Sponsored by:
Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
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District 3 (Cumberland, Gloucester and Salem)
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District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:
Assemblywoman Mosquera

SYNOPSIS
Provides for elimination of newly formed non-operating school districts; establishes procedures for eliminating deficit that existed prior to merger; authorizes renting of school building for 10 years.

CURRENT VERSION OF TEXT
As amended on June 15, 2017 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 5/26/2017)

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

1. Section 1 of P.L.2009, c.78 (C.18A:8-43) is amended to read as follows:
   1. As used in this act:
      "Non-operating district" means a school district that is not operating schools [on the effective date of P.L.2009, c.78 (C.18A:8-43 et al.)].
   (cf: P.L.2009, c.78, s.1)

2. Section 2 of P.L.2009, c.78 (C.18A:8-44) is amended to read as follows:
   a. Except as otherwise provided in subsection b. of this section, the executive county superintendent of schools [shall] may eliminate any non-operating district and merge that district with the district with which it participates in a sending-receiving relationship.
   b. If a non-operating district is in a sending-receiving relationship with more than one district or is in a sending-receiving relationship with a district in need of improvement pursuant to the "No Child Left Behind Act of 2001," Pub.L.107-110, then the executive county superintendent shall determine with which district the non-operating district shall be merged. The determination shall be based on the district that is able to accommodate the merger with the least disruption to its finances and educational operations. In making the determination the executive county superintendent shall examine, but need not be limited to, the following factors: current sending-receiving relationships; the quality and effectiveness of educational programming and district operations; proximity of school districts; transportation costs; school building capacity; and special education needs.
   (cf: P.L.2009, c.78, s.2)

3. Section 3 of P.L.2009, c.78 (C.18A:8-45) is amended to read as follows:
   a. The annual or special appropriations for a new district established pursuant to section 2 of this act, excluding the amounts to be raised for interest upon and the redemption of bonds payable

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:
1Assembly AAP committee amendments adopted January 30, 2017.
2Assembly amendments adopted in accordance with Governor’s recommendations June 15, 2017.
by the district, shall be apportioned among the constituent districts
of the new district in the first year of the merger in such manner as
the commissioner determines to be the least fiscally disruptive,
notwithstanding the provisions of section 3 of P.L.2007,
c.62 (C.18A:7F-38). Thereafter the apportionment methodology
shall be determined pursuant to chapter 13 of Title 18A of the New
Jersey Statutes; however, if necessary, the commissioner may allow
a five-year phase-in of the apportionment methodology.

The amount to be raised for interest upon and the redemption of
bonds payable by the district for bonds issued prior to and after the
effective date of this act, shall be apportioned among the constituent
districts of the new district in such manner as the commissioner
determines to be the least fiscally disruptive. The commissioner
may allow a five-year phase-in of the apportionment methodology,
if necessary.

b. In the event that a non-operating school district, or the
school district with which it will be merged, has a deficit in its
general fund at the time of the merger, the commissioner shall
require that the school district incurring the deficit raise a
supplemental general fund tax levy sufficient to eliminate the
deficit. Any such supplemental general fund tax levy shall be in
addition to any increase in the new district’s adjusted tax levy
The commissioner shall determine if the supplemental general fund
tax levy will affect only the current year or if it will result in a
permanent increase in the levy.]

(cf: P.L.2009, c.78, s.3)

1 N.J.S.18A:20-4.1 is amended to read as follows:
18A:20-4.1 The board of education of any Type II school
district may without authority first obtained from the voters of the
district:

(a) Rent, on a year-to-year basis, or for a term not to exceed [5]
10 years, in case of emergency, buildings to use for school
purposes; and

(b) Take an option not to exceed 1 year in duration, at a cost not
to exceed the fair market value of such option, on the purchase of
any land which the board could lawfully purchase after securing the
consent of the legal voters to the purchase thereof, but such option
may be exercised by the board only after authority to purchase the
property covered by such option has been given at an annual or
special school election.

(cf: P.L.1971, c.300, s.1)

This act shall take effect immediately.