

Articulation of Curriculum in Sending-Receiving Districts

**The NJSBA believes** that to ensure that students are provided with the best opportunity to succeed under the New Jersey Student Learning Standards, the standards should require sending and receiving districts to demonstrate how they are articulating their curriculum to maximize student success. *[Authority: DA 11/98-CR (School Finance) DA 11/98-SR, DA 11/02-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Contractual Relationship

- A. **The NJSBA believes** that all sending and receiving relationships should operate under the terms of a negotiated contract of at least three-five years. The contract should outline the parameters for the operation of an existing sending-receiving relationship in a formal, negotiated agreement. Districts that currently operate a sending-receiving relationship without a term-specific contract should be required to negotiate such a contract within two years of the effective date of enabling legislation. Districts currently operating under a fixed-term contract would continue to the end of their current contractual term. *[Authority: DA 11/98-CR (School Finance)]*
- B. **The NJSBA believes** that the termination of a sending-receiving relationship between school districts where the contract term has expired, one year's notice is given and the sending district has an appropriate educational alternative equal to or better than the existing educational program for its students should be permitted. *[Authority: DA 6/86-18, DA 6/88-16, DA 6/89-CR Sending to Level III Districts DA 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that a receiving district's being placed at Level III of the monitoring process should not act as a triggering mechanism for severance of a sending-receiving relationship. Rather, it is but one component that should be considered by the Commissioner in making an assessment as to the quality of education being received by the sending district's students. *[Authority: DA 6/89-CR Sending to Level III Districts, DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Sending-Receiving Students

**The NJSBA believes** in sending-receiving circumstances that involve the use of discretion on the part of either board of education, decisions should be based on the best interests of students -- both in the sending district and in the receiving district. To this end, each community needs to be involved in discussions between the sending and receiving boards at all levels. *[Authority: DA 11/98-CR (School Finance), DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Apportionment of Pupils Among High Schools

**The NJSBA believes** that the apportionment of pupils from sending districts among two or more high schools should be mutually determined by each of the districts involved. *[Authority: DA 6/84-CR Sending-Receiving, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Dispute Resolution Process

- A. **The NJSBA believes** that the State Board of Education's Administrative Code should include a dispute resolution process for issues that cannot be resolved between sending and receiving boards of education that includes the following steps: a local negotiation process, including meetings between administration, board of education and community members; when local negotiations fail, a county-office based mediation process; and when all else fails, require the districts to enter into binding arbitration. *[Authority: DA 11/98-CR (School Finance)]*

- B. **The NJSBA believes** that in the case of petitions from sending-receiving districts seeking conflict resolution, the State Board of Education, rather than the Commissioner, should be the next level of review for Initial Decisions of Administrative Law Judges. *[Authority: DA 6/84-CR Sending-Receiving, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

### Sending-Receiving Handbook

**The NJSBA believes** that a sending-receiving best practices handbook can assist both sending and receiving districts in their joint effort to provide an effective, articulated educational program based on the Student Learning Standards adopted by the State Board of Education. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

### Availability of Receiving District Information

- A. **The NJSBA believes** sending-receiving districts should establish meaningful communication, which would include but not be limited to: periodic re-evaluation of the sending-receiving relationship by a neutral party; full utilization of NJSBA resources; and regularly scheduled meetings between the boards and administrative staff of the districts involved in the relationship.
- B. **The NJSBA believes** all information pertaining to the operation of the receiving district should be readily available to a sending district, including, but not limited to: a copy of the budget submitted to the county superintendent; board minutes; curriculum guides; district goals and objectives; audits; the master plan; and Middle States and monitoring reports. *[Authority: DA 6/84-CR Sending-Receiving, DA 6/89-CR Sending to Level III Districts, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

### Sending-Receiving Tuition and Budget Development

**The NJSBA believes** that there should be effective procedures and practices for addressing tuition and budget development in sending-receiving relationships to include:

- Allowing sending and receiving boards of education to make budgetary provisions for abrupt shifts in tuition costs so that programmatic cuts do not have to be made in order to accommodate tuition increases;
- A tuition reserve account outside the district's spending cap;
- Permitting districts to restrict fund balance for anticipated adjustments in tuition outside the excess fund balance calculation;
- Instituting budgetary procedures so that large tuition increases are spread over several years;
- Adjusting the tuition notification calendar to more closely reflect the current budget process so that tuition can be more accurately estimated: move the January 15 tuition notification date (to sending district) to February 15; move the December 15 enrollment notification date (to receiving district) to January 15; allow more time between the time of notification of state aid figures and budget adoption. *[Authority: DA 11/98-CR (School Finance, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

### Sending-Receiving Tuition Increases

- A. **The NJSBA believes** that year-over-year per pupil tuition increases levied by receiving districts and schools have adversely impacted tuition-paying districts' ability to provide effective educational programs in their districts.

The NJSBA recognizes that year-over-year per pupil tuition increases levied by receiving districts and schools have forced some tuition-paying districts to seek voter approval for tax increases well in excess of the 2% cap on the tax levy contravening the intention of P.L. 2010, c.44 and imposing a severe burden on their taxpayers in the event of an affirmative vote and placing the districts' programs at risk in the event of a negative vote.

- B. **The NJSBA believes** there should be a statutory cap on year-over-year per pupil tuition increases levied by receiving districts and schools. *[Authority: DA 11/14-2, DA 5/18-SR, DA 5/23-SR]*

### Proportional Representation/Sending-Receiving

**The NJSBA believes** that sending boards of education should have proportional representation, including voting privileges, on receiving districts' boards of education. Representation should be determined by the percent of enrollment that students from the sending district(s) comprise among the student population in the grades for which a sending/receiving relationship exists. Representation and voting privileges of a sending board of education or combination of sending boards should be limited to ensure that a receiving district board of education always retains the majority voting privilege. Such limits should never preclude any individual sending boards from participating on the receiving board. *[Authority: DA 6/89-CR (Sending to Level III Districts), DA 11/98-CR (School Finance), DA 11/02-CR (Sending/Receiving- 2002, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR; DA 6/20-1, DA 5/23-SR]*

### Sending Representative Voting Rights

**The NJSBA believes** the statutory language of N.J.S.A. 18A:38-8.1 should be revised to expand the voting rights of sending district representatives on matters before the receiving district board of education to include the ability to vote on all matters that impact the students of the sending district in the receiving district; all district-wide issues, all board governance issues and all matters related to the grade levels to which the sending district sends its students. *[Authority: DA 5/14-4, DA 5/18-SR, DA 5/23-SR]*

### Merger, Consolidation or Regionalization of School Districts

- A. **The NJSBA believes** that when districts determine after thorough study that regionalization would provide educational and/or financial benefits to the districts involved, they should be encouraged to regionalize. *[Authority: DA 10/79-CR Regionalization, DA 12/80-CR Deregionalization, DA 12/91-1, DA 11/98 SR]*
- B. **The NJSBA believes** that the Commissioner of Education and the State Board of Education should be prohibited from ordering the merger, consolidation or regionalization of two or more existing school districts without a prior public referendum in each of the affected districts approving such action provided that any such legislation should not permit the denial of rights guaranteed under the Constitution of the United States or the State of New Jersey. *[Authority: DA 5/72-1, 1a, DA 10/79-CR Regionalization, DA 12/80-CR Deregionalization, BD 1/81, DA 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that prior to the submission of a regionalization proposal by any district or districts which desire to join with any other district or districts and become an all-purpose or limited-purpose regional school district, all of the districts involved shall be required to participate in a study of the proposed regionalization. The study of the proposed regionalization should include, but not be limited to the following factors: enrollment trends, goals, philosophy, board member apportionment, racial balance, education program, tax rates, and long-range implications of regionalization. All findings and conclusions of the study should be forwarded to the executive county superintendent who should consider these in his/her determination as to the advisability of regionalization. State aid should be provided for regionalization studies. *[Authority: DA 12/80-CR Deregionalization, DA 12/91-1, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

Tax Impact

**The NJSBA believes** there should be a ten-year phase in of any increase in the tax levy of a constituent member of a newly-formed regional school district that results from the manner in which costs are apportioned among the members of a regional school district under current statute. *[Authority: DA 10/79-CR Regionalization, DA 12/91-1, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 6/18-SR, DA 5/23-SR]*

Constituent District Representation on Regional Boards

**The NJSBA believes** that regional boards of education should be authorized to permit a board member from a constituent district to serve on a regional board with discussion privileges but without voting rights. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/23-SR]*

Deregionalization

- A. **The NJSBA believes** that in order to facilitate deregionalization for districts desiring it all districts that comprise the regional district should be required to participate in an all-encompassing study in the event one of the constituent districts desires to withdraw from the regional district. This study shall be developed jointly by the regional and constituent districts prior to the submission of a resolution for withdrawal from a regional district and shall be conducted as follows:
- The committee involved in the study shall be comprised of one representative from each constituent board of education and one representative from the regional board itself and the chairperson of the committee shall be a non-voting neutral, appointed by the Commissioner of Education from outside the county;
  - The study shall be completed within six months after the district desiring to withdraw notifies the other constituent districts of its intent;
  - The study shall include long-range data on financial, educational and population trends, and should explore educational and organizational alternatives. In the event that agreement cannot be reached by the committee, any constituent district or the regional board may prepare its own position statement. These position statements, together with any other conclusions and recommendations of the committee, shall be forwarded to the executive county superintendent of schools along with the resolution for withdrawal;
  - All discussion and actions of the committee shall be conducted in closed session;
  - The cost of the study shall be borne by the district or districts desiring to withdraw;
  - The executive county superintendent of schools shall consider all conclusions and recommendations of the committee and include them in his/her report to the Board of Review. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- B. **The NJSBA believes** that if two or more constituent districts submit resolutions for withdrawal the executive county superintendent and Board of Review should be required to consider these resolutions simultaneously. Simultaneous consideration shall be required where one constituent district submits a resolution for withdrawal, and one or more other constituent districts submit their own resolutions within 30 days after receiving notice of the first resolution. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that the question of withdrawal should go to public referendum if the Board of Review does not comply with the prescribed timetable for conducting hearings and reaching its final determination. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*

- D. **The NJSBA believes** that each member of the Board of Review should be able to appoint a designee. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- E. **The NJSBA believes** that the executive county superintendent should be required to include in his/her initial report an inventory of all assets, and to specify the division and distribution of assets and liabilities based on the amount of ratables in the withdrawing school district on which the last school tax was levied. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- F. **The NJSBA believes** that the Commissioner of Education should be required to appoint a neutral person or group of persons from outside the regional district to certify all financial and educational data, enrollment projections and related statistics. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- G. **The NJSBA believes** that when a withdrawing district has no regional district lands or buildings within its geographical boundaries at the time of withdrawal, the withdrawing district should be allotted a share of the equity in the regional district's lands and buildings based on the amount of ratables in the respective districts.
- H. **The NJSBA believes** when a withdrawing district has regional district lands and buildings within its geographical boundaries at the time of withdrawal, the regional district be allotted a share of the equity in such lands and buildings based on the amount of ratables in the respective districts; and
- I. **The NJSBA believes** that any unappropriated balance (surplus) in the regional district should be distributed between the withdrawing district and the regional district based on the amount of ratables in the respective districts. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance) , DA 5/03-SR, DA 5/08-SR, DA 5/18-SR, DA 5/23-SR]*

#### Transfer of Employee Rights to Withdrawing Districts

**The NJSBA believes** that every local school district should have the right to select its own teaching staff and that there should not be a provision for transfer of employment rights, tenure and seniority from regional districts to withdrawing districts. *[Authority: DA 12/81-14, 11/96-SR, 11/98-CR (School Finance, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

#### Send-All Districts

**The NJSBA believes** the current organizational structure of send-all districts, communities that have chosen not to operate a school building, but rather to send their students to other districts, serves the educational and financial needs of their communities therefore, any efforts by the state to eliminate send-all districts should be strenuously and vigorously opposed. *[Authority: BOD 5/04, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR]*

#### Effective Governance

- A. **The NJSBA believes** effective governance of public education, carried out by well-trained local school boards, can have a direct impact on student achievement.
- B. **The NJSBA believes** that local boards of education should adopt policies that enable their professional staffs to implement programs and practices that advance the achievement of all students and result in the efficient functioning of schools. *[DA 5/17-CR (Task Force on Student Achievement), DA 5/18-SR, DA 5/23-SR]*

**Cross References:** 1400 Relations between other governmental agencies and the district  
3100 Budget planning, preparation and adoption  
3240 Tuition income  
4110 Tenure  
4111 Recruitment, selection and hiring  
6147 Curriculum Standards  
9325.4 Voting method

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