commis-
14 sioner] on the effective date of withdrawal as established by the
15 commissioner. The county superintendent shall allot a fair propor-
16 tion of the shared or rotated furnishings and equipment to the
17 withdrawing district.

18 Upon the assumption of title, each board shall also assume such
19 amount of the indebtedness of the original regional school district
20 as shall have been determined by the board of review. The with-
21 drawing district shall pay to the regional board of education, at
22 least 5 days before it becomes due, the amount of the principal
23 and interest of the assumed indebtedness; such principal and
24 interest shall be paid by the regional board, together with such
25 amount due on its assumed indebtedness, at and when it becomes
26 due and payable.

1 6. The provisions of this act shall take effect immediately and
2 shall be applicable to all decisions pending at the time of its enact-
3 ment.

STATEMENT

This bill amends that statute which sets forth a procedure whereby school districts which are constituents of a regional district may withdraw from the regional district.

The current statute does not provide sufficient flexibility for the withdrawal procedure. In certain instances the law requires too much time to take place between certain points in the withdrawal procedure. In other instances it does not allow enough time between certain critical decisions.

SENATE, No. 3399

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1977

By Senators WILEY and RUSSO

Referred to Committee on Education

AN ACT to amend "An act concerning education, authorizing and providing a procedure for withdrawal from a limited purpose regional school district and supplementing Title 18A of the New Jersey Statutes," approved March 3, 1976 (P. L. 1975, c. 360).

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

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6 all of the constituent school districts and the board of education
7 of the regional school district a report containing a statement of
8 the current assets and operating expenses of the regional district
9 for the then currnet year and such financial, educational and other
10 information as he may deem necessary to enable said governing
11 bodies and local boards of education and regional board of educa-
12 tion to form an intelligent judgment as to the advisability of the
13 proposed withdrawal and the effect thereof upon the educational
14 and financial condition of the withdrawing district and the regional
15 district and setting forth the amount of indebtedness, if any, to be
16 assumed by the withdrawing and the regional districts, calculated
17 as hereinafter provided.

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2 read as follows:

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4 indebtteness so to be assumed on the basis of the proportion which

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is not enacted and is intended to be omitted in the law.**

5 the replacement cost of the buildings, grounds, furnishings, equip-
 6 ment, and additions thereto of the regional district situated in the
 7 withdrawing district bears to the replacement cost of the buildings,
 8 grounds, furnishings, equipment and additions thereto situated in
 9 the entire regional district. Said replacmeent cost shall be deter-
 10 mined according to rules prescribed by the commissioner with
 11 the approval of the State board and in accordance with recognized
 12 accounting practices. **【**The amount of indebtedness to be assumed
 13 shall be calculated in the same manner as is provided in article 4
 14 of chapter 8 of Title 18 of the New Jersey Statutes.**】**

1 3. Section 7 of P. L. 1975, c. 360 (C. 18A:13-57) is amended to
 2 read as follows:

3 7. If the application be granted, the county superintendent shall,
 4 **【**within 30 days thereafter, fix a day between April 1 next ensuing
 5 and December 1 next occurring after said April 1, and a time on
 6 said day**】** *after conferring with the boards of education of the*
 7 *constituent districts, fix a day and a time on said day* for holding
 8 a special school election, at which time the question whether or
 9 not the withdrawing school district shall withdraw from the
 10 regional district shall be submitted to the legal voters of the
 11 withdrawing district and to the legal voters within the remainder
 12 of the regional district.

1 4. Section 9 of P. L. 1975, c. 360 (C. 18A:13-59) is amended to
 2 read as follows:

3 9. If the question is adopted at said elections, the withdrawal of
 4 the district shall become effective upon **【**July 1 of the next ensuing
 5 school year**】** *a date to be determined by the Commissioner of*
 6 *Education.*

1 5. Section 11 of P. L. 1975, c. 360 (C. 18A:13-61) is amended to
 2 read as follows:

3 11. The withdrawing district and the remaining districts shall
 4 take title to and control of all school grounds and buildings, and
 5 the furnishings and equipment therein, other than those which had
 6 been rotated or shared among the regional schools, situated in
 7 their respective districts **【**when the commissioner shall certify to
 8 each board that suitable facilities and accommodations have been
 9 made available for the instruction of the pupils in each district.
 10 However, the districts shall not take title and control of grounds,
 11 buildings, furnishings and equipment before July 1 of the calen-
 12 dar year next following the date of the special election, except by
 13 agreement of the districts and with the approval of the commis-
 14 sioner**】** *on the effective date of withdrawal as established by the*
 15 *commissioner.*

16 The county superintendent shall allot a fair proportion of
17 the shared or rotated furnishings and equipment to the withdraw-
18 ing district.

19 Upon the assumption of title, each board shall also assume such
20 amount of the indebtedness of the original regional school district
21 as shall have been determined by the board of review. The with-
22 drawing district shall pay to the regional board of education, at
23 least 5 days before it becomes due, the amount of the principal
24 and interest of the assumed indebtedness; such principal and
25 interest shall be paid by the regional board, together with such
26 amount due on its assumed indebtedness, at and when it becomes
27 due and payable.

1 6. This act shall take effect immediately and shall be applicable
2 to all decisions pending at the time of its enactment.

STATEMENT

This bill amends that statute which sets forth a procedure whereby school districts which are constituents of a regional district may withdraw from the regional district.

The current statute does not provide sufficient flexibility for the withdrawal procedure. In certain instances the law requires too much time to take place between certain points in the withdrawal procedure. In other instances it does not allow enough time between certain critical decisions.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3399

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1977

PROVISIONS:

This bill amends the current statute regulating the withdrawal of a constituent from a regional district by permitting the county superintendent to set the date of the referendum for withdrawal and permits the commissioner to determine the date of the actual withdrawal and the date at which time the transfer of title of all grounds and buildings shall take place. In addition, this bill permits the county superintendent to have 60 days rather than 30 days to file the initial report on the feasibility of withdrawal and eliminates an inconsistency with respect to the calculation and apportionment of debts.

BACKGROUND AND PROBLEMS ADDRESSED:

Currently, the county superintendent is required to investigate the conditions surrounding the application for withdrawal from a regional district. The law currently requires that such a study be completed within 30 days after the constituent district has filed a request. Thirty days is not a sufficient length of time for the county superintendent to complete the research necessary for a thorough investigation. Therefore this bill provides the county superintendent with an additional 30 days to complete the report.

The current statute sets forth a procedure and particularly a schedule for withdrawal that is very specific and rigid with respect to when certain events; e.g., a referendum, may take place. At the same time, the current statutes set aside certain months during the year, January to April, that are critical to the school election process. This attempt to construct such a specific schedule by statute, has created a situation where certain districts, which have been given approval by the commissioner to hold a referendum for withdrawal, may not do so until 1 year after receiving such approval.

There are three unnecessary time spans that occur during the withdrawal procedure.

1. As much as 1 year occurs after the commissioner gives his approval for holding a referendum and before the referendum may take place.

2. As much as 1 year may pass after the referendum takes place and before the actual withdrawal occurs.

3. As much as 1 year may pass after the "actual withdrawal" occurs and before the transfer of title to buildings and grounds occurs.

This bill proposes to eliminate such time lags by permitting the county superintendent to set the referendum date, and the commissioner to set the date for "actual withdrawal" and transfer of title for buildings and grounds.

One technical amendment, included in this bill, will eliminate an inconsistency that occurs in the section which sets forth the apportionment of debts. Prior to final passage, the original bill was amended to change the basis on which debts are to be calculated and apportioned between the withdrawing district and the remaining districts. The amendment substituted "replacement costs" for "original costs." However, a concluding sentence in that section made reference to another section of statute in which "original cost" of buildings rather than "replacement costs" was used in the calculation and apportionment of debts.

FISCAL IMPLICATIONS:

There are no costs associated with the implementation of this legislation.

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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

NOVEMBER 1, 1977

ANNE BURNS

Governor Brendan Byrne today signed into law A-3505, which amends the statute regulating the withdrawal of a local school district from a limited purpose regional school district by providing for more flexibility in the withdrawal process.

The bill sponsored by Assemblyman Daniel Newman (D-Ocean) was a substitute for S-3399 which had been sponsored by Senator Stephen B. Wiley (D-Morris).

Prior to this legislation, county superintendents had to investigate the financial and educational conditions surrounding the withdrawal application and make a report on the feasibility of the withdrawal within 30 days after the application was filed. This bill gives the superintendent 60 days rather than 30 days in which to investigate and make the report.

The bill permits county superintendents, after conferring with the constituent local boards of education, to set the date of the special school referendum on the question of withdrawal on a date of their choice. It also eliminates the strict statutory schedules for the date of the actual withdrawal and the date for the transfer of title of all grounds and buildings by allowing the Commissioner of Education to determine these dates.

With the old statutory scheme, as much as one year could pass after the referendum took place and the actual withdrawal occurred, and as much as one year could pass after the actual withdrawal occurred and the transfer of title of buildings and grounds took place.

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