

18A:38-8.1

LEGISLATIVE HISTORY CHECKLIST  
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(School boards members--voting rights)

NJSA: 18A:38-8.1

LAWS OF: 1996 CHAPTER: 103

BILL NO: S1031

SPONSOR(S): Gormley and Martin

DATE INTRODUCED: May 2, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
Third reprint enacted by superscript number

DATE OF PASSAGE: ASSEMBLY: June 27, 1996

SENATE: May 30, 1996

DATE OF APPROVAL: August 18, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement  
adopted 5-16-96 & 6-24-96

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

[Third Reprint]  
SENATE, No. 1031

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senators GORMLEY, MARTIN,  
Assemblymen Blee and LeFevre

1 AN ACT concerning the voting rights of certain members of school  
2 boards and amending P.L.1995, c.8.

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4 BE IT ENACTED by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. Section 1 of P.L.1995, c. 8 (C.18A:38-8.1) is amended to read  
8 as follows:

9 1. In addition to the members of the board of education of a Type  
10 I and Type II school district provided by law, in a school district which  
11 is receiving pupils from another district or districts pursuant to  
12 N.J.S.18A:38-8, there shall be an additional member as provided  
13 pursuant to section 2 of this act to represent the board of education of  
14 each sending district. Any additional member shall be a member of the  
15 board of education of a sending district designated annually by the  
16 board of that district and shall be eligible to vote on the following  
17 matters before the receiving district board of education:

18 a. Tuition to be charged the sending district by the receiving  
19 district and <sup>2</sup>the operating budget for any facilities or staff  
20 <sup>1</sup>directly<sup>1</sup> providing services to pupils of the sending district upon  
21 which the tuition is based <sup>3</sup>expenditures the bill lists or contracts<sup>3</sup>  
22 for the purchase, operation or maintenance of facilities, equipment  
23 <sup>3</sup>or supplies and instructional materials<sup>3</sup> to be used in the education  
24 of the pupils of the sending district<sup>2</sup>;

25 b. New capital construction to be utilized by sending district pupils;

26 c. Appointment, transfer or removal of teaching <sup>2</sup>or professional  
27 administrative<sup>2</sup> staff <sup>1</sup>directly <sup>2</sup>members<sup>2</sup> providing services to  
28 pupils of the sending district <sup>2</sup>including any teaching staff member  
29 who is a member of the receiving district's central administrative staff<sup>2</sup>;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SED committee amendments adopted May 2, 1996.

<sup>2</sup> Senate floor amendments adopted May 16, 1996.

<sup>3</sup> Assembly floor amendments adopted June 24, 1996.

1 and

2 d. Addition or deletion of curricular and extracurricular programs  
3 involving pupils of the sending district.

4 (cf: P.L.1995, c.8, s.1)

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6 <sup>3</sup>[<sup>2</sup>2. The State Board of Education shall, within 180 days  
7 following the enactment of P.L. , c. (C. ) (now pending before  
8 the Legislature as this bill), promulgate regulations pursuant to the  
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
10 seq.), necessary to effectuate the provisions of P.L.1995, c.8  
11 (C.18A:38-8.1 et seq.). The regulations shall delineate the role of a  
12 sending district representative in meetings and discussions of the  
13 receiving board, identify the manner in which the quorum on a  
14 receiving board is determined, and otherwise specify the rights of  
15 sending district representatives in accordance with the provisions of  
16 P.L.1995, c.8 (C.18A:38-8.1 et seq.).<sup>2</sup>]<sup>3</sup>

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18 <sup>2</sup>[<sup>2</sup>.] <sup>3</sup>[<sup>3</sup>.<sup>2</sup>] <sup>2</sup>.<sup>3</sup> This act shall take effect immediately.

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23 Clarifies voting rights of representatives of sending districts on  
24 receiving district board of education.

STATEMENT

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This bill clarifies the voting rights of representatives of sending districts who are eligible for membership on the receiving district board of education. The current statute permits the representatives to vote on the tuition which the receiving district will charge the sending district, and this bill would permit the representatives also to vote on the operating budget for any facilities or staff directly providing services to pupils of the sending district upon which the tuition charge is based. In addition, language is added to make clear that the representatives may vote on the appointment, transfer or removal of professional administrative staff who directly provide services to pupils of the sending district.

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Clarifies voting rights of representatives of sending districts on receiving district board of education.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 1031**

with Senate Floor Amendments  
(Proposed By Senator GORMLEY)

ADOPTED: MAY 16, 1996

These amendments further clarify the voting rights of the representatives of sending districts on the boards of education of receiving districts. The representatives could vote on the expenditures for the purchase, operation or maintenance of facilities, equipment or supplies to be used in the education of the pupils of the sending district and on teaching staff members who are on the receiving district's central administrative staff. In addition, the amendments require the State Board of Education to promulgate rules within 180 days, which will further specify the voting rights.

STATEMENT TO  
[Second Reprint]  
**SENATE, No. 1031**

with Assembly Floor Amendments  
(Proposed By Assemblymen BLEE and LeFEVRE)

ADOPTED: JUNE 24, 1996

This amendment provides that representatives of a sending school district which sit on a receiving board of education may vote on the bill lists or contracts for the purchase, operation or maintenance of facilities and equipment and instructional materials to be used in the education of pupils of the sending district. The bill in its current form provides that the sending district representatives can vote on expenditures for the purchase, operation or maintenance of facilities, equipment or supplies to be used in the education of the pupils of the sending district. The current language in the bill is problematic due to the fact that the board of education vote on a school district budget is not broken down by costs associated with individual schools, thus making it difficult to isolate expenditures which relate specifically to pupils of the sending district.

The amendments also delete the requirement that the State Board of Education promulgate regulations concerning the role of sending district representatives on receiving boards of education.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 1031**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 2, 1996

The Senate Education Committee reports favorably Senate Bill No. 1031 with committee amendments.

This bill clarifies the voting rights of representatives of sending districts who are eligible for membership on the receiving district board of education. The current statute permits the representatives to vote on the tuition which the receiving district will charge the sending district, and this bill would permit the representatives also to vote on the operating budget for any facilities or staff providing services to pupils of the sending district upon which the tuition charge is based. In addition, language is added to make clear that the representatives may vote on the appointment, transfer or removal of professional administrative staff who provide services to pupils of the sending district.

The committee adopted amendments which delete the word "directly" in both subsections being revised in order to clarify further the services on which the sending district representatives may vote.