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(County Education Services
Commissions--establish)

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EDUCATION

SENATE, No. 727

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1968

By Senators McDERMOTT, BEADLESTON, LACORTE
and RINALDO

Referred to Committee on Education

AN ACT concerning education, authorizing the establishment of educational services commissions, prescribing their functions, powers and duties, 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. Definitions:
- 2 (a) "Educational Services Commission" means an agency estab-
3 lished or to be established in one or more counties for the purpose
4 of carrying on programs of educational research and development
5 and providing to public school districts such educational and
6 administrative services as may be authorized pursuant to rules
7 of the State Board of Education.
- 8 (b) "Commission" means county educational services com-
9 mission.
- 10 (c) "State board" means the State Board of Education.
- 11 (d) "Commissioner" means the Commissioner of Education.
- 12 (e) "Operation expenses" means those funds devoted to or
13 required for the regular or ordinary operating expenses of the
14 commission, including administrative, maintenance and salary
15 expenses, and purchase or rental of real and personal property,
16 but excluding contracted services expense.
- 17 (f) "Contracted services expense" means funds devoted to or
18 required for services provided pursuant to contracts with school
19 districts whether member districts of the commission or not, or
20 contracts with nonpublic schools.
- 21 (g) "Member district" means a public school district located in
22 the county or counties in which a commission is established which
23 is authorized by this act to be a constituent part of the commission,
24 to participate in the election of members of the governing body of

25 the commission, and to contract with the commission for one or
26 more of its services.

1 2. Whenever 2 or more boards of education in any county or in
2 any 2 or more counties and the commissioner after study and
3 investigation shall deem it advisable to establish a county educa-
4 tional services commission, such boards of education may petition
5 the State Board of Education for permission to establish such a
6 commission. A report shall be attached to such petition setting
7 forth the kind or kinds of educational services which are deemed
8 to be needed and proposed to be provided, an estimate of the cost
9 of providing such services, a method of financing the operation
10 expenses of such commission until such can be financed under its
11 first regularly adopted budget as provided in section 12, and any
12 other data or information deemed pertinent.

13 The State board, after studying the petition and report, shall
14 determine whether there is a need for such a commission and
15 whether its operation is feasible. If the State board finds that the
16 need exists and further finds that the operation of a commission
17 will be feasible, it shall approve the petition and so notify the peti-
18 tioning boards of education and the county superintendent or
19 county superintendents of the county or counties, as the case may
20 be, in which such boards of education are located.

1 3. Whenever the boards of education and the county super-
2 intendent or superintendents, as the case may be, receive notifica-
3 tion that the State board approves the establishment of a com-
4 mission, the county superintendent, or the county superintendents
5 by agreement if more than one county is included, shall instruct
6 each board of education to elect one of its members to serve on
7 the board of directors of such commission, and shall fix a date and
8 place for the first meeting of the said board of directors.

1 4. The first board of directors shall organize upon the call of the
2 county superintendent or county superintendents, as the case may
3 be. Thereafter the board of directors shall organize annually on
4 the first Monday of October. The board of directors shall organize
5 by electing a president and a vice-president, who shall serve until
6 the next annual organization meeting.

1 5. The board of directors shall consist of one representative
2 from each member board of education and the county superintend-
3 ent or county superintendents, as the case may be, of the county
4 or counties in which the member school districts are located. Each
5 member of the board of directors shall have one vote.

1 6. Members of the board of directors representing school districts
2 shall be elected by their respective boards of education from among

3 the membership of such boards of education. Should a member
4 cease to be a member of the board of education which elected him,
5 his place on the board of education shall become vacant, and the
6 board of education which elected him shall elect another of its
7 members to fill the vacancy for the remainder of the term for which
8 the vacating member had been elected.

9 The members of the first board of directors shall serve until the
10 regular annual organization meeting next ensuing and for 1 year
11 or 2 years thereafter as their first terms shall be established accord-
12 ing to an assignment of original terms in which the names of the
13 school districts shall be arranged in order alphabetically and then
14 numbered consecutively, beginning with the number 1, and those
15 districts having odd numbers in such alphabetical list shall be
16 assigned an original term of 2 years, and those districts having
17 even numbers in such list having an original term of 1 year. After
18 the original term, the term of office of a school district member of
19 the board of directors shall be for 2 years.

1 7. The board of directors shall meet for the transaction of busi-
2 ness at least once every 2 months throughout the year.

3 The board shall neither enter into a contract nor pay a bill or
4 demand for money against it, until the same has been presented
5 and passed upon at a regularly called meeting of the board.

6 The board may designate its president, its vice-president and
7 the county superintendent or county superintendents serving ex
8 officio on the board as an executive committee to administer the
9 affairs of the board of directors between regularly convened meet-
10 ings of the board.

1 8. The board shall appoint a suitable person to be its secretary
2 and shall fix his compensation and term of employment. The
3 secretary shall before entering upon the duties of his office execute
4 and deliver to the board a bond in a sum to be fixed by it, with
5 surety to be approved by the board, conditioned for the faithful
6 performance of the duties of his office. The board may accept the
7 bond of a company authorized to execute surety bonds, and may
8 pay the annual premium or fee therefor as an operating expense.

1 9. The powers and duties of the secretary of the board of direc-
2 tors shall be prescribed by the board, including but not limited to
3 the following:

4 (a) Record in a suitable book all proceedings of the board.

5 (b) Pay out on warrants signed by 2 members of the executive
6 committee all moneys of the commission.

7 (c) Report to the board at each regular meeting:

8 (1) The amount of the total appropriations and the cash
9 receipts for each account;

10 (2) The amount for which warrants have been drawn and
11 the amount of orders for all contractual obligations since the
12 date of his last report;

13 (3) The accounts against which the warrants have been
14 drawn and the accounts against which the contractual obliga-
15 tions are chargeable; and

16 (4) The cash balance and free balance to the credit of each
17 account;

18 (d) Notify all members of the board of all regular meetings of
19 the board.

20 (e) Notify all members of the board of special meetings of the
21 board when ordered by the president to do so, or when requested
22 to do so by a petition in writing signed by at least $\frac{1}{3}$ of the mem-
23 bers of the board.

24 (f) During the month of October in each year, report to the
25 board a detailed report of its financial transactions during the
26 preceding fiscal year, and file a copy thereof with the county super-
27 intendent of schools, or county superintendents, as the case may
28 be, of the county or counties in which the commission is located.

1 10. The board of directors may appoint a suitable person to be
2 the executive director of the commission. Such person shall possess
3 a certificate appropriate to his position as may be prescribed under
4 rules of the State Board of Examiners. He shall have a seat on the
5 board of directors, but no vote. He shall have the same powers
6 as are conferred upon superintendents of schools by Title 18A of
7 the New Jersey Statutes.

1 11. The board of directors shall be a body corporate, and shall
2 be known as "the board of directors of" (here shall be
3 inserted a suitable name to be adopted by the board of directors
4 with the approval of the State Board of Education, but such name
5 shall contain at least the words "Educational Services Commis-
6 sion").

1 12. The board of directors shall annually, on or before October 1,
2 prepare a budget for the ensuing fiscal year, and submit such
3 budget to the board of directors at the annual organization meeting
4 in October. The board of directors shall adopt a budget on or
5 before November 1 next following its organization and shall forth-
6 with notify all member boards of education of their proportionate
7 share of the operating expense of the commission for the next
8 ensuing school year. The proportionate share of the operating
9 expense for each member board of education shall be determined

10 as the proportion which the total public school enrollment in the
11 school district on September 30 of the year in which the budget
12 is made bears to the total public school enrollment for all member
13 districts on said September 30. Payment of the member district's
14 proportionate share of the operating expense, when so determined,
15 shall be an obligation of a member school district, and payments
16 shall be made during the school year for which such budget shall
17 have been made in 4 equal installments on July 1, October 1, Jan-
18 uary 1, and April 1.

1 13. The board of directors shall from time to time determine
2 what services shall be provided by the commission, subject to ap-
3 proval of and pursuant to rules of the State Board of Education.
4 It shall determine the cost of providing such services, and may
5 enter into contracts with member school districts to provide such
6 services. Such contracts may be for terms not exceeding 10 years,
7 and a member school district, having so contracted, may not with-
8 draw from membership in the commission during the term of such
9 a contract.

1 14. Except as provided in section 13 of this act, a school district
2 which is a member of a commission may withdraw from member-
3 ship by adopting a resolution setting forth its intention to withdraw,
4 and filing with the secretary of the board of directors a certified
5 copy of such resolution. Such withdrawal shall be effective at the
6 conclusion of the third full school year after the filing of such res-
7 olution with the secretary of the board of directors.

1 15. The board may employ teachers, principals and other em-
2 ployees, subject to the provisions of Title 18A for the employment
3 of personnel for public school districts, and subject to the rules
4 of the State Board of Examiners for the employment of persons
5 whose office, position or employment requires them to hold an ap-
6 propriate certificate issued by the State Board of Examiners.

1 16. Persons holding office, position or employment under a board
2 of directors of a commission shall enjoy the same rights and benefits
3 as are enjoyed by persons holding office, position, or employment
4 under a public school district board of education.

1 17. With the approval of the State Board of Education, the board
2 of directors may enter into a contract with and receive and ad-
3 minister funds and grants from any individual or agency, including
4 but not limited to, agencies of the Federal Government of the
5 United States.

1 18. The board of directors shall adopt and employ such a system
2 of bookkeeping and accounting as may be prescribed by the State
3 Board of Education. The board of directors shall comply with the

4 requirements for audit prescribed in chapter 23 of Title 18A for
5 public school districts.

1 19. The board of directors may enlarge the purposes for which
2 the formation of the commission was approved, upon application
3 to and approval by the State Board of Education.

1 20. A board of education not a member of a commission at the
2 time such commission was established shall be admitted to such
3 commission upon application to its board of directors not less than
4 3 months prior to the annual organization meeting of the board of
5 directors next ensuing. The term of the representative elected by
6 such new member board of education shall be for 1 or 2 years as
7 may be required to provide for the election of as nearly $\frac{1}{2}$ of the
8 board of directors each year. Thereafter the term of such repre-
9 sentative shall be for 2 years. Should more than one new board of
10 education member be admitted at any annual organization, the
11 county superintendent, or county superintendents, as the case may
12 be, shall determine by lot the assignment or original 1-year or 2-year
13 terms.

1 21. This act shall take effect July 1, 1968.