

18A.38-21.1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Schools--sending--receiving relationships)

NJSA: 18A:38-21.1

LAWS OF: 1993 **CHAPTER:** 384

BILL NO: A1814

SPONSOR(S): Rocco

DATE INTRODUCED: September 21, 1992

COMMITTEE: **ASSEMBLY:** Education
SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage
5th reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** November 12, 1992 Re-enacted 1-10-94
SENATE: December 16, 1993 Re-enacted 1-10-94

DATE OF APPROVAL: January 11, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

DEPOSITORY COPY
Do Not Remove From Library

[FIFTH REPRINT]
ASSEMBLY, No. 1814

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 21, 1992

By Assemblyman ROCCO

1 AN ACT concerning ²[schools in] withdrawal from²
2 sending-receiving relationships ⁴[and ²regional districts]⁴ and²
3 supplementing ²[chapter] ⁴[chapters]² chapter⁴ 38 ⁴[2 and 13]²⁴
4 of Title 18A of the New Jersey Statutes.

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

8 1. a. Notwithstanding the provisions of ⁵N.J.S.18A:38-13 and⁵
9 N.J.S.18A:38-21, any board of education which sends students to
10 another school district may terminate a sending-receiving
11 relationship pursuant to the following conditions:

12 (1) The ⁴resident enrollment of the receiving district shall
13 represent more than 95% of the total student enrollment
14 attending the receiving district and the⁴ number of students from
15 the sending district who attend the receiving district shall
16 represent less than ⁴[five] three⁴ percent of the ⁴total⁴ student
17 enrollment attending the receiving district. Enrollments shall be
18 determined using resident enrollment figures compiled in October
19 of ³[each] the preceding³ school year;

20 (2) The sending district shall agree to join a regional school
21 district subsequent to the termination of its sending-receiving
22 relationship; ¹[and]¹

23 (3) Any secondary ¹school¹ student in the sending district at
24 the time of termination of the sending-receiving relationship
25 shall be permitted to complete his secondary education within the
26 receiving district. The sending-receiving relationship shall be
27 continued for these students ^{1;} ⁵[and]⁵

28 (4) The termination will not significantly disrupt the racial
29 composition of the sending and receiving school districts¹ ^{5;} and

30 (5) A petition of the sending district to terminate the
31 sending-receiving relationship has not been denied since January
32 1, 1988 by the Commissioner of Education, the State Board of
33 Education, or the New Jersey courts for reasons which include
34 the impact on the racial composition of the pupil population of
35 the districts⁵.

36 b. Any school district which meets the conditions of subsection
37 a. of this ²[act] section², must take final action to terminate its
38 sending-receiving relationship within three years following the
39 effective date of this act.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AED committee amendments adopted October 1, 1992

² Assembly floor amendments adopted October 29, 1992

³ Senate SED committee amendments adopted June 14, 1993.

⁴ Senate floor amendments adopted December 13, 1993.

⁵ Assembly amendments adopted in accordance with Governor's recommendation on January 10, 1994.

1 c. Any school district which has taken final action to
2 terminate its sending-receiving relationship pursuant to this
3 ²[act] section², shall notify the receiving school district no later
4 than ¹[January] December¹ 1 of the school year prior to the
5 school year in which the termination is to occur. ⁵Termination of
6 the sending-receiving relationship shall not occur until the
7 sending district has been admitted to an existing regional school
8 district pursuant to N.J.S.18A:13-43 and N.J.S.18A:13-44, or has
9 become part of a newly formed all purpose regional district
10 pursuant to N.J.S.18A:13-34 and N.J.S.18A:13-35.⁵

11 ⁴[²2. a. Notwithstanding the provisions of P.L.1989, c.90
12 (C.18A:13-66 et seq.) ³or P.L.1975, c.360 (C.18A:13-51 et seq.)³,
13 any municipality constituting a part of an all purpose regional
14 district or a limited purpose regional district may, upon approval
15 of the legal voters of the municipality pursuant to subsection b.
16 of this section, withdraw from the regional district pursuant to
17 the following conditions:

18 (1) The number of students from the withdrawing municipality
19 shall represent less than five percent of the student enrollment of
20 the regional district. Enrollments shall be determined using
21 resident enrollment figures compiled in October of ³[each] the
22 preceding³ school year;

23 (2) The withdrawing municipality shall agree to join or form
24 another regional district or a sending-receiving relationship
25 subsequent to the withdrawal from the regional district;

26 (3) Any secondary school student in the regional district at the
27 time of the withdrawal shall be permitted to complete his
28 secondary education within the regional district pursuant to a
29 sending-receiving relationship; and

30 (4) The withdrawal will not significantly disrupt the racial
31 composition of the regional district.

32 b. Any municipality which meets the conditions of subsection
33 a. of this section, may submit the question of whether the
34 municipality shall ³[withdrawal] withdraw³ from the regional
35 district to the legal voters of the municipality seeking to
36 withdraw from the regional district at a special election held
37 within three years following the effective date of this act.

38 c. The amount of indebtedness to be assumed by the
39 withdrawing municipality and the effect of the indebtedness upon
40 the borrowing margin of the municipality and the remaining
41 municipalities within the regional district shall be stated in the
42 notices and advertisements of the special school election and in
43 the ballots to be used therein, and the election shall be conducted
44 and the results of the election shall be determined in the manner
45 prescribed by law for special school elections in type II districts.
46 The result shall be certified within five days after the holding of
47 the election to the county superintendent, the governing body of
48 the withdrawing municipality and the constituent municipalities
49 of the regional district, and the board of education of the
50 regional district.

51 d. If the question is adopted at the special school election, the
52 withdrawal of the municipality shall become effective and the
53 municipality shall be constituted a separate district upon a date
54 to be decided by the Commissioner of Education. The newly

1 constituted district shall be classified as provided pursuant to
2 chapter 9 of Title 18A of the New Jersey Statutes. If as a result
3 of the withdrawal a regional district is left with only one
4 constituent municipality, the regional district shall be dissolved
5 upon the effective date of the withdrawal of the other
6 constituent municipality, and the remaining constituent
7 municipality shall thenceforth be constituted a separate local
8 school district and governed by the laws applicable thereto.

9 e. The treatment of debt, property, personnel and
10 representation on the board of education in the event of a
11 withdrawal pursuant to this section shall be governed by the
12 provisions of chapter 13 of Title 18A of the New Jersey Statutes
13 concerning withdrawal from an all purpose or limited purpose
14 regional district.^{2]}⁴

15 ⁵[⁴2. Notwithstanding the provisions of any other law to the
16 contrary, the board of education of a receiving district in the
17 event the sending-receiving relationship is severed pursuant to
18 section 1 of this act shall receive supplemental State aid in each
19 of the first five years following severance in an amount equal to
20 the following:

21 a. First school year following severance- 100% of the tuition
22 received in the school year preceding severance.

23 b. Second school year following severance- 80% of the tuition
24 received in the school year preceding severance.

25 c. Third school year following severance- 60% of the tuition
26 received in the school year preceding severance.

27 d. Fourth school year following severance- 40% of the tuition
28 received in the school year preceding severance.

29 e. Fifth school year following severance- 20% of the tuition
30 received in the school year preceding severance.^{4]}⁵

31 ²[^{2.}] ⁵[^{3.}^{2]} ^{2.}⁵ This act shall take effect immediately.

32
33
34
35
36 Provides for the termination of certain sending-receiving
37 relationships between school districts.

ASSEMBLY, No. 1814

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 21, 1992

By Assemblyman ROCCO

1 AN ACT concerning schools in sending-receiving relationships
2 and supplementing chapter 38 of Title 18A of the New Jersey
3 Statutes.

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

7 1. a. Notwithstanding the provisions of N.J.S.18A:38-21, any
8 board of education which sends students to another school district
9 may terminate a sending-receiving relationship pursuant to the
10 following conditions:

11 (1) The number of students from the sending district who
12 attend the receiving district shall represent less than five percent
13 of the student enrollment attending the receiving district.
14 Enrollments shall be determined using resident enrollment figures
15 compiled in October of each school year;

16 (2) The sending district shall agree to join a regional school
17 district subsequent to the termination of its sending-receiving
18 relationship; and

19 (3) Any secondary student in the sending district at the time of
20 termination of the sending-receiving relationship shall be
21 permitted to complete his secondary education within the
22 receiving district. The sending-receiving relationship shall be
23 continued for these students.

24 b. Any school district which meets the conditions of subsection
25 a. of this act, must take final action to terminate its
26 sending-receiving relationship within three years following the
27 effective date of this act.

28 c. Any school district which has taken final action to
29 terminate its sending-receiving relationship pursuant to this act,
30 shall notify the receiving school district no later than January 1
31 of the school year prior to the school year in which the
32 termination is to occur.

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill provides for certain school districts to terminate
39 sending-receiving relationships with other school districts.
40 Districts which wish to end a sending relationship could do so if
41 their student population represents less than five percent of the
42 population served by the receiving district and if they agree to
43 subsequently join a regional school district. In addition,
44 secondary students who would be affected by such a termination
45 would be allowed to chose to complete their secondary education

1 at the receiving school district.

2 School districts must take final action on terminating its
3 sending-receiving relationship within three years following the
4 effective date of this bill.

5

6

7

8

9 Provides for the termination of certain sending-receiving
10 relationships between school districts.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1814

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 1, 1992

The Assembly Education Committee reports favorably Assembly Bill No. 1814 with committee amendments.

This bill, as amended, provides an alternative method through which a sending school district may terminate a sending-receiving relationship. Under current law, a school district must apply to the Commissioner of Education for permission to terminate the sending-receiving relationship on the grounds that the receiving district is not providing suitable facilities or programs or that the withdrawal will not seriously affect the receiving district educationally or financially.

The bill provides that a sending district may terminate a sending-receiving relationship without application to the Commissioner of Education if it's student population represents less than five percent of the population served by the receiving district and if it agrees to subsequently join a regional school district. The termination must not significantly disrupt the racial composition of the sending and receiving school districts.

In addition, secondary school students who would be affected by the termination would be allowed to choose to complete their secondary education at the receiving school district.

Finally, the bill provides that the sending school district must take final action on terminating its sending-receiving relationship within three years following the effective date of this bill.

The committee amendments provided that the termination must not significantly disrupt the racial composition of the sending and receiving school districts and changed the last date for notification to the receiving district from January 1 to December 1 of the school year preceding the school year in which the termination will take effect.

A representative of the Association of School Business Officials testified in favor of the bill. A representative of the New Jersey Department of Education and Department of the Public Advocate testified in opposition to the bill.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 1814

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 1993

The Senate Education Committee favorably reports Assembly Bill No. 1814 (2R) with committee amendments.

This bill provides an additional option for a school district to terminate a sending-receiving relationship or a constituent school district to withdraw from a regional school district. In either case, the option must be exercised within three years of the effective date of the act.

Under current law, a school district must apply to the Commissioner of Education for permission to terminate a sending-receiving relationship on the grounds that the receiving district is not providing suitable facilities or programs or that the withdrawal will not seriously affect the receiving district educationally or financially.

The bill provides that a sending district may terminate a sending-receiving relationship without application to the Commissioner of Education if (1) its student population represents less than five percent of the population served by the receiving district; (2) it agrees to subsequently join a regional school district; and (3) the termination does not significantly disrupt the racial composition of the sending and receiving school districts. In addition, any secondary school students affected by the termination would be permitted to complete their secondary education in the receiving school district.

Under current law, the board of education of a constituent district or the governing body of a municipality of a constituent district may apply to the county superintendent to make an investigation as to the advisability of withdrawal from a regional district. The county superintendent files a report containing financial and educational information on the advisability of withdrawal, and the withdrawing district may then petition the Commissioner of Education for permission to submit the question to the voters. Constituent districts file an answer to the petition, and both the petition and answers are submitted to a board of review. If the board approves the application, the county superintendent sets a date for a special election at which the question of withdrawal is submitted to the voters of the withdrawing district and the remaining districts.

The bill provides that a municipality may, upon approval of the voters of the municipality, withdraw from a regional district under certain conditions. The conditions are that 1) the number of students from the withdrawing municipality represent less than five percent of the student enrollment of the regional district; (2) the withdrawing municipality agrees to join or form another regional district or a sending receiving relationship subsequent to the withdrawal; and (3) the withdrawal will not significantly disrupt the

racial composition of the regional district. Any secondary school students in the regional district at the time of withdrawal would be permitted to complete their education within the regional district under a sending-receiving relationship.

If the question of withdrawal is approved at the special school election, the municipality would be constituted a separate district upon a date to be decided by the Commissioner of Education. If, as a result of the withdrawal, a regional district is left with only one constituent municipality, the regional district would be dissolved, and the remaining constituent municipality would be constituted a separate local school district. The treatment of debt, property, personnel and representation on the board of education in the event of a withdrawal would be governed by the current statutes covering withdrawal from regional districts.

Technical amendments were adopted to correct a reference to the statutes and to clarify the method of calculating resident enrollment figures.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 10, 1994

ASSEMBLY BILL NO. 1814
(Fourth Reprint)

To The General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Assembly Bill No. 1814 (Fourth Reprint) with my objections for reconsideration.

This bill is designed to create a simplified process for the withdrawal from sending-receiving relationships of small districts whose students comprise less than 3% of the total enrollment of the receiving district. The process would eliminate the need for a feasibility study and an administrative adjudication prior to termination of the relationship. However, the sending district must join a regional school district upon termination of the sending-receiving relationship and the termination of the sending-receiving relationship cannot significantly disrupt the racial balance in either the sending or receiving district.

While I do not oppose the major purpose of this bill -- to simplify the sending-receiving termination process in limited situations involving small numbers of students and to encourage small sending districts to regionalize -- I believe that certain provisions of the bill need to be clarified to eliminate any ambiguity as to its implementation. First, the bill specifically provides that the sending district must "agree to join a regional district" but does not define that phrase. Certainly, we cannot have a situation where the sending-receiving relationship is terminated but the district is "in limbo" because it has not become part of a regional district. I am therefore recommending that language be added to the bill which would make termination of the sending-receiving relationship effective only after the sending district is admitted to an existing regional district or has become part of a newly formed regional district.

Further, a number of districts are currently involved in, or have recently concluded, litigation over the termination of sending-receiving relationships. Since this bill is designed to simplify a process that these districts have already completed, it does not make sense to make it applicable to these districts. Moreover, receiving districts who have successfully prevented termination of the relationships for reasons which include the impact on racial balance have expressed concerns regarding the impact of this bill on those districts. The sponsor attempted to address these concerns by adding a provision in the bill dealing with racial impact; however, that language may not be sufficient to preclude lengthy and costly litigation on whether the bill applies to these districts. Thus, I have recommended language which would specifically exclude from the bill those sending districts who are currently involved in, or have recently concluded, litigation on the issue of termination in which severance was denied for reasons which included impact on racial balance.

Finally, I cannot support the inclusion in this bill of "hold-harmless" aid for any receiving district who will be losing tuition by operation of the bill. This provision would require the State to assume a cost it previously was not responsible for -- tuition for students who are no longer attending the receiving district -- as well as to provide State aid to the regional school district where the students will be attending. Creating a new State aid obligation at this time is inappropriate without a comprehensive look at the entire school funding system. Such a review is presently being done by the Education Funding Review Commission and that Commission may have recommendations on this issue. Additionally, the incoming administration should have an opportunity to review any expanded obligation for State aid to schools since it will effect the overall State budget during the upcoming years. I am, therefore, recommending deletion of that provision.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

Therefore, I herewith return Assembly Bill No. 1814
(Fourth Reprint) and recommend that it be amended as follows:

Page 1, Line 8: After "of" insert N.J.S. 18A:38-13
and"

Page 1, Line 27: Delete "and"

Page 1, Line 29: After "districts" delete "." and
insert ";and"

Page 1, Line 30: Before b. insert new section
"(5) A petition of the sending
district to terminate the
sending-receiving relationship has
not been denied since January 1,
1988 by the Commissioner of
Education, the State Board of
Education or the New Jersey
courts, for reasons which include
the impact on the racial
composition of the pupil
population of the districts."

Page 1, Line 38: After "occur." insert "Termination
of the sending-receiving
relationship shall not occur until
the sending district has been
admitted to an existing regional
school district pursuant to
N.J.S. 18A:13-43, 44, or has
become part of a newly formed all
purpose regional district pursuant
to N.J.S. 18A:13-34, 35."

Page 3, Lines 1-16: Delete entire section. Renumber
section 3 as section 2.

Respectfully,

/s/ Jim Florio

GOVERNOR

[seal]

Attest:

/s/ William Harla

Deputy Chief Counsel to the Governor