TITLE 18A. EDUCATION,

of the

New Jersey Statutes

P. L. 1967, c. 271

Approved and Effective January 11, 1968

An Act revising the Education Law and the statutes relating to the State Library and the State Museum and continuing the Department of Higher Education and the State Department of Education and establishing a new Title to be known as Title 18A, Education, of the New Jersey Statutes.

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

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Title 18A. EDUCATION.

Subtitle 1. DEFINITIONS AND GENERAL PROVISIONS.

Chapter 1. DEFINITIONS.

18A:1-1. Words and phrases defined.

18A:1-1. Words and phrases defined. As used in this title, unless the context requires another meaning, the following words and phrases shall have the following meaning:

"Academic year" means the period between the time school opens in any school district or under any board of education after the general summer vacation until the next succeeding summer vacation;

"All purpose regional district" shall have the meaning assigned to it in subsection a. of section 18A:13-2;

"Board" means the board of education;

"Chancellor" means the chancellor of the department of higher education;

"Commissioner" means the commissioner of education;

"County superintendent" means the county superintendent of schools;

"Department" means the state department of education;

"District" means a school district;

"Employee" includes the holder of any position or employment;

"Employment" includes employment in a position;

"Full membership" of any board or body means the number of members of the board or body when all the members' seats are filled and a "majority of the full membership" of any board or body means a majority of such number;

"Higher education" means that education which is provided by any or all of the public institutions of higher education as herein defined and any or all equivalent private institutions;

"Limited purpose regional district" shall have the meaning assigned to it in subsection b. of section 18A:13-2;

"Local school district" means any school district comprising within its territorial boundaries the territory comprised in one or more municipalities, except a regional school district;

"Private school" means a school, under college grade, which does not derive its support entirely or in part from public funds;

"Public institution of higher education" shall have the meaning assigned to it in section 18A:62-1;

"Public school" means a school, under college grade, which derives its support entirely or in part from public funds;

"Public school system" means the system of public schools of the state;

"Residence" means domicile, unless a temporary residence is indicated;

"School nurse" shall mean and include any school nurse, school nurse supervisor, head school nurse, chief school nurse, school nurse coordinator or any other nurse performing school nursing services in the public schools;

"State board" means the state board of education;

"Teaching staff member" means a member of the professional staff of any district or regional board of education, or any board of education of a county vocational school, holding office, position or employment of such character that the qualifications, for such office, position or employment, require him to hold a valid and effective standard, provisional or emergency certificate, appropriate to his office, position or employment, issued by the state board of examiners and includes a school nurse.

Source: R.S. 18:1–1, 18:6–1, 18:7–1; C. 18:21A–1 (1966, c. 302, s. 1).

Chapter 2. GENERAL PROVISIONS.

18A:2–1. Power to effectuate action.
18A:2–2. Payment and disposition of fines imposed under this title.

18A:2–1. Power to effectuate action. Whenever under any provision of this title the validity of the action of any person, official, board or body is made dependent upon the approval or disapproval, consent or refusal to consent or determination of, or is to be exercised pursuant to any rule to be made by, any other person, official, board or body, the latter shall have power to approve or disapprove, consent or refuse to consent, to make such determination or promulgate any such rule, notwithstanding that such power is not specifically conferred thereby or by any other provision of this title.

Source: New.

18A:2–2. Payment and disposition of fines imposed under this title. In every case of conviction or violation of any provision of this title, when a fine is imposed, the defendant may pay the fine, together with the cost to the officer before whom the conviction is had, and such officer shall receive the same and unless otherwise provided by this or any other law he shall remit the amount of the fine within 10 days thereafter to the custodian of school moneys of the district where the offense was committed, for the use of the public schools thereof.

Source: R.S. 18:14–114, amended 1953, c. 18, s. 25; 1953, c. 428, s. 1.

Subtitle 2. STATE DEPARTMENTS GOVERNING EDUCATION.

Chapter 3. DEPARTMENT OF HIGHER EDUCATION.

Article 1. Department of Higher Education.

18A:3-1. Department of higher education continued; composition.
18A:3-2. Offices.
18A:3-3. Powers and duties.
18A:3-4. Acceptance of grants and donations.
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Article 2. Board of Higher Education.

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Article 3. The Chancellor.

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18A:3-21. Chief officer of the department; powers and duties.
18A:3-22. Vice chancellors; appointment; compensation.
18A:3-23. Delegation of powers.

Article 1. Department of Higher Education.

18A:3-1. Department of higher education continued; composition. The department of higher education is hereby continued as a principal department in the executive branch of the state government and it shall consist of a board of higher education, a chancellor, and such divisions, bureaus, branches, committees, officers and employees as are specifically referred to in this law and as may be constituted or employed by virtue of the authority conferred by this and by any other law.

Source: C. 18:21A-1 (1966, c. 302, s. 1).

18A:3-2. Offices. Suitable quarters to be known as the "department of higher education" shall be provided.

Source: C. 18:21A-6 (1966, c. 302, s. 6).

18A:3-3. Powers and duties. The department shall, in addition to other powers and duties vested in it by this chapter, or by any other law:

a. Assist in the coordination of state and federal activities relating to higher education;

b. Advise and inform the governor on the affairs and problems of higher education and make recommendations to the governor for proposed legislation pertaining thereto;

c. Stimulate programs relating to higher education through publicity, education, guidance and technical assistance concerning federal and state programs;

d. Encourage cooperative programs by institutions of higher education;

e. Maintain an inventory of data and information and act as a clearing house and referral agency for information on state and federal services and programs;

f. Exercise all the functions, powers and duties formerly exercised by the department of education pertaining to higher education and the jurisdiction, supervision and control of institutions of higher education and transferred to the department of higher education as of July 1, 1967 by chapter 302 of the laws of 1966 except such as are inconsistent with the specific provisions of this law; and

g. Exercise all of the duties, functions and powers formerly exercised by the department of education pertaining to Rutgers, the state university, and pertaining to the Newark college of engineering and transferred to the department of higher education as of July 1, 1967 by chapter 302 of the laws of 1966 and notwithstanding the provisions of any other section of this chapter the department of higher education shall have no duties, functions and powers with respect to either of these institutions except such as were so transferred.

Source: C. 18:21A-10 (1966, c. 302, s. 10); C. 18:21A-12 (1966, c. 302, s. 12); C. 18:21A-13 (1966, c. 302, s. 13); C. 18:21A-14 (1966, c. 302, s. 14).

18A:3-4. Acceptance of grants and donations. The department, or any of the divisions established therein, may, subject to the approval of the governor and the board, apply for and accept grants from the federal government or any agency thereof, or from any foundations, corporation, association or individual, and may comply with the terms, conditions and limitations thereof, for any of the purposes of the department, or such division. Any money so received may be expended by the department, or such division, subject to any limitations imposed in such grants to effect any of the purposes of the department, or of such division, as the case may be, upon warrant of the director of the division of budget and accounting of the department of the treasury on vouchers certified and approved by the chancellor.

Source: C. 18:21A-11 (1966, c. 302, s. 11).

18A:3-5. P. L. 1966, chapter 302, article V saved. Article V of chapter 302 of the laws of 1966 entitled "An act concerning higher education, establishing a department of higher education as a principal department in the executive branch of the state government and providing an appropriation therefor," approved December 14, 1966 (P. L. 1966, c. 302) is saved from

repeal. [This article provides: for the transfer to the department of higher education of appropriations, employees, files and records in connection with functions transferred to it from the state department of education for the saving of tenure rights and any right or protection under civil service and pension laws; for the continuation in force of rules and regulations; for the saving of civil or criminal actions or proceedings pending; for certifications and applications now being made to the state department to be made in the future to the department of higher education; for the substitution of the department of higher education for the state board and of the chancellor for the commissioner when occurring or referred to in any statute in Title 18 of the Revised Statutes; and for liberal construction of the act and repeal of inconsistent acts.]

Source: C. 18:21A–34 (1966, c. 302, s. 34); C. 18:21A–35 (1966, c. 302, s. 35); C. 18:21A–36 (1966, c. 302, s. 36); C. 18:21A–37 (1966, c. 302, s. 37); C. 18:21A–38 (1966, c. 302, s. 38); C. 18:21A–39 (1966, c. 302, s. 39); C. 18:21A–40 (1966, c. 302, s. 40); C. 18:21A–41 (1966, c. 302, s. 41); C. 18:21A–42 (1966, c. 302, s. 42); C. 18:21A–43 (1966, c. 302, s. 43); C. 18:21A–44 (1966, c. 302, s. 45).

Article 2. Board of Higher Education.

18A:3–6. Membership; qualifications. The board of higher education shall be composed of the chairman of the board of governors at Rutgers, the state university; the chairman of the board of trustees of Newark college of engineering; the chairman of the council of state colleges; the chairman of the council of county colleges; the president of the state board of education; a representative of the private colleges and universities of New Jersey, to be designated by the association of independent colleges and universities in New Jersey, with the approval of the governor; and nine citizens, residents of the state, of whom at least two shall be women. The chancellor and the state commissioner of education shall ex officio be additional members but without vote.

Source: C. 18:21A–2 (1966, c. 302, s. 2).

18A:3–7. Alternate members; designation. The chairman of the board of governors at Rutgers, the state university; the chairman of the board of trustees of Newark college of engineering; the chairman of the council of state colleges; the chairman of the council of county colleges; the president of the state board of education and the representatives of the private colleges and universities in New Jersey may each designate in writing another member of his board, council or association as an alternate to attend in his absence and vote at the meetings of the boards; provided, however, that such alternate shall be selected from among the membership of the group from which the member's status on the board arises and further that where the member is a lay member of such a group, his alternate must likewise be a lay member of said group.

Source: C. 18:21A–2 (1966, c. 302, s. 2).

18A:3–8. Appointment of members; terms; vacancies. The citizen members of the board shall be appointed by the governor with the advice and consent of the senate and shall be selected, as far as may be practicable, on the basis of their knowledge of, or interest or experience in, problems of higher education and without regard to political belief or affiliation. The term of office of appointed members, except for the first appointments, shall be for six years. Each member shall serve until his successor shall

have been appointed and qualified and vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. In the case of the initial appointments of the citizen members, two members shall be appointed for terms expiring June 30, 1967, two for terms expiring June 30, 1968; two for terms expiring June 30, 1969; one for a term expiring June 30, 1970; one for a term expiring June 30, 1971; and one for a term expiring June 30, 1972. They shall be subject to removal by the governor, for cause, upon notice and opportunity to be heard.

Source: C. 18:21A-2 (1966, c. 302, s. 2).

18A:3-9. Expenses of members; no compensation. The members of the board of higher education shall receive no compensation for their services, but shall be paid their necessary expenses in performing their duties.

Source: C. 18:21A-2 (1966, c. 302, s. 2).

18A:3-10. Meetings. The board of higher education shall hold public meetings at such places within the state as it shall designate at least once each month at such times as its rules and regulations prescribe and at such other times as in its judgment may be necessary.

Source: C. 18:21A-2 (1966, c. 302, s. 2).

18A:3-11. Organization of board; officers; vacancies. The board of higher education shall organize annually at its regular July meeting by the election of a chairman, vice chairman and such other officers as the board shall determine. Such officers shall serve until the following July meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired term only.

Source: C. 18:21A-2 (1966, c. 302, s. 2).

18A:3-12. Secretary of board of higher education. The chancellor shall be the secretary of the board and have custody of its official seal. With the approval of the board, he may designate an employee in the department to perform such duties of the secretary and such other services as the board shall designate.

Source: C. 18:21A-7 (1966, c. 302, s. 7).

18A:3-13. General supervision of higher education. It shall be the duty of the board of higher education to advance long-range planning for the system of higher education as a whole in the state; establish general policy for the governance of the separate institutions; coordinate the activities of the individual institutions which, taken together, make up the system of higher education in New Jersey; and maintain general financial oversight of the state system of higher education. The board shall not administer the individual institutions of higher education, its own administration being specfically reserved unto each of such institutions.

Within the limitations imposed by general legislation applicable to all agencies of the state and the provisions of this chapter, the board is hereby granted exclusive jurisdiction over higher education in this state and its constituent parts and the requisite power to do all things necessary and proper to accomplish the aims and carry out the duties provided by law.

Source: C. 18:21A-3 (1966, c. 302, s. 3).

18A:3-14. Powers and duties. The board of higher education shall:

a. Conduct research on higher educational needs;

b. Develop and maintain a comprehensive master plan which shall be long range in nature and be regularly revised and updated;

c. Establish new colleges, schools, units, divisions, institutes, departments, branches, campuses, as required by the master plan, provided that provision is made therefor in the annual or a supplemental or special appropriation act of the legislature or otherwise;

d. Establish minimum admission standards for all public institutions of higher education, except that nothing in this chapter shall be construed to prevent individual institutions from establishing higher minimum admission requirements;

e. Establish minimum standards for all public institutions of higher education for degree granting, approve new programs and degrees and approve discontinuance of degrees and educational programs as required. Nothing, however, in this law shall be construed to prevent individual institutions from establishing higher minimum standards for degree granting. "Programs" as used in this subsection means areas or fields in which degrees or nondegree certificates might be granted and shall not include individual courses nor course content nor shall it include the course composition of areas or fields already in existence;

f. Receive all budget requests from the institutions, coordinate and balance such requests, and submit a combined request for appropriations annually to the governor;

g. Be an agency of communication with the federal government on public funds available to the state for higher education, and receive and recommend the disbursement of such funds by the state;

h. Set policy on salary and fringe benefits, and establish general personnel policies for the public institutions of higher education;

i. Coordinate with the state board of education and the commissioner to effectuate and advance public education at all levels;

j. Encourage harmonious and cooperative relationship between public and private institutions of higher education;

k. Review periodically existing programs of instruction, research, and public service in the public institutions of higher education, and advise them of desirable change;

l. Keep the governor, the legislature, and the public informed of the needs and accomplishments, both qualitative and quantitative, of public higher education in New Jersey through published reports, releases, conferences, and other means;

m. License institutions of higher education pursuant to the authority of sections 18A:68–3 to 18A:68–5 inclusive;

n. Approve the basis or conditions for conferring degrees pursuant to the authority of sections 18A:68–6 to 18A:68–8 inclusive;

o. Exercise enforcement powers as provided by sections 18A:68–9 to 18A:68–11 inclusive;

p. Require from institutions of higher education such reports as may be necessary to enable the board to perform the duties imposed upon it by statute;

q. Make to the governor and the legislature such recommendations as the board deems necessary with regard to appropriations that may be required for services, lands, buildings, and equipment to be furnished by

institutions of higher education other than the state university of New Jersey and make contracts in behalf of the state with such institutions in accordance with legislative appropriations; provided, that no disbursement of moneys so appropriated shall be made to any such institution or institutions utilized by the state for the purpose of public higher education, except on recommendation of the board; and the board shall see to the application of the money for such purposes;

r. Exercise visitorial general powers of supervision and control over such institutions of higher education as may be utilized by the state. Its visitorial general powers of supervision and control are hereby defined as visiting such institutions of higher education to examine into their manner of conducting their affairs and to enforce an observance of the laws of the state;

s. Fix and determine tuition rates and other fees to be paid by students at the state colleges.

Source: C. 18:21A-4 (1966, c. 302, s. 4).

18A:3-15. General rule-making power. The board of higher education shall adopt bylaws and may make and enforce, alter and repeal rules for its own government and for implementing and carrying out this law.

Source: C. 18:21A-4 (1966, c. 302, s. 4).

18A:3-16. Incidental powers conferred. The board of higher education shall have all powers, in addition to those specifically provided by law, requisite to the performance of its duties.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; C. 18:21A-3 (1966, c. 302, s. 3).

18A:3-17. Right to administer oaths and examine witnesses; false swearing. The board of higher education by its presiding officer and each of its committees by its chairman, may administer oaths and examine witnesses under oath in any part of the state in regard to any matter pertaining to the higher education, and may cause the examination to be reduced in writing. Any person willfully giving false testimony upon being sworn or affirmed to tell the truth by the presiding officer of the board of higher education or by the chairman of any of its committees, shall be guilty of a misdemeanor.

Source: R.S. 18:2-5; C. 18:21A-41 (1966, c. 302, s. 41).

18A:3-18. Subpœnas; penalty. The board of higher education may issue subpœnas signed by its chairman and secretary compelling the attendance of witnesses and the production of books and papers in any part of the state before it or before any of its committees or before the chancellor or one of his assistants. Any person who shall neglect or refuse to obey the command of the subpœna or who, after appearing, shall refuse to be sworn and testify, except such refusal be on grounds recognized by law, shall in either event be liable to a penalty of $100.00 for each offense to be recovered by the board of higher education in a civil action. Such penalty when recovered shall be paid into the treasury of the state.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; C. 18:16-39 (1946, c. 124, s. 3, amended 1953, c. 18, s. 31); C. 18:21A-4 (1966, c. 302, s. 4).

18A:3-19. Annual report to legislature. The board of higher education shall report annually to the legislature in regard to all matters committed to its care.

Source: R.S. 18:2-10; C. 18:21A-4 (1966, c. 302, s. 4).

Article 3. The Chancellor.

18A:3-20. Appointment; term; qualifications; salary. The chief executive officer and administrator of the department shall be known as the chancellor and shall be a person qualified by training and experience to perform the duties of his office and he shall be selected without regard to residence within or without the state. The first chancellor shall be appointed by the governor with the advice and consent of the senate and shall serve for a term of five years and until the chancellor's successor has been appointed and has qualified. Thereafter the chancellor shall be appointed by the board of higher education, subject to the approval of the governor, and shall serve for a term of five years and until the chancellor's successor has been appointed and has qualified. He shall receive such salary as shall be provided by law. The chancellor may be removed from office by the governor, for cause, upon notice and opportunity to be heard.

Source: C. 18:21A-5 (1966, c. 302, s. 5).

18A:3-21. Chief officer of the department; powers and duties. The chancellor, as chief executive officer of the department, subject to the approval of the board, shall:

a. Enforce all rules and regulations prescribed by the board and administer the work of the department;

b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, and other applicable statutes, except as herein otherwise specifically provided;

c. Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this chapter or otherwise by law;

d. Organize the work of the department in such divisions, not inconsistent with the provisions of this chapter, and in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation;

e. Adopt, issue and promulgate, in the name of the department, such rules and regulations as may be authorized by law;

f. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

g. Make an annual report to the governor and to the legislature of the department's operations, and render such other reports as the governor shall from time to time request or as may be required by law.

h. Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicating functions;

i. Integrate within the department, so far as practicable, all staff services of the department and of the several divisions and other agencies therein;

j. Maintain suitable headquarters for the department and such other quarters within the state as he shall deem necessary to the proper functioning of the department; and

k. Perform such other functions as may be prescribed in this chapter or by any other law.

Source: C. 18:21A-6 (1966, c. 302, s. 6).

18A:3-22. Vice chancellors; appointment; compensation. The chancellor may, subject to the approval of the board, appoint vice chancellors and fix their compensation. He shall from time to time designate one of the vice chancellors to serve as acting chancellor in his place and stead during his absence or in the case of a vacancy in the office. Any such designation shall be in writing, signed by the chancellor and filed with the secretary of state.

Source: C. 18:21A-9 (1966, c. 302, s. 9).

18A:3-23. Delegation of powers. The chancellor may delegate to subordinate officers or employees in the department such of his powers as he may deem desirable, to be exercised under his supervision and direction.

Source: C. 18:21A-8 (1966, c. 302, s. 8).

Chapter 4. STATE DEPARTMENT OF EDUCATION.

Article 1. State Department of Education.

18A:4-1. State department of education continued; composition.
18A:4-2. Offices.

Article 2. State Board of Education.

18A:4-3. Membership; qualifications.
18A:4-4. Appointment of members; terms; vacancies.
18A:4-5. Continuation of present state board; appointment of successors.
18A:4-6. Expenses of members; no compensation.
18A:4-7. Meetings.
18A:4-8. Organization of board; officers; vacancies.
18A:4-9. Secretary of state board.
18A:4-10. General supervision of public education except higher education vested in state board.
18A:4-11. Acquisition of land and other property by condemnation.
18A:4-12. Use of lands controlled by state board for recreation purposes.
18A:4-13. Building operations.
18A:4-14. Uniform system of bookkeeping for school districts.
18A:4-15. General rule-making power.
18A:4-16. Incidental powers conferred.
18A:4-17. Right to administer oaths and examine witnesses; false swearing.
18A:4-18. Compelling attendance of school personnel.
18A:4-19. Subpœnas; penalty.
18A:4-20. Annual report to legislature.

Article 3. The Commissioner.

18A:4-21. Appointment; term; qualifications; salary.
18A:4-22. Chief officer of the department.
18A:4-23. Supervision of schools; enforcement of rules.
18A:4-24. Determining efficiency of schools; examinations.
18A:4-25. Prescribing minimum courses of study for public schools; approval of courses of study.
18A:4-26. Acceptance of grants and donations.
18A:4-27. Notice and hearing.
18A:4-28. Materials for guidance of teachers.
18A:4-29. Instruction of county superintendents and superintendents of schools; meetings.
18A:4-30. Annual report of comparative financial statistics of school districts.
18A:4-31. Right to administer oaths, take affidavits and examine witnesses; false swearing.
18A:4-32. Assistant commissioners; appointment; compensation.
18A:4-33. Deputy commissioner.
18A:4-34. Duties of assistant commissioners.

18A:4-35. Directors, inspectors and assistants.
18A:4-36. Helping teachers, salaries and expense allowance.
18A:4-37. Payment of salaries and expenses.
18A:4-38. Employment of clerks and other employees; compensation.
18A:4-39. Record of official acts; seal; copies of papers.
18A:4-40. Monthly, annual and other reports to state board.

Article 1. State Department of Education.

18A:4-1. State department of education continued; composition. The state department of education is hereby continued as a principal department in the executive branch of the state government, and it shall consist of a state board of education, which shall be the head of the department, a commissioner of education, and such divisions, bureaus, branches, committees, officers and employees as are specifically referred to in this title and as may be constituted or employed by virtue of the authority conferred by this title and by any other law.

Source: R.S. 18:2-1, amended 1945, c. 51, s. 1; 1945, c. 211, ss. 1, 2; 1950, c. 254; 1953, c. 154.

18A:4-2. Offices. Suitable quarters to be known as the "state department of education" shall be provided.

Source: R.S. 18:3-6, amended 1945, c. 51, s. 9.

Article 2. State Board of Education.

18A:4-3. Membership; qualifications. The state board of education shall consist of the chairman of the board of higher education and the chancellor who shall be members ex officio without vote and 12 members who shall be citizens of the state who have resided therein for not less than five years immediately preceding their appointment, not less than three of whom shall be women and not more than one of whom shall be appointed from the residents of any one county.

Source: R.S. 18:2-1, amended 1945, c. 51, s. 1; 1945, c. 211, s. 1; 1950, c. 254; 1953, c. 154; C. 18:2-1.2 (1966, c. 304).

18A:4-4. Appointment of members; terms; vacancies. The members of the state board shall be appointed by the governor, by and with the advice and consent of the senate, for terms of six years commencing on July 1, except as otherwise provided by section 18A:4-5. Each member shall continue in office after the expiration of his term until his successor is appointed and has qualified, and in any such case and in case of any vacancy the successor shall be appointed in like manner for the unexpired term only.

Source: R.S. 18:2-1, amended 1945, c. 51, s. 1; 1945, c. 211, s. 1; 1950, c. 254; 1953, c. 154.

18A:4-5. Continuation of present state board; appointment of successors. The members of the state board in office on the effective date of this title shall continue in office until the expiration of the respective terms for which they were appointed and all future appointments, except to fill vacancies occurring otherwise than by expiration of terms, shall be made for full six-year terms, to expire on June 30 of the sixth year, in such manner as to continue the present rotation of terms.

Source: R.S. 18:2-1, amended 1945, c. 51, s. 1; 1945, c. 211, s. 1; 1950, c. 254; 1953, c. 154.

18A:4–6. Expenses of members; no compensation. The members of the state board shall receive no compensation for their services, but shall be paid their necessary expenses in performing their duties.

Source: R.S. 18:2–3.

18A:4–7. Meetings. The state board shall hold public meetings at least once in each month at such times as its rules may prescribe and at such other times and such places within the state as in its judgment may be necessary, but no meeting shall commence later than eight P. M.

Source: R.S. 18:2-2.

18A:4–8. Organization of board; officers; vacancies. The state board shall organize at its first regular meeting following June 30 of each year by the election of a president and a vice president from its own number who shall serve for one year and until their respective successors are elected and qualified. Vacancies in such offices shall be filled in like manner for the unexpired terms only.

Source: New.

18A:4–9. Secretary of state board. The commissioner shall be the secretary of the state board, but with the approval of the state board he may designate one of the clerks in the department to perform such of the duties of the secretary and such other services for the state board as the state board shall designate.

Source: R.S. 18:3–5, amended 1945, c. 51, s. 8; 18:3–7.

18A:4–10. General supervision of public education except higher education vested in state board. The general supervision and control of public education in this state, except higher education, and of the state department of education shall be vested in the state board, which shall formulate plans and make recommendations for the unified, continuous and efficient development of public education, other than higher education, of people of all ages within the state.

Source: R.S. 18:2–1, amended 1945, c. 51, s. 1; 1945, c. 211, s. 1; 1950, c. 254; 1953, c. 154; 18:2–4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; C. 18:21A–3 (1966, c. 302, s. 3).

18A:4–11. Acquisition of land and other property by condemnation. The state board shall, if necessary, take and condemn land and other property in the manner provided by chapter 1 of Title 20, Eminent Domain, of the Revised Statutes, whenever authorized by law to purchase land or other property.

Source: R.S. 18:2–6.

18A:4–12. Use of lands controlled by state board for recreation purposes. The state board may permit a municipality in which lands under the control and management of the state board are situate, to use such lands, when not required for school or state purposes, as playgrounds or recreation centers for the children of the municipality, but the municipality shall be liable for any damage done to property so used.

Source: R.S. 18:2–7.

18A:4–13. Building operations. The state board shall conduct all building operations coming within its direct supervision, including all construction or repair work allied thereto, within the appropriation

specifically provided in each case for said work. It may, with the approval of the state house commission, employ such technical assistants, including registered architects and engineers, for the preparation of plans, specifications and drawings and for supervision and inspection of such work, as in its judgment each building operation necessitates, and such technical assistants shall be paid from the specific appropriation for such building operation.

Source: R.S. 18:2-8.

18A:4-14. Uniform system of bookkeeping for school districts. The state board shall prescribe a uniform and simple system of bookkeeping for use in all school districts and compel the maintenance and use of the same.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1.

18A:4-15. General rule-making power. The state board shall make and enforce, and may alter and repeal, rules for its own government and for implementing and carrying out the school laws of this state under which it has jurisdiction.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1.

18A:4-16. Incidental powers conferred. The state board shall have all powers, in addition to those specifically provided by law, requisite to the performance of its duties.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1.

18A:4-17. Right to administer oaths and examine witnesses; false swearing. The state board by its presiding officer and each of its committees by its chairman, may administer oaths and examine witnesses under oath in any part of the state in regard to any matter pertaining to the schools, under its jurisdiction, supervision or control, and may cause the examination to be reduced to writing. Any person willfully giving false testimony upon being sworn or affirmed to tell the truth by the presiding officer of the state board or by the chairman of any of its committees, shall be guilty of a misdemeanor.

Source: R.S. 18:2-5.

18A:4-18. Compelling attendance of school personnel. The state board may by order compel the production at such time and place within the state as it may designate of any and all books, papers, and vouchers in any way relating to schools or to the receipt or disbursement of school moneys, under its jurisdiction, supervision or control, compel the attendance before it or before any of its committees or before the commissioner or one of his assistants at such time and place as it may designate of any member of a board of education or of any person in the employ of a board of education, and suspend from office any person refusing to attend or to submit such books, papers, and vouchers as he may have been directed to produce.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1.

18A:4-19. Subpœnas; penalty. The state board may issue subpœnas signed by its president and secretary compelling the attendance of witnesses and the production of books and papers in any part of the state before it or before any of its committees or before the commissioner or one of his assistants. Any person who shall neglect or refuse to obey the command of the subpœna or who, after appearing, shall refuse to be sworn and testify, except such refusal be on grounds recognized by law, shall in either event be liable to a penalty of $100.00 for each offense to be recovered by the state board of education in a civil action. Such penalty when recovered shall be paid into the treasury of the state.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; C. 18:16-39 (1946, c. 124, s. 3, amended 1953, c. 18, s. 31.)

18A:4-20. Annual report to legislature. The state board shall report annually to the legislature in regard to all matters committed to its care.

Source: R.S. 18:2-10.

Article 3. The Commissioner.

18A:4-21. Appointment; term; qualifications; salary. The commissioner of education shall be appointed by the governor, without regard to residence within or without the state, with the advice and consent of the senate, for a term of five years commencing July 1, and he shall continue to serve after the expiration of his term until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term. He shall receive such annual salary as shall from time to time be fixed by law, which shall be payable as other state salaries are paid.

Source: R.S. 18:3-1, amended 1962, c. 65, s. 2.

18A:4-22. Chief officer of the department. The commissioner shall be:

(a) The chief executive and administrative officer of the department having general charge and supervision of the work of the department;

(b) The official agent of the state board for all purposes;

(c) The budget request officer and the approval officer of the department, with power to delegate the duties of such officers as in this chapter provided;

(d) Authorized, subject to law, to designate one of the assistant commissioners to act in his place and stead, during his absence, and to assign duties to the assistant commissioners, to the directors of the special services, to the secretary of the state board of examiners and to the inspectors, assistants and employees of the department.

Source: R.S. 18:3-3, amended 1945, c. 51, s. 6; C. 18:3-7.2 (1945, c. 51, s. 11).

18A:4-23. Supervision of schools; enforcement of rules. The commissioner shall have supervision of all schools of the state receiving support or aid from state appropriations, except institutions of higher education, and he shall enforce all rules prescribed by the state board.

Source: R.S. 18:3-7; C. 18:21A-3 (1966, c. 302, s. 3).

18A:4-24. Determining efficiency of schools; examinations. The commissioner shall, by direction or with the approval of the state board, whenever it is deemed to be advisable so to do, inquire into and ascertain

the thoroughness and efficiency of operation of any of the schools of the public school system of the state and of any grades therein by such means, tests and examinations as to him seem proper, and he shall report to the state board the results of such inquiries and such other information with regard thereto as the state board may require or as he shall deem proper, but nothing in this section shall affect the right of each district to prescribe its own rules for promotion.

Source: R.S. 18:3-16.

18A:4-25. Prescribing minimum courses of study for public schools; approval of courses of study. The commissioner may, with the approval of the state board, prescribe minimum courses of study for the public schools and require boards of education to submit to him for approval or disapproval courses of study adopted by them, whenever he deems it advisable so to do.

Source: R.S. 18:3-17, amended 1954, c. 81, s. 2; 1954, c. 180, s. 1.

18A:4-26. Acceptance of grants and donations. Subject to approval by the governor and the state board, the commissioner may accept on behalf of the state and administer for the state any grant, conveyance, devise, bequest, or donation to be applied, principal or income, or both, for the purposes specified in such grant, conveyance, devise, bequest, or donation to the maintenance and use of any service in, or activity of, any division or bureau established in the department, or of any school or institution of learning under the jurisdiction, supervision or control of the commissioner or of the state board.

Source: C. 18:3-21 (1948, c. 141, s. 1).

18A:4-27. Notice and hearing. Prior to the acceptance of any grant, conveyance, devise, bequest, or donation mentioned in section 18A:4-26, due notice and hearing, if requested, shall be granted by the commissioner and the state board to any municipality or municipalities which may be affected thereby.

Source: C. 18:3-22 (1948, c, 141, s. 2).

18A:4-28. Materials for guidance of teachers. The commissioner may prepare, publish and distribute from time to time handbooks, materials or circulars for the guidance of teachers in the public schools.

Source: R.S. 18:3-17, amended 1954, c. 81, s. 2; 1954, c. 180, s. 1.

18A:4-29. Instruction of county superintendents and superintendents of schools; meetings. The commissioner shall from time to time instruct the county superintendents and superintendents of schools as to the performance of their duties, the conduct of the schools and the construction and furnishing of schoolhouses, and he shall, with the approval of the state board, hold meetings of the county superintendents and superintendents of schools at least once in each year for the discussion of school affairs and of ways and means for promoting a thorough and efficient system of education.

Source: R.S. 18:3-19, amended 1952, c. 236, s. 2; 18:3-20, amended 1952, c. 236, s. 3.

18A:4-30. Annual report of comparative financial statistics of school districts. The commissioner shall compile and cause to be published for general distribution, and may make a reasonable charge therefor to cover

the cost of printing thereof, an annual report of comparative financial statistics of all school districts showing the capital and current costs, the cost of principal services, the amount of debt and other pertinent data, for each school district.

Source: C. 18:3-11.1 (1951, c. 230, s. 1).

18A:4-31. Right to administer oaths, take affidavits and examine witnesses; false swearing. The commissioner and each of his assistants may administer oaths, take affidavits without charge, and examine witnesses under oath in any part of the state and upon any matter pertaining to the schools under his jurisdiction, supervision or control or under that of the state board and may cause the examinations to be reduced to writing. Any person willfully giving false testimony upon being sworn to tell the truth by the commissioner or any assistant commissioner, shall be guilty of a misdemeanor.

Source: R.S. 18:3-12, 18:3-13.

18A:4-32. Assistant commissioners; appointment; compensation. The commissioner, subject to the approval of the state board, shall appoint not more than six assistant commissioners of education, and fix their compensation, and he shall from time to time designate one of them to act in his place and stead during his absence.

Source: R.S. 18:3-2, amended 1945, c. 51, s. 5; 1954, c. 80, s. 1.

18A:4-33. Deputy commissioner. The commissioner shall designate an assistant commissioner as deputy commissioner with full power to act in his place and stead during any absence or inability of the commissioner and at such other times as the commissioner may designate. The commissioner may designate one or more assistant commissioners to act as approval officers of the department.

Source: R.S. 18:3-2, amended 1945, c. 51, s. 5; 1954, c. 80, s. 1.

18A:4-34. Duties of assistant commissioners. Each assistant commissioner shall perform such duties in the public school system of the state as may from time to time be assigned to him by the commissioner, which shall include, but need not be limited to, any one or more of the following:

a. The supervision of curriculum and instruction;

b. The supervision of vocational education;

c. The hearing and determination of controversies and disputes which may arise under the school laws, or the rules of the state board, or of the commissioner; and

d. The supervision of business and financial matters.

Source: R.S. 18:3-2, amended 1945, c. 51, s. 5; 1954, c. 80, s. 1.

18A:4-35. Directors, inspectors and assistants. The commissioner may assign an assistant commissioner or, subject to approval of the state board, may appoint and fix the compensation of directors, inspectors and assistants to act as secretary of the state board of examiners and to act in connection with the issuance of qualifying academic certificates and, so far as they relate to the public school system of the state, to perform one or more of the following services:

a. Inspection of buildings;

b. Inspection of accounts;

c. Research;

d. Supervision of health education;

e. Supervision of adult education;

f. Supervision of special classes for subnormal, blind, deaf, and physically handicapped children; and

g. Such other special services as the state board may deem necessary.

Source: R.S. 18:3-3, amended 1945, c. 51, s. 6.

18A:4-36. Helping teachers, salaries and expense allowance. A helping teacher to aid and direct the teachers in the schools of two or more districts may be appointed by the commissioner whenever he deems it advisable so to do, at a salary, and with an allowance for necessary expenses incurred in the performance of his duties not exceeding $750.00 a year, which the commissioner shall fix, but such appointment and the amount of the salary and of the expense allowance shall first be approved by the state board.

Source: R.S. 18:13-21, amended 1966, c. 96.

18A:4-37. Payment of salaries and expenses. The salary of each helping teacher shall be paid as other state salaries are paid. The director of the division of budget and accounting shall, on order of the commissioner, draw his warrant for such salary on the state treasurer and all claims for the expenses of helping teachers shall be paid, in 10 equal monthly installments, after being audited by the county superintendent, on orders issued by the county superintendent and drawn on the county treasurer from moneys apportioned for that purpose. No such payment shall be made for expenses until a duly certified monthly expense account, with vouchers whenever possible, shall be submitted to the county superintendent, which shall be kept on file in his office.

Source: R.S. 18:13-23, amended 1956, c. 74.

18A:4-38. Employment of clerks and other employees; compensation. The commissioner may appoint such clerks and other employees for the department as he may deem necessary and fix their compensation subject to the provisions of Title 11, Civil Service, of the Revised Statutes, except where otherwise provided by law, which compensation shall be payable as other state salaries are paid, on the certificate of the commissioner and shall not exceed in the aggregate the sum annually appropriated therefor.

Source: R.S. 18:3-4, amended 1945, c. 51, s. 7; C. 18:3-7.1 (1945, c. 51, s. 10).

18A:4-39. Record of official acts; seal; copies of papers. The commissioner shall keep a record and preserve copies of all his official acts, orders and decisions. He shall adopt an official seal, and copies of any of his acts, orders and decisions, and of any papers deposited or filed in the department, when authenticated therewith and certified by him, shall be evidence in all courts and places equally with and in like manner as the originals.

Source: R.S. 18:3-9, amended 1945, c. 51, s. 12.

18A:4-40. Monthly, annual and other reports to state board. The commissioner shall report to the state board such information as it may prescribe once each month and at such other times as the state board may designate, and he shall report to the state board annually at its December

meeting as to the operation and condition of the schools of the public school system and all educational institutions other than institutions of higher education, receiving support or aid from state appropriations, during the previous year, with appropriate statistical tables and such suggestions and recommendations for the improvement of the schools and the advancement of public education within the state as he shall deem expedient and of interest to the people of the state and especially to those concerned with the operation of the public schools.

Source: R.S. 18:3-11; C. 18:21A-3 (1966, c. 302, s. 3).

Chapter 5. EDUCATION COORDINATING COUNCIL.

18A:5–1. Council created.
18A:5–2. Membership; terms; expenses; no compensation.
18A:5–3. Organization; meetings.
18A:5–4. Duties.

18A:5–1. Council created. A New Jersey education coordinating council is hereby created as an interdepartmental council for the purposes of facilitating the coordination of the educational policies and programs of the state in all fields of public education.

Source: C. 18:1A–1 (1966, c. 303, s. 1).

18A:5–2. Membership; terms; expenses; no compensation. The council shall consist of six members as follows: the president of the state board of education, the chairman of the board of higher education, the commissioner of education, the chancellor of the department of higher education and one citizen member of the state board of education and one citizen member of the board of higher education, to be selected by said boards, respectively, for terms of one year commencing July 1 and until the selection of their successors. Members of the council shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

Source: C. 18:1A–2 (1966, c. 303, s. 2).

18A:5–3. Organization; meetings. The council shall meet at the call of the governor as soon as may be following selection of its members, and shall organize annually by the selection of a chairman from among its membership and a secretary who need not be a member. The council shall fix the date for its annual meeting and the dates for at least three other regular meetings during each year.

Source: C. 18:1A–3 (1966, c. 303, s. 3).

18A:5–4. Duties. It shall be the duty and responsibility of the council to:

a. Review and recommend programs and priorities to best meet the total educational needs of the state;

b. Review budgets of the departments of education and higher education, and make fiscal recommendations to the state board of education and the board of higher education.

Source: C. 18:1A–4 (1966, c. 303, s. 4).

Subtitle 3. GENERAL PROVISIONS RELATING TO EDUCATION.

Chapter 6. PROVISIONS RELATING TO EDUCATIONAL INSTITUTIONS AND SYSTEM.

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Article 1. Public and Private Educational Institutions.

18A:6-1. Corporal punishment of pupils. No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

(1) to quell a disturbance, threatening physical injury to others;

(2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;

(3) for the purpose of self-defense; and

(4) for the protection of persons or property;

and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intendment of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

Source: R.S. 18:19-1, amended 1964, c. 182, s. 1.

18A:6-2. Instruction in accident and fire prevention. Regular courses of instruction in accident prevention and fire prevention shall be given in every public and private school in this state, which instruction shall be adapted to the understanding of the several grades and classes in said schools.

Source: R.S. 18:19-3, amended 1954, c. 81, s. 10; 18:19-5, amended 1954, c. 81, s. 12.

18A:6-3. Courses in constitution of United States. Regular courses of instruction in the constitution of the United States shall be given in all public schools and in all private schools, attendance at which is a sufficient compliance with the compulsory educational requirements of this title in this state, which instruction shall begin not later than the opening of the seventh grade in public schools and of the equivalent grade in private schools and shall continue in the high school course and in courses of state colleges and universities and the educational departments of the state and municipal institutions to the extent to be determined, by rule, by the commissioner or by the chancellor, as the case may be.

Source: R.S. 18:19-7, 18:19-8, 18:19-9; C. 18:21A-41 (1966, c. 302, s. 41).

18A:6-4. Annual report of institutions receiving state aid and private schools. The board, body or person in charge of each educational institution, except an institution of higher education, receiving support or aid from the state and of each private school shall report, annually on or before August 1, to the commissioner, in the manner and form required by him, and the board, body or person in charge of each educational institution of higher learning receiving support or aid from the state shall report in like manner to the chancellor, such statistics relating to the conduct of such institution or school as he may require but no private school shall be required to report concerning its expenses or finances nor shall any such report made by it be published or made public.

Souce: R.S. 18:3-18; C. 18:21A-4 (1966, c. 302, s. 4).

Article 2. Public Educational Institutions and System.

A. Employees; Qualifications; Discrimination; Prohibitions; Leave to Serve in Legislature.

18A:6-5. Inquiry as to religion and religious tests prohibited. No religious test shall be required as a qualification for employment in any capacity in the public school system of the state or any school or educational institution supported wholly or in part with state funds and no inquiry in regard to his religion shall be made of a person proposed for or seeking such employment and any person violating the provisions of this section shall be guilty of a misdemeanor.

Source: R.S. 18:5-48, 18:5-49.

18A:6-6. No sex discrimination. No discrimination based on sex shall be made in the formulation of the scale of wages, compensation, appointment, assignment, promotion, transfer, resignation, dismissal, or other matter pertaining to the employment of teachers in any school, state college, college, university, or other educational institution, in this state, supported in whole or in part by public funds unless it is open to members of one sex only, in which case teachers of that sex may be employed exclusively.

Source: R.S. 18:13-10.

18A:6-7. Oaths of persons employed in teaching capacities. Every person who is a citizen of the United States, and who is employed as a professor, instructor, teacher or in any teaching capacity by or in any school, college, state college, university or other educational institution in this state which is supported in whole or in part by public funds, directly or through contract or otherwise with or on behalf of the state shall, before entering into the discharge of his duties, take and subscribe to the oath of allegiance and office prescribed in section 41:1-3 of the Revised Statutes, and any person who is a citizen or subject of any other country and who is so employed, shall, likewise, take and subscribe to an oath to support the constitution of the United States while so employed, a copy of which oath shall be filed with his said employer.

Source: R.S. 18:13-9.2, amended 1947, c. 148, s. 20; 1949, c. 23, s. 2; 18:13-9.3, amended 1947, c. 148, s. 21.

18A:6-8. Interest of school officers, etc., in sale of textbooks or supplies; royalties. No person officially connected with, or employed in, the public school system of this state or in any state educational institution shall be an agent for, or be in any way pecuniarily or beneficially interested in, or receive any compensation or reward of any kind for, the sale of any textbooks, school apparatus or supplies of any kind, for use in the school district or in the state educational institution with which he is connected or by which he is employed or within the state or part thereof over which his jurisdiction extends, upon penalty of removal from office or of revocation of his certificate to teach or to administer, direct or supervise the teaching, instruction or educational guidance of pupils in the public schools, but the prohibition of this section shall not prevent any person from receiving royalties upon the sale of any textbook of which he is the author.

Source: R.S. 18:12-3, amended 1947, c. 136; 1948, c. 347.

18A:6-8.1. Leave of certain employees to serve in legislature. Any person employed by a public educational system or institution in a position which requires a certificate issued by the state board of examiners, or employed in a professional educational capacity by a school, college, or university which is either tax-supported or operated under contract with the state or on behalf of the state, who is a member of the senate or general assembly of the state of New Jersey, shall be entitled to time off from his duties as such employee, without loss of pay, during the periods of his attendance at regular or special sessions of the legislature and hearings or meetings of any legislative committee or commission.

Source: C. 18:13-23.21 (1966, c. 1).

18A:6-8.2. Leave of certain employees to serve on board of chosen freeholders. Any person employed by a public educational system or institution in a position which requires a certificate issued by the state board of examiners or employed in a professional educational capacity by a school, college, or university which is either tax-supported or operated under contract with the state or on behalf of the state, who is a member of the board of chosen freeholders of any county of this state shall be entitled to time off from his duties as such employee, without pay, during the periods of his attendance at regular or special meetings of the board and of any committee thereof and at such other times as he shall be engaged in performing the necessary functions and duties of his office as a member of the board.

Source: C. 18:13-23.22 (1966, c. 259).

B. Controversies and Disputes.

1. Jurisdiction.

18A:6-9. Jurisdiction over controveries and disputes under school law not relating to higher education and rules of the commissioner and the state board. The commissioner shall have jurisdiction to hear and determine, without cost to the parties, all controversies and disputes arising under the school laws, excepting those governing higher education, or under the rules of the state board or of the commissioner.

Source: R.S. 18:3-14; C. 18:21A-12 (1966, c. 302, s. 12).

2. Tenure Employees Hearing Law.

18A:6-10. Dismissal and reduction in compensation of persons under tenure in public school system. No person shall be dismissed or reduced in compensation,

(a) if he is or shall be under tenure of office, position or employment during good behavior and efficiency in the public school system of the state, or

(b) if he is or shall be under tenure of office, position or employment during good behavior and efficiency as a supervisor, teacher or in any other teaching capacity in the Marie H. Katzenbach school for the deaf, or in any other educational institution conducted under the supervision of the commissioner;

except for inefficiency, incapacity, unbecoming conduct, or other just cause, and then only after a hearing held pursuant to this subarticle, by the commissioner, or a person appointed by him to act in his behalf, after a written charge or charges, of the cause or causes of complaint, shall have been preferred against such person, signed by the person or persons making the same, who may or may not be a member or members of a board of education, and filed and proceeded upon as in this subarticle provided.

Nothing in this section shall prevent the reduction of the number of any such persons holding such offices, positions or employments under the conditions and with the effect provided by law.

Source: C. 18:3-23 (1960, c. 36, s. 1); C. 18:3-24 (1960, c. 136, s. 2); R.S. 18:5-51, amended 1938, c. 78, s. 1; 1938, c. 247; 1960, c. 137, s. 1; 1962, c. 212, s. 2; R.S. 18:13-17, amended 1952, c. 236, s. 13; 1960, c. 137, s. 5; 1962, c. 231, s. 2; C. 18:16-37 (1946, c. 124, s. 1); C. 18:16-38 (1946, c. 124, s. 2).

18A:6-11. Written charges; where made and filed. If written charge is made against any employee of a board of education under tenure during good behavior and efficiency, it shall be filed with the secretary of the board and the board shall determine by majority vote of its full membership whether or not such charge and the evidence in support of such charge would be sufficient, if true in fact, to warrant a dismissal or a reduction in salary, in which event it shall forward such written charge to the commissioner, together with certificate of such determination.

Source: C. 18:3-25 (1960, c. 136, s. 3).

18A:6-12. Notice given to employee of inefficiency. The board shall not forward any charge of inefficiency to the commissioner, unless at least 90 days prior thereto and within the current or preceding school year, the board or the superintendent of schools of the district has given to the employee, against whom such charge is made, written notice of the alleged inefficiency, specifying the nature thereof with such particulars as to furnish the employee an opportunity to correct and overcome the same.

Source: C. 18:3-26 (1960, c. 136, s. 4).

18A:6-13. Dismissal of charge for failure of determination by board. If the board does not make such a determination within 45 days after receipt of the written charge, or within 45 days after the expiration of the time for correction of the inefficiency, if the charge is of inefficiency, the charge shall be deemed to be dismissed and no further proceeding or action shall be taken thereon.

Source: C. 18:3-27 (1960, c. 136, s. 5).

18A:6-14. Suspension upon certification of charge; reinstatement. Upon certification of any charge to the commissioner, the board may suspend the person against whom such charge is made, with or without pay, pending final determination of the same, and if the charge is dismissed, the person shall be reinstated immediately with full pay as of the time of such suspension.

Source: C. 18:3-28 (1960, c. 136, s. 6).

18A:6-15. Service of written charges and certification. The board shall forthwith serve a copy of every written charge which is determined to be sufficient and to be supported by sufficient evidence, if true in fact, to warrant dismissal or a reduction in salary and a copy of its certification

of determination upon the employee against whom charge has been made personally or by certified mail directed to his last known address immediately after such determination and the commissioner shall forthwith serve a copy of every written charge made lawfully to him upon the person against whom the charge has been made in the same manner immediately after receipt thereof.

Source: C. 18:3-25 (1960, c. 136, s. 3).

18A:6-16. Proceedings before commissioner; hearing. Upon receipt of such a charge and certification, or of a charge lawfully made to him, the commissioner or the person appointed to act in his behalf in the proceedings shall examine the charges and certification and if he is of the opinion that they are not sufficient to warrant dismissal or reduction in salary of the person charged, he shall dismiss the same and notify said person accordingly. If, however, he shall determine that such charge is sufficient to warrant dismissal or reduction in salary of the person charged, he shall conduct a hearing thereon within a 60-day period after the receipt thereof upon reasonable notice to all parties in interest.

Source: C. 18:3-29 (1960, c. 136, s. 7).

18A:6-17. Board of education a party; conduct of hearing. In such hearing the board of education shall be a party and the hearing shall be conducted in accordance with the rules and regulations, adopted by the commissioner and approved by the state board.

Source: C. 18:3-29 (1960, c. 136, s. 7).

18A:6-18. Dismissal, reduction and compensation of persons under tenure in schools and institutions of higher education. No professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher or other persons employed in a teaching capacity, in any state college, county college or industrial school who is under tenure during good behavior and efficiency shall be dismissed or subject to reduction of salary, except for inefficiency, incapacity, conduct unbecoming a teacher or other just cause, and after written charge of the cause or causes preferred against him signed by the person or persons making the same and filed with the board of trustees of said college or school and after the charge has been examined into and found true in fact by said board, upon reasonable notice to the person charged, who may be represented by counsel at the hearing and have compulsory process to compel the attendance of witnesses to testify therein, as provided by law.

Source: C. 18:16-38 (1946, c. 124, s. 2).

3. Conduct of Hearings; Compelling Attendance of Witnesses; Determinations.

18A:6-19. Administering of oaths. Any member of any board of education or of any other board or any person, lawfully authorized to hold a hearing, may administer oaths to witnesses in such hearing, in any dispute or controversy under the school laws or the rules of the commissioner or of the state board or of the higher education board or of the chancellor, of which they or he have jurisdiction.

Any person who has been so sworn and who shall testify falsely at such hearing shall be guilty of a misdemeanor.

Source: C 18:16–39 (1946, c. 124, s. 3, amended 1953, c. 18, s. 31); C. 18:21A–12 (1966, c. 302, s. 12).

18A:6–20. The right to testify; counsel; witnesses; compulsory process. Any party to any dispute or controversy or charged therein, may be represented by counsel at any hearing held in or concerning the same and shall have the right to testify, and produce witnesses to testify on his behalf and to cross-examine witnesses produced against him, and to have compulsory process by subpœna to compel the attendance of witnesses to testify and to produce books and documents in such hearing when issued by (a) the president of the board of education, if the hearing is to be held before such board, or (b) the commissioner, if the hearing is to be held before him or on his behalf, or (c) the president and secretary of the state board, if the hearing is to be held before such board or before one of its committees, or (d) the chairman of the board of trustees of the state or county college or industrial school, if the hearing is to be held before such board, or (e) the chairman and secretary of the higher education board, if the hearing is to be held before such board or before one of its committees or before the chancellor.

The subpœna shall be served in the same manner as subpœnas issued out of the superior court are served.

Source: C. 18:16–38 (1946, c. 124, s. 2); C. 18:16–39 (1946, c. 124, s. 3, amended 1953, c. 18, s. 31); C. 18:21A–12 (1966, c. 302, s. 12); C. 18:21A–41 (1966, c. 302, s. 41).

18A:6–21. Proceedings against recalcitrant witnesses. If a person subpœnaed to attend at any such hearing fails to obey the command of the subpœna, without reasonable cause, or if a person in attendance at any such hearing refuses without lawful cause to be examined or to answer a legal or pertinent question, or to exhibit any book, or other document, when ordered to do so by the officer holding such hearing, they or he may apply to any judge of the county or superior court, upon proof by affidavit of the facts, for an order returnable in such time as such judge shall fix, directing such person to show cause before such judge why he should not comply with such subpœna.

Source: New.

18A:6–22. Order to testify, etc. Upon return of the order, the judge shall examine the person under oath and if he shall determine, after giving such person an opportunity to be heard, that he refused without legal cause to comply with such subpœna, he may order such person to comply therewith forthwith, and any failure to obey such order may be punished as a contempt of the court.

Source: New.

18A:6–23. Witness fees and privileges. Every witness shall be entitled to be paid for attendance, or attendance and travel, at any hearing, by the party on whose behalf he is subpœnaed, at the rates prescribed by law for attendance in the courts of this state in a civil action, before being required to testify and shall be entitled to all the privileges of a witness so subpœnaed.

Source: New.

18A:6-24. Hearings before commissioner; presentation of facts. Testimony as to the facts involved in any controversy or dispute in which the commissioner has jurisdiction shall, if so required by the commissioner, be presented by the parties in the form of written statements verified by oath and accompanied by certified copies of all official documents, and the original or verified copies of all other documents, necessary to a full understanding of the questions involved.

Source: R.S. 18:3-14.

18A:6-25. Decisions in controversies and disputes. The determination of any controversy or dispute shall be made within 60 days after the close of the hearing and shall be in the form of a written decision which shall contain findings of facts upon which the determination is based, which shall be filed in the office of the commissioner and a copy of the decision shall be served upon the parties to the dispute, pursuant to rules made by the state board, and any such decision shall be binding unless and until reversed upon appeal.

Source: R.S. 18:3-14; C. 18:3-29 (1960, c. 136, s. 7).

4. Rules Governing Controversies and Disputes.

18A:6-26. Rules to be made by state board and the board of higher education. The state board and the commissioner with the approval of the state board and the board of higher education and the chancellor with the approval of the board of higher education and any other board or body having jurisdiction over the prosecution and hearing of controversies and disputes under the school laws or any rules made thereunder shall have power to make rules governing the prosecution and hearing of controversies and disputes, under the school laws and the rules governing the particular prosecution or dispute when exercising original or appellate jurisdiction therein.

Source: New.

5. Appeals.

18A:6-27. Appeals. Any party aggrieved by any determination of the commissioner may appeal from his determination to the state board.

Any party aggrieved by any determination of a board of trustees of any state college, county college or industrial school may appeal from such determination to the chancellor.

Any party aggrieved by any determination of the chancellor may appeal from such determination to the board of higher education.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:3-14; 18:3-15, amended 1944, c. 168; C. 18:21A-12 (1966, c. 302, s. 12); C. 18:21A-20 (1966, c. 302, s. 20).

18A:6-28. Appeals; how taken. An appeal to the state board or the board of higher education shall be taken in the manner prescribed by rules of the respective board, within 30 days after the decision appealed from is filed, and such board shall have power to hear and determine any such appeal.

Source: R.S. 18:3-15, amended 1944, c. 168; C. 18:21A-12 (1966, c. 302, s. 12).

18A:6-29. Conduct of hearing on appeal to the state board or the board of higher education. The state board or the board of higher education may refer the hearing of any appeal, taken to it in the manner pursuant to law, to a committee of not less than three of its members, which committee shall hear the same and report thereon, recommending its conclusions, to the board and the board shall thereupon decide the appeal by resolution in open meeting.

Source: R.S. 18:3-15, amended 1944, c. 168; C. 18:21A-12 (1966, c. 302, s. 12).

C. Consequences of Illegal Dismissal or Suspension.

18A:6-30. Compensation for persons illegally dismissed or suspended. Any person holding office, position or employment in the public school system of the state, who shall be illegally dismissed or suspended therefrom, shall be entitled to compensation for the period covered by the illegal dismissal or suspension, if such dismissal or suspension shall be finally determined to have been without good cause, upon making written application therefor with the board or body by whom he was employed, within 30 days after such determination.

Source: C. 18:5-49.1 (1948, c. 241).

18A:6-30.1. Teacher wrongfully dismissed; payment for services. When the dismissal of any teaching staff member before the expiration of his contract with the board of education shall be decided, upon appeal, to have been without good cause, he shall be entitled to compensation for the full term of the contract, but it shall be optional with the board whether or not he shall continue to perform his duties for the unexpired term of the contract.

Source: R.S. 18:13-11, amended 1954, c. 80, s. 9.

D. Civil Service and Other Rights Saved.

18A:6-31. Tenure and civil service rights saved. Nothing contained in this title shall be construed to affect the tenure or civil service rights of any person presently existing, or hereafter obtained, under this or any other law.

Source: C. 18:3-30 (1960, c. 136, s. 8); R.S. 18:13-1, amended 1947, c. 144; 1952, c. 236, s. 10.

18A:6-31.1. Tenure to continue. Whenever any district is divided into two or more districts those persons having tenure, in office, position or employment in such district, shall continue to have tenure in the district which comprises the territory in which they were serving at the time of the division; the persons having tenure in office, position or employment in such district whose services were not exclusively confined to the territory comprising any one of the districts as so divided, at the time of the division, shall be employed, if their services are so required, in the district having the highest number of pupils in average daily attendance during the second academic year preceding the academic year in which the new district is created as certified by the department and those persons having tenure in office, position or employment in the original district who are not employed by the board of education of either district shall retain the seniority and tenure rights acquired in the original district and shall be

employed in accordance therewith as vacancies occur in either the original district or the new district before any other persons are so employed in similar offices, positions or employments.

Source: C. 18:5-50.17 (1952, c. 160, s. 1).

18A:6-31.2. Tenure, seniority and pension rights continued. The tenure, seniority and pension rights of all persons, who had office, position or employment in the original district at the time of said division and who are employed in either district after such division shall continue with the same force and effect as though such division had not occurred and any future continuation of service in either district shall be deemed to be a continuation of the service rendered prior to said division and any period of service rendered in the orignial district shall be credited toward the acquisition of tenure, seniority and pension rights in the original or new district, as the case may be.

Source: C. 18:5-50.18 (1952, c. 160, s. 2).

18A:6-32. Pension and tenure rights in American Red Cross service saved. L. 1943, c. 187, p. 519, entitled "An act concerning persons holding certain offices, positions or employments under the government of any public school district or county vocational school system of this state or in any public educational institution under the control of the commissioner of education or the state board of education who, after July 1, 1940, have entered or hereafter, in time of war or emergency, shall enter the full-time service of the American Red Cross, and to provide for and protect their rights to employment and tenure in such offices, positions and employments and the rights, privileges and benefits of certain of them in any pension, retirement or annuity fund of which they were or are members in good standing at the time of entering such service," filed April 13, 1943, is saved from repeal. [This act saves pension and tenure rights to certain persons entering full-time service of the American Red Cross in time of war or an emergency.]

Source: C. 18:5-50.14 (1943, c. 187, s. 1); C. 18:5-50.15 (1943, c. 187, s. 2); C. 18:5-50.16 (1943, c. 187, s. 3).

18A:6-33. Tenure, pension and other employment rights in military and naval service saved. L. 1944, c. 226, p. 765, entitled, "An act concerning persons holding certain offices, positions and employments in the public school system of this state who, after July 1, 1940, have entered or hereafter shall enter the active military or naval service of the United States or of this state, in time of war or emergency, or for or during any period of training or pursuant to or in connection with the operation of any system of selective service or who, after July 1, 1940, have entered or hereafter, in time of war or emergency, shall enter the active service of the women's army corps, the women's reserve of the naval reserve or any similar organization authorized by the United States to serve with the army or navy, and to provide for and protect their rights to employment, re-employment and tenure in such offices, positions and employments and the rights, privileges and benefits of certain of them in any pension, retirement or annuity fund of which they were or are members in good standing at the time of entering such service, and repealing 'An act concerning the holders of offices, positions and employments, in the public

schools of this state, concerning reemployment, acquisition of tenure and protecting pension rights when the holders of such offices, positions or employments enter the military or naval services of the United States, and supplementing Title 18 of the Revised Statutes,' approved May 19, 1941 (P. L. 1941, c. 134), as said title was amended by chapter 119 of the Laws of 1942 (P. L. 1942, c. 119)," approved April 21, 1944 (P. L. 1944, c. 226), as said title was amended by chapter 91 of the Laws of 1951, and L. 1951, c. 91, is saved from repeal. [This act provides for leave of absence to join military or naval service of the United States after July 1, 1940 and saves their tenure, pension and other employment rights.]

Source: C. 18:4A–1 (1944, c. 226, s. 1); C. 18:4A–2 (1944, c. 226, s. 2); C. 18:4A–3 (1944, c. 226, s. 3, amended 1951, c. 91, s. 2); C. 18:4A–3.1 (1951, c. 91, s. 3); C. 18:4A–4 (1944, c. 226, s. 4).

Article 3. State Board of Examiners.

18A:6–34. State board of examiners; membership. There shall be a state board of examiners, consisting of the commissioner ex officio and one assistant commissioner of education, two presidents of state colleges, one county superintendent, one superintendent of schools of a type I district, one superintendent of a type II district, one high school principal, one high school teacher, one elementary school principal, one elementary school teacher and one librarian employed by the state or by one of its political subdivisions, all of whom shall be appointed by the commissioner with the approval of the state board.

Source: R.S. 18:13–1, amended 1947, c. 144; 1952, c. 236, s. 10.

18A:6–35. Terms of members; vacancies. The appointed members of the board of examiners shall hold office for two years from September 15 of the year in which they are appointed and the members in office, on the effective date of this title, shall continue in office until the expiration of their respective terms. Vacancies in the board shall be filled for the unexpired term only.

Source: R.S. 18:13–1, amended 1947, c. 144; 1952, c. 236, s. 10.

18A:6–36. Chairman; organization. The commissioner or an assistant commissioner designated by him, shall be the chairman of the board of examiners and such board shall organize prior to October 1 of each year.

Source: R.S. 18:13–1, amended 1947, c. 144; 1952, c. 236, s. 10.

18A:6–37. Service without payment; reimbursement for expenses. All members of the board shall serve without compensation but all such members other than the commissioner and the assistant commissioner of education shall be reimbursed for necessary expenses for attendance at its meetings.

Source: R.S. 18:13–1, amended 1947, c. 144; 1952, c. 236, s. 10.

18A:6–38. Powers and duties of the board; issuance and revocation of certificates; rules and regulations. The board shall issue appropriate certificates to teach or to administer, direct or supervise the teaching, instruction or educational guidance of, or to render or administer, direct or supervise the rendering of nursing service to, pupils in public schools operated by boards of education and such other certificates as it shall be

authorized to issue by law based upon certified scholastic records or upon examinations, or both, and may revoke the same under rules and regulations prescribed by the state board. A fee of not less than $5.00 shall be charged for the issuance of each such certificate as prescribed by such rules and regulations.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:13-1, amended 1947, c. 144; 1952, c. 236, s. 10; C. 18:14-56.1 (1947, c. 133, s. 1); C. 18:14-56.2 (1947, c. 133, s. 2).

18A:6-39. Issuance of certificates to noncitizens. The board may, with the approval of the commissioner, issue a teacher's certificate to any citizen of any other country, who has declared his intention of becoming a United States citizen and who is otherwise qualified but any such certificate shall be void, and shall be canceled by the board, if the holder thereof shall not become a United States citizen within five years of the date of its issuance, and it may be revoked within said period by the board, if the board is satisfied that the holder thereof has abandoned his efforts to become a United States citizen or has become disqualified for such citizenship but no teacher certified, pursuant to this section, shall acquire tenure unless and until United States citizenship shall have been granted to him.

Source: C. 18:13-4.1 (1956, c. 158, s. 1); C. 18:13-4.2 (1956, c. 158, s. 2); C. 18:13-4.3 (1956, c. 158, s. 3).

Article 4. Certificates of Education.

18A:6-40. "Qualifying academic certificate" defined. For the purposes of this article, the term "qualifying academic certificate" shall be deemed to be any certificate issued by the commissioner certifying that the person to whom the same is issued has had the preliminary academic education required by the rules of the supreme court or by any law of this state at the time the certificate is issued for admission to an examination for license to practice law, medicine, dentistry, chiropody, pharmacy, or for license as a certified public accountant, and for any other profession or vocation for which a certificate of academic education, issued by the commissioner, is now or may hereafter be required by law or by the rules of the supreme court or certifying that the person to whom the same is issued has had the education required for high school graduation in this state, as the case may be.

Source: R.S. 18:21-1, amended 1946, c. 243.

18A:6-41. Application for certificate; fee; examination. Every person desiring a "qualifying academic certificate" shall make application therefor in the manner and form prescribed by the commissioner and shall, before the certificate is issued, pay to the commissioner the sum of $5.00. If the credentials and evidence submitted by an applicant are not sufficient to entitle him to such certificate without an examination in one or more academic subjects the applicant shall, before he begins his examination, pay to the commissioner an examination fee of $5.00, and for each subsequent examination and prior thereto such applicant shall pay to the commissioner a further examination fee of $3.00.

Source: R.S. 18:21-2.

18A:6-42. Accounting; deposit of moneys. The commissioner shall keep a true and correct account of all moneys received by him under the provisions of this article, and between the first and fifth days of each month deposit with the state treasurer all such moneys received by him during the then preceding calendar month.

Source: R.S. 18:21-3, amended 1953, c. 225.

18A:6-43. Rules and regulations. The commissioner shall make and prescribe rules and regulations necessary to carry into effect the provisions of this article.

Source: R.S. 18:21-4.

18A:6-44. Right of disabled veterans to certificates. When by law or by the rules and regulations of the state board of public accountants, the state board of architects, the board of bar examiners, the supreme court or the board of nurses, applicants are required to possess preliminary qualifications according to standards prescribed by any of such statutes, rules and regulations or by the commissioner, a citizen of this state who has served in the military or naval forces of the United States in a war, has been wounded or disabled in line of duty, and has completed any of the vocational institutional courses in a college or school authorized and prescribed by the federal government, shall, upon filing with the commissioner a certificate certifying that such citizen has completed any of such courses, obtain from the commissioner a certificate certifying that such person is qualified for the study of any of the professions named in this section. Such certificate of the commissioner shall be the equivalent of the preliminary certificates or the requisite academic counts prescribed by the statutes, rules and regulations or by the commissioner.

Source: R.S. 18:21-5.

Article 5. State Federation of Boards of Education.

18A:6-45. State federation of district boards of education established. There is established a body corporate and politic, with corporate succession, to be known as the "state federation of district boards of education." All boards of education of the various school districts in this state shall be members of the state federation.

Source: R.S. 18:9-1, amended 1963, c. 11, s. 1.

18A:6-46. Delegates to state federation. Each of the district boards of education shall select annually one of its members as a delegate to the state federation.

Source: R.S. 18:9-2.

18A:6-47. Powers and duties. The state federation may investigate such subjects relating to education in its various branches as it may think proper, and it shall encourage and aid all movements for the improvement of the educational affairs of this state.

Source: R.S. 18:9-3.

18A:6-48. Officers. The state federation may select such officers as may be necessary for the transaction of its business.

Source: R.S. 18:9-4.

18A:6-49. Perpetual succession; powers. It shall have perpetual succession and shall have the following powers:

a. To make, amend and repeal rules, regulations and bylaws for its own government and guidance not inconsistent with this title;

b. To adopt an official seal and alter the same at pleasure;

c. To maintain an office at such place or places within the state as it may designate;

d. To sue and be sued in its own name;

e. To borrow money, to issue bonds or notes therefor, and to secure the same by pledge or mortgage of its real and personal property;

f. To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this article. All such property shall be exempt from taxation under chapter 4 of Title 54, Taxation, of the Revised Statutes.

Source: R.S. 18:9-5, amended 1963, c. 11, s. 2.

18A:6-50. Expenses of delegates; dues. For the purpose of defraying the necessary expenses of the state federation, the various district boards shall pay the necessary expenses incurred by its delegates, and shall appropriate annually such sums for dues as may be assessed by the federation at any delegates meeting, which assessment of dues shall be made only upon two-thirds vote of the delegates present at such delegates meeting, after notice of the taking of such vote shall have been given to each district board in writing at least 60 days before such delegates meeting. The aforesaid dues shall be assessed upon a graduated scale according to the size of the school district, but in no case shall the dues for any one district exceed the sum of $600.00 for any one year. Dues shall be payable by the custodian of school moneys of the school district to the treasurer of the state federation.

Source: R.S. 18:9-6, amended 1952, c. 15; 1961, c. 145; 1967, c. 193.

Subtitle 4. COUNTY SUPERINTENDENTS OF SCHOOLS.

Chapter 7. COUNTY SUPERINTENDENTS OF SCHOOLS.

18A:7–1. Appointment; qualifications; term.
18A:7–2. Disability or vacancy; assistant commissioner to act.
18A:7–3. Salary; expenses.
18A:7–4. Withholding salaries and expenses.
18A:7–5. Full-time officer; general jurisdiction.
18A:7–6. Office; school records.
18A:7–7. Clerical assistants; selection; salaries.
18A:7–8. General powers and duties.
18A:7–9. Administration of oaths without charge.
18A:7–10. Budget requests; appropriations.

18A:7–1. Appointment; qualifications; term. The commissioner shall appoint for each county, with the approval of the state board, a suitable person, who holds an appropriate certificate issued pursuant to this title and who has been a resident of the state for at least three years immediately preceding his appointment, to be the county superintendent, who shall serve, unless sooner removed pursuant to law, for a term of three years and thereafter until his successor is appointed and shall qualify.

Source: R.S. 18:4–1, amended 1947, c. 148, s. 2.

18A:7–2. Disability or vacancy; assistant commissioner to act. The commissioner may designate any one of his assistant commissioners to exercise the powers and perform the duties of the county superintendent without additional compensation:

a. During any period when a county superintendent shall be unable to perform his duties by reason of illness, physical disability or for any other cause; and

b. During any period when the office of county superintendent shall be vacant in any county by reason of the death or resignation of the incumbent or for any other cause.

Source: C. 18:4–1.1 (1946, c. 265, s. 1); C. 18:4–1.2 (1946, c. 265, s. 2).

18A:7–3. Salary; expenses. A county superintendent of schools shall receive such salary as shall be approved by the commissioner and the president of the civil service commission subject to availability of funds.

Each county superintendent shall receive, in addition to his salary, the traveling and other expenses incurred by him in conducting his office and performing his official duties, which shall be paid by the county treasurer on the orders of the commissioner, upon his furnishing to the commissioner an itemized statement thereof certified under his oath, together with proper vouchers, and no such order shall be issued until such statement and vouchers are so furnished.

Source: R.S. 18:4–2, amended 1944, c. 177; 1962, c. 65, s. 3; 18:4–4, amended 1946, c. 29; 1966, c. 97.

18A:7-4. Withholding salaries and expenses. The commissioner shall, subject to appeal to the state board, cause to be withheld the orders for the payment of the salary and expenses of any county superintendent, who shall fail to perform faithfully all of the duties imposed upon him by this chapter or by the rules of the state board, until he shall have performed all of such duties.

Source: R.S. 18:4-3.

18A:7-5. Full-time officer; general jurisdiction. Each county superintendent shall devote his entire time to the duties of his office, and he shall have general supervision of all of the public schools of the districts of the county except those city school districts in which there shall have been appointed superintendents of schools.

Source: R.S. 18:4-1, amended 1947, c. 148, s. 2; 18:4-7, amended 1953, c. 409, s. 1; 18:4-10.

18A:7-6. Office; school records. The county superintendent shall maintain an office at the county seat, which shall be open to the public as are other county offices and which shall be supplied to him, and shall be suitably furnished and equipped, by the board of chosen freeholders of the county, and the school records of the county for the use of the county and state departments of education, the United States office of education and the United States commissioner of education shall be kept at such office.

Source: R.S. 18:4-5.

18A:7-7. Clerical assistants; selection; salaries. The county superintendent shall appoint such clerical assistants for his office as he shall deem necessary and fix their compensation within the limits of available appropriations made therefor. In counties governed by Title 11, Civil Service, of the Revised Statutes, such appointments shall be made and compensation shall be fixed pursuant to the provisions thereof, and in all other counties the compensation of such clerical assistants shall be fixed on a basis commensurate with that of other county employees performing similar duties.

Source: R.S. 18:4-6.

18A:7-8. General powers and duties. Each county superintendent shall:

a. Visit and examine from time to time all of the schools under his general supervision and exercise general supervision over them in accordance with the rules prescribed from time to time by the state board;

b. Keep himself informed as to the management, methods of instruction and discipline and the courses of study and textbooks in use, the condition of the school libraries, and the condition of the real and personal property, particularly in respect to the construction, heating, ventilation and lighting of school buildings, in the local districts under his general suspervision, and make recommendations in connection therewith;

c. Advise with and counsel the boards of education of the local districts under his general supervision and of any other district of the county when so requested, in relation to the performance of their duties;

d. Render a report to the commissioner annually on or before September 1, in the manner and form prescribed by him, of such matters relating to the schools under his jurisdiction as the commissioner shall require; and

e. Perform such other duties as shall be prescribed by law.

Source: R.S. 18:4–7, amended 1953, c. 409, s. 1; 18:4–8.

18A:7–9. Administration of oaths without charge. The county superintendent may, without charge, administer oaths.

Source: R.S. 18:4–7, amended 1953, c. 409, s. 1.

18A:7–10. Budget requests; appropriations. Each county superintendent shall, on or before December 1 of each year, furnish to the board of chosen freeholders of the county a statement of the amounts estimated to be necessary to be appropriated for the ensuing year for:

a. the compensation of his clerical assistants;

b. the supplying of furniture, supplies and equipment for his office;

c. printing; and

d. traveling and other expenses incident to the conduct and the performance of his official duties of his office incurred by him.

The board of chosen freeholders shall fix and determine the amounts necessary to be appropriated for such purposes and shall appropriate the same accordingly.

Source: R.S. 18:4–6.

Subtitle 5. SCHOOL DISTRICTS.

Part 1. COMPOSITION AND CHANGE OF COMPOSITION.

Chapter 8. LOCAL SCHOOL DISTRICTS.

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18A:8–39. Continuation of certain consolidated school districts saved.
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18A:8–41. Repealers as to consolidated school districts saved.

Article 6. Regional School Districts.

18A:8–42. Composition of regional school districts.

Article 1. Separate Municipalities.

18A:8–1. Municipalities as separate school districts; exceptions. Each municipality shall be a separate local school district except as otherwise provided in this chapter and except that each incorporated village shall remain a part of the district in which it is situated at the time of its incorporation.

Source: C. 18:5–1.1 (1953, c. 417, s. 1).

Article 2. Municipalities Created from Parts of Municipalities.

18A:8-2. Certain new municipalities as type II districts. Whenever a new municipality other than a city is created from parts of two or more municipalities, such municipality shall be a separate type II school district from the time of appointment of the board of education for the new school district.

Source: C. 18:5-1.1 (1953, c. 417, s. 1).

18A:8-3. First board of education; first elected board. The first board of education of the new school district shall consist of nine persons, who are legal residents of the district possessing the qualifications requisite for board membership in other school districts, except the two-year residence requirement, which shall not be effective until the fourth annual school election of the newly created district. They shall be appointed by the county superintendent as soon after the creation of the new municipality as possible, and they shall continue in office until the qualification in office of their successors, who shall be elected at the ensuing annual school election for terms to be so arranged by the appointed board that, as soon as possible, the term of each member of the board shall be three years and the terms of three members shall expire in each year.

Source: C. 18:5-1.1 (1953, c. 417, s. 1).

Article 3. Effect of Annexation, or Formation of New Municipality.

18A:8-3.1. Assumption of indebtedness for money or property upon annexation. When a municipality or a part thereof is annexed to another municipality and there is within the limits of the municipality or part thereof which is annexed, a schoolhouse or property formerly belonging to the board of education of the school district situated in such municipality, any indebtedness of such board of education for the erection, purchase, furnishing or repair of such schoolhouse or property shall be assumed by and become the obligation of the board of education of the school district of the annexing municipality.

Source: R.S. 18:5-11.

18A:8-3.2. Repayment of indebtedness paid by original district notwithstanding its assumption. When the board of education of a school district situated in any municipality pays any portion of an indebtedness which existed at the time of the formation of a new municipality or part thereof, or at the time of the annexation of such municipality to another and which was assumed by and became the obligation of the board of education of the school district situated in the new municipality, the amount of such payment with interest shall be repaid by the last mentioned board.

Source: R.S. 18:5-12.

18A:8-3.3. Apportionment of school tax on annexation; action by commissioner. When a municipality or part of a municipality has heretofore been annexed or shall be hereafter annexed to another municipality or municipalities and the school taxes for the school year during which such annexation was or shall be effected have been or shall have been levied

and collected by the municipality or municipalities as constituted prior to such annexation and paid to the board of education in such municipality or regional board of education comprising in part said municipality, the school tax for the said school year shall be apportioned by the commissioner after a hearing upon notice to the municipalities and boards of education to be affected, and, in making any such apportionment, the commissioner shall take into consideration the number of pupils, the tax ratables and the effect of the transfer resulting from such annexation upon the educational program of the school district. The commissioner shall direct the board of education or the regional board of education, as the case may be, of the municipality from which the said transfer was made to pay to the board of education or regional board of education of the municipality or municipalities to which the annexation was made, such sums as he shall determine to be payable under this section. Any board of education or regional board of education aggrieved by any such order of the commissioner shall be entitled to have such order and the determination of the commissioner, upon which any such order shall be made, reviewed by the state board, upon an appeal to it, and upon any such review, the state board may affirm, reverse or modify the order and determination appealed from and may make any determination and order that should have been made by the commissioner.

Source: C. 18:5-13.1 (1956, c. 204, s. 1).

Article 4. Municipalities Divided into Two or More Municipalities.

18A:8-4. Single school district in certain divided municipalities. Whenever a municipality is divided into two or more municipalities, the school district shall continue as a single school district unless and until the same shall be divided as provided in this article.

Source: C. 18:5-1.2 (1953, c. 417, s. 2).

18A:8-5. Application for investigation of advisability of separate school districts in divided municipalities. The governing body of any such municipality may, by resolution, apply to the county superintendent to make an investigation as to the advisability of constituting that municipality a separate school district.

Source: C. 18:5-1.3 (1953, c. 417, s. 3).

18A:8-6. Report of county superintendent. The county superintendent shall, within 30 days after such request, file with the governing bodies of all of such municipalities and the board of education of the school district a report containing such financial, educational and other information as he may deem necessary to enable said governing bodies and board of education to form an intelligent judgment as to the advisability of the proposed separation and the effect thereof upon the educational and financial condition of the new district and the remaining district and setting forth the amount of indebtedness, if any, to be assumed by the new and remaining districts calculated as hereinafter provided.

Source: C. 18:5-1.3 (1953, c. 417, s. 3).

18A:8-7. Amount of indebtedness to be assumed by proposed new district. The amount of indebtedness so to be assumed shall be calculated

on the basis of the proportion which the original cost of the buildings, grounds, furnishings, equipment, and additions thereto, situate in the proposed new district, bears to the original cost of the buildings, grounds, furnishings, equipment and additions thereto, situated in the original district. Said original cost shall be determined according to rules prescribed by the commissioner with the approval of the state board and in accordance with recognized accounting practices.

Source: C. 18:5–1.12 (1953, c. 417, s. 12).

18A:8–8. Calculation of amount of indebtedness to be assumed. In calculating the amount of indebtedness to be assumed, any indebtedness authorized for the purchase or improvement of land or the erection, alteration, repair or furnishing of schoolhouses shall be included, whether incurred or not, and shall be treated as if the bonds or notes authorized to be issued to provide funds therefor had actually been issued, and the original cost of the acquisition or improvement so to be made shall be deemed to be the amount of indebtedness authorized for the making thereof.

Source: C. 18:5–1.12 (1953, c. 417, s. 12).

18A:8–9. Petition by municipality for permission to submit question of separate school district. The governing body of the applying municipality may, within 30 days after the filing of the report, petition the commissioner for permission to submit to the legal voters of the municipality the question whether or not the municipality shall be constituted a separate school district, and in such petition may request any specific reduction or increase in the amount of indebtedness to be assumed. Proof of the service of a copy of the petition upon each municipality in the original school district, the board of education thereof, and the county superintendent, prior to the filing of the petition, shall accompany the petition.

Source: C. 18:5–1.4 (1953, c. 417, s. 4); C. 18:5–1.5 (1953, c. 417, s. 5).

18A:8–10. Answer to petition by other municipalities and board of education. The governing body of any other municipality in the school district and the board of education thereof shall, within 15 days after service of a copy of the petition upon it, file an answer thereto with the commissioner and serve a copy of such answer upon every other municipality included in the original district, the board of education thereof and the county superintendent.

Source: C. 18:5–1.5 (1953, c. 417, s. 5).

18A:8–11. Contents of answer to petition. In such answer said municipality may:

a. Consent to the granting of the application; or

b. Oppose the same because, if the same be granted—

1. An excessive debt burden will be imposed upon the remaining district,

2. An efficient school system cannot be maintained in the remaining district without excessive costs,

3. Insufficient pupils will be left in the remaining district to maintain a properly graded school system, or

4. Of any other reason, which it may deem to be sufficient; or

c. Request that if the petition be granted, the amount of debt which the remaining district would be required to assume, calculated as hereinbefore provided, be reduced for the reason that—

1. Such amount of indebtedness, together with all other indebtedness of the municipality would be excessive,

2. The amount of expenditure for debt service which would be required would be so great that sufficient funds would not be available for current expenses without excessive taxation, or

3. Such amount of indebtedness is inequitable in relation to the value of the property to be acquired by the remaining district and would materially impair the credit of the municipality or such districts and the ability to pay punctually the principal and interest of their debt and to supply such essential educational facilities and public improvements and services as might reasonably be anticipated would be required of them.

Source: C. 18:5-1.5 (1953, c. 417, s. 5).

18A:8-12. Consideration of and hearing upon petition and answers by board of review. Within 15 days after the filing of the answers to the petition, the commissioner of education shall submit the petition and answers to a board of review consisting of the commissioner of education, as chairman, the commissioner of conservation and economic development and the director of the division of local government in the department of the treasury, which shall hold a hearing thereon at the request of any interested party and shall consider the effect of the proposed separation upon the educational and financial condition of both the new and remaining districts on the basis of the allegations of the petition and answers and of any other factors which might have been alleged in the answers as hereinbefore provided.

Source: C. 18:5-1.6 (1953, c. 417, s. 6).

18A:8-13. Grant or denial of petition by board of review. Within 60 days after the receipt of the petition and answers, the board of review shall, by a recorded roll call majority vote of the full membership of such board, grant the application and determine the amount of indebtedness, if any, to be assumed by the remaining and new districts, respectively, or deny the same.

Source: C. 18:5-1.6 (1953, c. 417, s. 6).

18A:8-14. Submission of question at special election. If the application be granted, the county superintendent shall, within 30 days thereafter, fix a day, between the first day of April next ensuing and the first day of December next occurring after said first day of April, and a time on said day for holding a special school election, at which time the question whether or not the municipality shall be constituted a separate school district shall be submitted to the legal voters of the municipality.

Source: C. 18:5-1.7 (1953, c. 417, s. 7).

18A:8-15. Notices, advertisements and conduct of election; certification of results. The amount of indebtedness to be assumed by the proposed new district and the effect of such indebtedness upon the borrowing margin of the municipality and the proposed new district shall be stated in the notices and advertisements of the special school election and in the ballots to be used therein, and said election shall be conducted and the results thereof determined in the manner prescribed by law for special school elections in type II districts. The result shall be certified within five days after the holding of the election to the county superintendent and the board of education.

Source: C. 18:5-1.7 (1953, c. 417, s. 7).

18A:8-16. Effective date of creation of new district after adoption of question. If the question is adopted at said election, the municipality initiating the proceeding shall be created a separate type II school district upon the beginning of the next ensuing school year.

Source: C. 18:5-1.8 (1953, c. 417, s. 8).

18A:8-17. Name of new and remaining districts. The name of the new district shall be the board of education of the (name of municipality) in the county of ..... and the name of the remaining district shall be the board of education (name of municipality) in the county of .....

Source: C. 18:5-1.11 (1953, c. 417, s. 11).

18A:8-17.1. Board may adopt new title for district. In any district composed of two or more municipalities one at least of which has changed its name, the board of education, by resolution passed by a two-thirds vote of its members and with the approval of the commissioner, may adopt a new corporate title for the school district. Such title shall contain the names of at least two of the municipalities in the district but shall not contain the type of the municipalities such as township, town or borough.

Source: R.S. 18:5-20.

18A:8-18. Boards of education of original district and new and remaining districts. The members of the board of education of the original district shall continue in office as members of such district until the creation of the new district and the members of said board who reside in the new district shall also be members of the first board of education of the new district and those who do not reside therein shall also be members of the first board of education of the remaining district. They shall continue to serve as members of the board of education of the new and remaining districts respectively until the expiration of the respective terms for which they were elected as members of the board of education of the original district. Such number of additional members of the first board of education of the new district and of the remaining district as shall be required to complete full membership thereof, shall be appointed by the county superintendent and their successors shall be elected at school elections of the districts, which shall be held at the same time as that on which the annual election of the original district would have been held in the next school year. The elected members of said boards shall take office upon the first

Monday succeeding their election and the appointed members shall continue in office until said date.

Source: C. 18:5–1.10 (1953, c. 417, s. 10).

18A:8–19. Date of constitution of first boards of education of new and remaining districts. The first boards of education of the new district and the remaining district shall be constituted as of the tenth day following the election.

Source: New.

18A:8–20. Powers and duties of first boards of education of new and remaining districts. The first board of education of the new district and the first board of education of the remaining district shall each prepare and submit, to the voters of the district, as required by law, the first budgets for said district and they shall make proper provision for conducting an election for the members of the board of education of the district to replace the appointed members of the board, for such terms that three members of the board of the district, as thereafter constituted, will be elected each year, at an annual election to be held in the district at the same time as that on which the next annual election for the original district would have been held and at appropriate places within the territorial limits of the district to be fixed by said board.

Source: New.

18A:8–21. Boards of education of new and remaining districts with elected members; powers, etc. The board of education of the new district, and the board of education of the remaining district, to which members are first elected shall not take charge and control of the schools of their respective districts until the beginning of the next school year, but each may in the meantime exercise any powers which may be necessary for the proper organization and functioning of the public schools of the district when the same shall be created, and any expenses incurred in connection therewith may be paid from appropriations of said districts, when created, if items therefor are included in the budgets of the district, notwithstanding that said expenses were incurred prior to the creation of said district, and they may call special elections for the purchase of land and the construction, alteration or repair of school buildings, and for the making of special appropriations or the issuance of bonds for any lawful purpose.

Source: C. 18:5–1.9 (1953, c. 417, s. 9).

18A:8–22. Title to school grounds, buildings and equipment; assumption and payment of indebtedness. Upon the creation of the new district, title to all school grounds and buildings and the furnishings and equipment thereof situate therein shall vest in the board of education of that district, and such board shall thereupon assume such amount of the indebtedness of the original school district as shall have been determined upon by the board of review and shall pay to the board of the remaining district, at least five days before the same shall become due, the amount of the principal and interest of the indebtedness so assumed, and said principal and interest shall be paid by the board of the remaining district as and when the same becomes due and payable.

Source: C. 18:5–1.12 (1953, c. 417, s. 12); C. 18:5–1.13 (1953, c. 417, s. 13).

18A:8-23. Books, documents and records of original district. Upon the creation of the new district, all books, documents and records of the original school district shall be turned over to the board of education of the new district or the board of education of the remaining district, whichever district has the larger or largest amount of ratables as ascertained from the last published report of the director of the division of taxation in the department of the treasury,

Source: C. 18:5-1.9 (1953, c. 417, s. 9).

18A:8-24. Division of assets and liabilities of original district. The county superintendent in a written report filed by him at the end of the school year preceding that in which the new district is created shall make a division of the assets, except school buildings, grounds, furnishings and equipment, and of the liabilities, other than the bonded indebtedness of the original district, between the new district and the remaining district on the basis of the amount of the ratables in the respective districts on which the last school tax was levied, and in determining the amount of assets to be divided, he shall take into account the present value of the school books, supplies, fuel, motor vehicles and all personal property other than furnishings and equipment. In the case of any vehicle used for the transportation of school children, the original cost of the vehicle, less any state aid appropriated therefor, shall be deemed to be the present value.

Source: C. 18:5-1.14 (1953, c. 417, s. 14); C. 18:5-1.15 (1953, c. 417, s. 15).

Article 5. Consolidated Districts.

18A:8-25. Application of chapter. The provisions of this chapter shall be applicable to all consolidated local school districts heretofore created.

Source: C. 18:5-17.16 (1947, c. 86, s. 16).

18A:8-26. Name of consolidated district board. The board of education of each consolidated district shall be called "The board of education of the ..... of ..... (here insert the name of the municipality included within the consolidated district which has the larger or largest amount of taxable property as ascertained from the last published report of the director of taxation in the department of the treasury,) in the county of ....."

Source: C. 18:5-17.4 (1947, c. 86, s. 4).

18A:8-27. Adoption of different name for board. If a shorter or different name for the board of education of a consolidated district, heretofore created, appears to be desirable to the board, another title may be adopted by it with the approval of the state board, which approved title shall be certified by the state board under the hand of its secretary to the secretary of state, and the new title so approved and certified shall become the corporate title of the district.

Source: C. 18:5-17.5 (1947, c. 86, s. 5).

18A:8-28. Powers, duties and succession to property and obligations by board. The board of education of each consolidated district shall be a body corporate and shall have all the powers and duties and be subject to the same restrictions as a board of education in a type II school district,

except as otherwise provided in this chapter, and from and after the effective date of consolidation, all of the property and assets of the consolidating districts and of any regional school district or districts dissolved by reason of such consolidation shall vest in the board of education of the consolidated district and the board of the consolidated district shall be subject to the contracts, debts, and other obligations of the consolidating districts and of such regional district or districts.

Source: C. 18:5–17.6 (1947, c. 86, s. 6).

18A:8–29. Apportionment of membership of board. The membership of the board shall, except as otherwise provided by this chapter, be apportioned by the county superintendent or county superintendents among the several consolidating school districts as nearly as may be according to the number of their inhabitants, as shown by the last published federal census report, but each district shall have at least one member. The apportionment of membership shall continue until changed by reapportionment by the county superintendent or county superintendents, which shall be made, when required, immediately succeeding each published federal census report, but the members of the board in office at the time of any reapportionment shall continue in office for their unexpired terms.

Source: C. 18:5–17.8 (1947, c. 86, s. 8, amended 1954, c. 135, s. 3).

18A:8–30. Apportionment of members of boards in unapportioned districts. The membership of the board of any consolidated school district heretofore created, in which such membership has not been determined by apportionment, shall be selected as heretofore, but in any such district there may be adopted the apportionment provisions of this chapter at any annual school election by approval of a majority of the votes cast on such proposition.

The proposition shall be placed on the ballots to be used at such election whenever a petition requesting the submission of such proposition, signed by not less than five per cent of the registered voters of the consolidated district, shall have been filed with the secretary at least 20 days prior to the date fixed for the holding thereof.

If such proposition shall be adopted, the county superintendent or county superintendents of the county or counties, in which the district is situate, shall apportion the membership of the board of the consolidated district in accordance with this chapter, beginning with the next annual election, and as the terms of the respective members of the board in office shall expire, and thereafter the members of said board shall be elected accordingly.

Source: C. 18:5–17.17 (1947, c. 86, s. 17).

18A:8–31. Number and annual election of members of boards; terms. The board shall consist of nine members and the members shall serve for terms of three years and vacancies for the unexpired terms shall be filled in the same manner as in other type II districts.

The board shall provide annually for election of members from the former constituent districts to succeed the members selected therefrom as their terms expire.

Source: C. 18:5–17.7 (1947, c. 86, s. 7); C. 18:5–17.9 (1947, c. 86, s. 9).

18A:8-32. Organization of board. The board shall organize annually in the manner prescribed for other type II districts.

Source: C. 18:5-17.10 (1947, c. 86, s. 10).

18A:8-33. Custodian of school moneys. The board shall appoint a suitable person, who may be a member of the board, as custodian of school moneys and may fix his salary, and he shall give bond in such amount, according to such terms, as are required by law, of custodians of school moneys of school districts, and with such surety as the board shall direct. The board in its determination of the amount shall be guided by a schedule of minimum limits to be promulgated by the state board.

Source: C. 18:5-17.11 (1947, c. 86, s. 11, amended 1966, c. 194, s. 4).

18A:8-34. Principals, teachers and employees of constituent districts; tenure, etc. All principals, teachers and employees in the public schools of the consolidating school districts and of any regional district or districts abolished by the consolidation shall, when the consolidation became effective, be principals, teachers and employees, respectively, in the public schools of the consolidated district, and their tenure, pension and accumulative sick leave rights under the state laws shall not be affected by consolidation or abolition or by any of the provisions of this chapter.

Source: C. 18:5-17.12 (1947, c. 86, s. 12, amended 1960, c. 54).

18A:8-35. Supervision of consolidated districts. The schools under each consolidated board of education shall be under the supervision of the county superintendent of the county including the constituent district or districts having the larger or largest amount of ratables, as ascertained from the last published report of the director of the division of taxation in the department of the treasury.

Source: C. 18:5-17.18 (1947, c. 86, s. 18, amended 1954, c. 135, s. 4).

18A:8-36. Elections; polling places; appropriations authorized. At all elections there shall be at least one polling place located within the territorial limits of each of the former constituent school districts and any appropriation must be authorized by a majority of the total votes cast thereon in all of the territory of the consolidated school district.

Source: C. 18:5-17.13 (1947, c. 86, s. 13).

18A:8-37. Apportionment; collection and payment of appropriations. The amounts authorized to be raised for annual or special appropriations, or for interest, or for the redemption of bonds shall be certified by the board of education of the consolidated school district to the county board of taxation, which shall apportion such amounts among the taxing districts, comprising the former constituent school districts from which the consolidated district was constituted in the proportion that the apportionment valuation, as defined in section 54:4-49 of the Revised Statutes, of each taxing district bears to the total apportionment valuations within the consolidated school district and the amount thus apportioned to each taxing district shall be assessed, levied and collected in the same manner and at the same time as other taxes are assessed, levied and collected therein and shall be paid upon requisitions, as in other type II districts.

Where the constituent school districts are located in more than one county, county board of taxation shall, for the purposes of this section, mean the county board of taxation of the county in which the constituent school districts having the largest aggregate apportionment valuations are located, as established by the last published county abstracts of ratables, and the county board or county boards of taxation in which the other constituent school districts are located shall certify to the county board of taxation charged with the duty of apportioning moneys hereunder the apportionment valuations of the constituent school districts within their respective jurisdictions.

Source: C. 18:5–17.14 (1947, c. 86, s. 14, amended 1956, c. 96).

18A:8–38. Certification of apportionment to county boards of taxation. The county board of taxation making the apportionment shall certify to the other county board or boards of taxation the amounts apportioned to the constituent school districts within their respective jurisdictions.

Source: C. 18:5–17.14 (1947, c. 86, s. 14, amended 1956, c. 96).

18A:8–39. Continuation of certain consolidated school districts saved. R.S. 18:5–18 is saved from repeal. [This act provides that certain school districts consolidated prior to October 19, 1903 shall continue to exist as a consolidated school district as though it had been established as such by election held pursuant to section 18:5–14 of the Revised Statutes.]

Source: R.S. 18:5–18.

18A:8–40. Continuation as liens of certain bonds issued, saved. R.S. 18:5–19 is saved from repeal. [This act provides that bonds issued prior to October 19, 1903, for the erection of a grade or high school building, by a school district comprised of the territories of two adjoining municipalities, by authority of the voters of both municipalities, shall continue to be liens and the district shall be governed as a consolidated district in the same manner as though the consolidation had been effected under R.S. 18:5–14.]

Source: R.S. 18:5–19.

18A:8–41. Repealers as to consolidated school districts saved. L. 1947, c. 86; p. 477, s. 29 is saved from repeal. [This act repeals certain preexisting statutes relating to consolidated school districts.]

Source: C. 18:5–17.29 (1947, c. 86, s. 29).

Article 6. Regional School Districts.

18A:8–42. Composition of regional school districts. Each regional school district shall be composed as is provided in chapter 13 of this title.

Source: New.

Part 2. CLASSIFICATION AND CLASSES OF LOCAL DISTRICTS.

Chapter 9. CLASSIFICATION AND CHANGE OF CLASSIFICATION.

18A:9–1. Division of school districts into type I and type II districts.
18A:9–2. Districts included in type I districts.
18A:9–3. Districts included in type II districts.
18A:9–4. Type I districts; reclassification; resolution or petition for submission.
18A:9–5. Type I districts; submission of reclassification question.
18A:9–6. Type II districts; reclassification; resolution or petition; submission.
18A:9–7. Vote for adoption of question.
18A:9–8. Type I districts; effective date of change.
18A:9–9. Type II districts; effective date of change.
18A:9–10. Type II districts; increase of board membership upon reclassification.
18A:9–11. Type II districts; terms of additional board members.

18A:9–1. Division of school districts into type I and type II districts. School districts shall be classified as type I and type II school districts, as provided in this chapter.

Source: New.

18A:9–2. Districts included in type I districts. Type I districts shall include—

a. Every local school district hereafter established in a city, or in a municipality other than a city which shall become a city, except a municipality in which the provisions of section 18A:9–3 shall be accepted;

b. Every local school district which was governed, immediately preceding the effective date of this title, by chapter 6 of Title 18 of the Revised Statutes; and

c. Every local school district in which the provisions of this section shall be accepted;

and such district shall be subject to the provisions of this title relating to type I districts.

Source: R.S. 18:6–2, amended 1946, c. 262, s. 1.

18A:9–3. Districts included in type II districts. Type II school districts shall include—

a. Local school districts as follows:

1. Every local school district hereafter established in a municipality other than a city, or in a city which shall become a municipality other than a city, except a municipality in which the provisions of section 18A:9–2 shall be accepted;

2. Every local school district which was governed, immediately preceding the effective date of this title, by chapter 7 of Title 18 of the Revised Statutes;

3. Every local school district in which the provisions of this section shall be accepted; and

4. Every consolidated local school district.

b. Every regional school district;

and such district shall be subject to the provisions of this title relating to type II districts except as otherwise so provided in the case of regional districts.

Source: R.S. 18:7-2, amended 1952, c. 357, s. 1.

18A:9-4. Type I districts; reclassification; resolution or petition for submission. The question of the acceptance of section 18A:9-2 of this title, in any local school district governed by section 18A:9-3 of this title, except a consolidated school district, or of the acceptance of section 18A:9-3 of this title in any local school district governed by section 18A:9-2 of this title, shall be submitted to the legal voters of such district whenever the governing body of the municipality constituting such district or the board of education of any type I districts, shall by resolution so direct, or whenever a petition, signed by not less than 15% of the number of legally qualified voters who voted in such district at the last preceding general election held for the election of all of the members of the general assembly, shall be filed with the clerk of such municipality.

Source: R.S. 18:6-3, amended 1946, c. 262, s. 2; 18:7-3, amended 1952, c. 357, s. 2; 1953, c. 271.

18A:9-5. Type I districts; submission of reclassification question. The clerk of the municipality shall in either case cause said question to be submitted at the next municipal or general election which will be held in the municipality following the expiration of 35 days from the date of the adoption of the resolution or the filing of the petition, whichever shall first occur.

Source: R.S. 18:6-3, amended 1946, c. 262, s. 2; 18:7-3, amended 1952, c. 357, s. 2; 1953, c. 271.

18A:9-6. Type II districts; reclassification; resolution or petition; submission. If the board of education of a type II local school district shall so determine by resolution, or if a petition is filed with the board requesting the submission of the question to the voters, signed by 15% or more of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of all of the members of the general assembly, the question shall be submitted to the voters of the district at the next annual school election of the district which will be held at least 15 days after the adoption of the resolution or the filing of the petition but if in the petition it is requested that the question be submitted at a special school election and the first annual school election to be held in the district after the petition is filed will be held less than 20 days or more than 50 days thereafter, the board shall forthwith call a special school election in the district, for the submission of the question, to be held not more than 50 days after the filing of the petition.

Source: R.S. 18:6-3, amended 1946, c. 262, s. 2.

18A:9-7. Vote for adoption of question. If a majority of the votes cast for and against the adoption of the question are cast for the adoption

of the question, the district shall be governed by the provisions of the section of this title named in the question as hereinafter provided.

Source: R.S. 18:6-3, amended 1946, c. 262, s. 2; 18:7-3, amended 1952, c. 357, s. 2; 1953, c. 271.

18A:9-8. Type I districts; effective date of change. If the voters of the district shall so elect that the district shall become a type I district, the district shall be governed by the provisions of this title relating to type I districts after January 31 next ensuing, unless the district be established in a city of the first class, in which case it shall be so governed after June 30 next ensuing, and the terms of the members of the board of education in office at the time of said election shall continue to and cease upon such January 31 or such June 30, as the case may be.

Source: R.S. 18:6-3, amended 1946, c. 262, s. 2.

18A:9-9. Type II districts; effective date of change. If the voters of the district shall so elect that the district shall become a type II district, it shall thereafter be governed by the provisions of this title relating to type II districts, and the members of the board of education in office at the time of the election shall continue in office until the expiration of their respective terms and the qualification in office of their respective successors.

Source: R.S. 18:7-3, amended 1952, c. 357, s. 2; 1953, c. 271; 18:7-3.1.

18A:9-10. Type II districts; increase of board membership upon reclassification. If the membership of the board in any such district so becoming a type II district is less than nine, it shall be increased to nine by the election of added members at the next annual school election, unless the adopting election shall have been held more than 120 days or less than 40 days before the date fixed for such annual school election, in which case they shall be elected at a special school election which shall be called and held by the members of the board so holding over, if the adopting election was held more than 120 days before the annual school election, then not less than 40 or more than 60 days after the adopting election, or if the adopting election was held less than 40 days before the annual school election, then not less than 40 or more than 60 days after such annual school election, excluding in each instance from the calculation of the period which will elapse between such 40 and 60 days, any period which would elapse between the twenty-first day before and the twenty-first day after any day fixed according to law for the holding of any primary election for the general election or general election or municipal election held within the district.

Source: R.S. 18:7-3.1.

18A:9-11. Type II districts; terms of additional board members. The terms of the members so to be elected shall be so arranged by the members of the board holding over that as soon as possible the term of each member of the board shall be three years and the terms of three members shall expire in each year.

Source: New.

Part 3. BOARDS OF EDUCATION.

Chapter 10. CONSTITUTION; ORGANIZATION; MEETINGS.

18A:10–1. Constitution of boards of education; conduct of schools.
18A:10–2. Name.
18A:10–3. First regular meeting of board.
18A:10–4. Secretary to give notice of meeting.
18A:10–5. Organization meeting as business meeting.
18A:10–6. Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum.
18A:10–7. Semiannual meetings of boards in county.

18A:10–1. Constitution of boards of education; conduct of schools. The schools of each school district shall be conducted, by and under the supervision of a board of education, which shall be a body corporate and which shall be constituted and governed, as provided by this title, for a type I, type II or regional school district, as the case may be.

Source: R.S. 18:6–18, 18:6–21, 18:7–54.

18A:10–2. Name. Each board of education of a local district shall be known as the board of education of .....
(naming the municipality) in the county of .....
and each board of education of a regional district shall be known as provided in chapter 13 of this title.

Source: R.S. 18:6–21, 18:7–54.

18A:10–3. First regular meeting of board. Each board of education shall organize annually at a regular meeting held not later than at eight P. M.—

a. In type I districts on February 1, except that in cities of the first class it shall be held on July 1, or on the following day, if that day be Sunday;

b. In type II districts on the first Monday following the annual school election.

If the organization meeting cannot take place on that day by reason of lack of a quorum or for any other reason, said meeting shall be held within three days thereafter.

Source: R.S. 18:6–12, amended 1947, c. 148, s. 5; 18:6–13, amended 1947, c. 148, s. 6; 18:7–53, amended 1958, c. 82.

18A:10–4. Secretary to give notice of meeting. It shall be the duty of the secretary of the board to give notice of the first regular meeting accordingly.

Source: R.S. 18:7–53, amended 1958, c. 82.

18A:10–5. Organization meeting as business meeting. The organization meeting shall constitute a regular meeting of the board for the transaction of business.

Source: R.S. 18:7–53, amended 1958, c. 82.

18A:10–6. Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum. All board meetings shall be public and each board shall hold a meeting at least once every two months during the period in which the schools in the district are in session.

All meetings shall be called to commence not later than eight P.M. of the designated day but, if a quorum be not present at the time for which the meeting is called, the member or members present may recess the meeting to a time not later than nine P.M. of said day and, if no quorum be present at that time, the member or members present may adjourn the meeting to commence not later than eight P.M. of another day, not more than seven days following the date for which the original meeting was called, but no further recess or adjournment of the meeting shall be made.

Public announcements of time and day to which any meeting is so recessed or adjourned shall be made at the time of the recess or adjournment.

Source: R.S. 18:5–47, 18:7–63.

18A:10–7. Semiannual meetings of boards in county. The boards of education of each county shall meet together semiannually at times and places fixed by the county superintendent.

Source: R.S. 18:7–62.

Chapter 11. GENERAL POWERS.

18A:11-1. General mandatory powers and duties.
18A:11-2. Power to sue and be sued; reports; census of school children.

18A:11-1. General mandatory powers and duties. The board shall—

a. Adopt an official seal;

b. Enforce the rules of the state board;

c. Make, amend and repeal rules, not inconsistent with this title or with the rules of the state board, for its own government and the transaction of its business and for the government and management of the public schools and public school property of the district and for the employment, regulation of conduct and discharge of its employees, subject, where applicable, to the provisions of Title 11, Civil Service, of the Revised Statutes; and

d. Perform all acts and do all things, consistent with law and the rules of the state board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district.

Source: R.S. 18:6-17, 18:6-19, 18:6-21, 18:7-56, amended 1938, c. 78, s. 3; 1960, c. 137, ss. 4, 9; 18:7-57.

18A:11-2. Power to sue and be sued; reports; census of school children. The board may—

a. Sue or be sued by its corporate name and likewise submit to arbitration and determination disputes and controversies in the manner provided by law;

b. Cause a report of the condition of the public schools and the public school property under its control and an itemized account of the condition of the finances of the district to be printed and published as soon as practicable after the close of each school year;

c. Cause an exact census to be taken annually of all children residing in the district between the ages of five and 18 years, including such other information as the board may deem necessary or proper and, appoint for the purpose of taking said census, as many suitable persons as may be necessary to act as enumerators and fix their compensation, which compensation shall be paid as a current expense.

Source: R.S. 18:6-22, amended 1954, c. 80, s. 5; 18:6-23, amended 1953, c. 18, s. 10; 18:7-59, amended 1953, c. 18, s. 14; 18:14-13, amended 1959, c. 135.

Chapter 12. MEMBERS OF BOARDS OF EDUCATION.

Article 1. Qualifications.

18A:12-1. Qualifications of board members.
18A:12-2. Inconsistent interests prohibited.
18A:12-2.1. Qualifying oaths of members.

Article 2. Removal.

18A:12-3. Removal of members.

Article 3. Compensation.

18A:12-4. Compensation of members.

Article 4. Choice of Members.

A. In Type I Districts.

18A:12-5. Application of subarticle.
18A:12-6. Boards; number of members.
18A:12-7. Boards; appointments; vacancies.
18A:12-8. When appointed; commencement of terms.
18A:12-9. Terms of members of boards.

B. In Type II Districts Having Elected Boards of Education.

18A:12-10. Application of subarticle.
18A:12-11. Election and number of board members; terms.
18A:12-11.1. New district may elect three, five, seven or nine members.
18A:12-12. Increase or reduction in membership; resolution; submission of question.
18A:12-13. Increase in membership; additional members.
18A:12-14. Reduction of membership; reduced number of members.
18A:12-15. Vacancies.

C. In Type II Districts Having Appointed Boards of Education.

18A:12-16. Application of subarticle.
18A:12-17. Appointments; terms; vacancies.
18A:12-18. Resolution or petition for election of members; submission.
18A:12-19. Adoption of question; election and terms of members.

Article 5. Indemnity.

18A:12-20. Indemnity of members of boards of education against cost of defense of civil and criminal action.

Article 1. Qualifications.

18A:12-1. Qualifications of board members. Each member of any board of education shall be a citizen and resident of the district, or of such constituent district of a consolidated or regional district as may be required by law, and shall have been such for at least two years immediately preceding his appointment or election, and he shall be able to read and write.

Source: R.S. 18:6-8, amended 1958, c. 168; 18:7-11, amended 1947, c. 148, s. 10; 1960, c. 93, s. 1; C. 18:8-7.1 (1960, c. 93, 2).

18A:12-2. Inconsistent interests prohibited. No member of any board of education shall be interested directly or indirectly in any contract with or claim against the board.

Source: R.S. 18:6-8, amended 1958, c. 168; 18:7-11, amended 1947, c. 148, s. 10; 1960, c. 93, s. 1.

18A:12-2.1. Qualifying oaths of members. Each member of a board of education shall, before entering upon the duties of his office, take and subscribe—

(1) an oath that he possesses the qualifications of membership prescribed by law and that he will faithfully discharge the duties of his office, and also

(2) the oath prescribed by section 41:1-3 of the Revised Statutes.

In the case of a type I school district the oath shall be filed with the clerk of the municipality and in all other cases it shall be filed with the secretary of the board of education of the district.

Source: R.S. 18:6-9, 18:7-12, amended 1953, c. 409, s. 3.

Article 2. Removal.

18A:12-3. Removal of members. Whenever a member of a board of education shall cease to be a bona fide resident of the district, or of any constituent district of a consolidated or regional district which he represents, his membership in the board shall immediately cease and any member who fails to attend three consecutive meetings of the board without good cause may be removed by it.

Source: R.S. 18:6-11, 18:7-11, amended 1947, c. 148, s. 10; 1960, c. 93, s. 1; 18:7-13; C. 18:8-7.1, (1960, c. 93, s. 2).

Article 3. Compensation.

18A:12-4. Compensation of members. A member of a board of education shall receive no compensation for his services.

Source: R.S. 18:6-10.

Article 4. Choice of Members.

A. In Type I Districts.

18A:12-5. Application of subarticle. The provisions of this subarticle shall apply to type I school districts.

Source: R.S. 18:6-2, amended 1946, c. 262, s. 1.

18A:12–6. Boards; number of members. The board shall consist of five members, except that it shall consist of nine members in districts in cities of the first class, and in districts in which it has been so determined by referendum held pursuant to law.

Source: R.S. 18:6–5, 18:6–7.

18A:12–7. Boards; appointments; vacancies. The boards of education shall be appointed by the mayor or other chief executive officer of the municipality constituting the district. Any vacancy occurring in the membership of the board shall be reported forthwith by the secretary of the board to the mayor or other chief executive officer of the municipality, who shall within 30 days thereafter appoint a qualified person to fill the vacancy for the unexpired term.

Source: R.S. 18:6–4, 18:6–6, 18:6–7.

18A:12–8. When appointed; commencement of terms. In districts, other than those in cities of the first class, the members of the board shall be appointed between January 2 and January 15 and their terms of office shall begin on February 1, next succeeding, and in districts in cities of the first class they shall be appointed during the month of June and their terms of office shall begin on July 1, next succeeding.

Source: R.S. 18:6–6, 18:6–7.

18A:12–9. Terms of members of boards. Of boards consisting of five members, one shall be appointed each year for a term of five years, and of boards consisting of nine members, three shall be appointed each year for terms of three years, except the members of the first board of any such district, who shall be appointed for such terms, as shall, as soon as possible, result in all members of a five-man board being appointed for terms of five years and the terms of one member expiring each year or all members of a nine-man board being appointed for terms of three years and the terms of three members expiring each year. All members shall serve after the expiration of their respective terms until the appointment and qualification of their successors.

Source: R.S. 18:6–6, 18:6–7.

B. In Type II Districts Having Elected Boards of Education.

18A:12–10. Application of subarticle. The provisions of this subarticle shall apply to all type II school districts except as otherwise provided in this title for regional districts and except those districts in which the members of the boards of education are appointed pursuant to subarticle C of this article.

Source: New.

18A:12–11. Election and number of board members; terms. The board of education shall consist of nine members, or it shall consist of three, five or seven members as, and if, it has been so determined pursuant to law or shall be so determined by referendum as provided in this chapter, who shall be elected at annual school elections in the district for terms of three years except as otherwise herein provided.

Source: R.S. 18:7–4.

18A:12–11.1. New district may elect three, five, seven or nine members. Whenever a new school district, except a regional school district, or a consolidated school district or a new district created under the terms of article 4 of chapter 8 of this title is created, there shall be placed upon the official ballot to be voted upon, at the first annual school election, the question whether the board shall consist of three, five, seven or nine members.

The balloting for board members shall take place as if nine members were to be elected, three for terms of three years, three for terms of two years, and three for terms of one year.

If it shall be determined as a result of the balloting that the board shall consist of nine members, the three candidates receiving the highest number of votes for each of said terms shall be declared elected.

If it shall be determined that the board shall consist of seven members, the three candidates receiving the highest number of votes for the three-year terms, the two candidates receiving the highest number of votes for the two-year terms, and the two candidates receiving the highest number of votes for the one-year term shall be declared elected.

If it shall be determined that the board shall consist of five members, the two candidates receiving the highest number of votes for the three-year terms, the two candidates receiving the highest number of votes for the two-year terms, and the candidate receiving the highest number of votes for the one-year term shall be declared elected.

If it shall be determined that the board shall consist of three members, each candidate receiving the highest number of votes for each of the terms shall be declared elected.

Annually thereafter there shall be elected a person or persons for the term of three years in the place of the member or members whose terms shall have expired.

Source: R.S. 18:7–10, amended 1947, c. 134; 1953, c. 161.

18A:12–12. Increase or reduction in membership; resolution; submission of question. If the board of any district shall determine by resolution that it is for the best interest of the schools that the membership of the board shall be increased from whatever number of members then composes it to five, seven or nine members, or reduced from said number to seven, five or three members, the question of such increase or reduction shall be submitted to the voters of the district at the next annual school election and the question shall be stated in the notice of the election.

Source: R.S. 18:7–5, amended 1947, c. 135, s. 1; 18:7–9, amended 1947, c. 135, s. 5; 1955, c. 276.

18A:12–13. Increase in membership; additional members. If at the election the question of increasing the membership of the board shall be adopted, the membership of the board shall be increased accordingly as of the Monday next following the next annual school election and the additional members shall be elected at such annual school election, for terms as follows:

a. If the increase is from three to five, two for three years and one for two years;

b. If the increase is from three to seven, three for three years, one for two years and one for one year;

c. If the increase is from five to seven, one for three years and one for a term of either one or two years, whichever is necessary to cause the terms of two members to expire at each of the next two annual school elections;

d. If the increase is from any other number to nine, for such terms not over three years, as will as soon as possible constitute a board of nine, with three-year terms expiring, three each year.

Each year thereafter successors to the members whose terms expire shall be elected for three years.

Source: R.S. 18:7-9, amended 1947, c. 135, s. 5; 1955, c. 276.

18A:12-14. Reduction of membership; reduced number of members. If at the election the question of reducing the membership of the board shall be adopted, the members in office at the next annual school election shall continue in office until the expiration of their respective terms, and members shall be elected as follows:

a. If the reduction is from nine to seven, two shall be elected at such election and two at the next annual school election thereafter;

b. If the reduction is from nine to five, one shall be elected at such election, two at the first annual school election thereafter, and two at the second annual school election thereafter;

c. If the reduction is from seven to five, one shall be elected at the first annual school election at which three would have been elected; and

d. If the reduction is from any other number to three, one member shall be elected at such election and at each annual school election thereafter.

All members so elected shall be elected for terms of three years.

Source: R.S. 18:7-6, amended 1947, c. 135, s. 2; 18:7-7, amended 1947, c. 135, s. 3; 18:7-8, amended 1947, c. 135, s. 4.

18A:12-15. Vacancies. Vacancies in the membership of the board shall be filled as follows:

a. By the county superintendent, if the vacancy is caused by the failure to elect a member, or by the removal of a member because of lack of qualifications, or results from a recount or contested election, or is not filled within 65 days following its occurrence,

b. By the county superintendent, to a number sufficient to make up a quorum of the board if, by reason of vacancies, a quorum is lacking, or

c. By the board in all other cases.

Each member so appointed shall serve until the Monday following the next annual election unless he is appointed to fill a vacancy occurring within the 60 days immediately preceding such election to fill a term extending beyond such election, in which case he shall serve until the Monday following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy as the case may be.

Source: R.S. 18:4-7, amended 1953, c. 409, s. 1; 18:7-55, amended 1953, c. 409, s. 15.

C. In Type II Districts Having Appointed Boards of Education.

18A:12-16. Application of subarticle. The provisions of this subarticle shall apply to type II school districts in towns having a population of more than 10,000, in which the members of the board of education are now appointed by the mayor or other chief executive officer of the municipality.

Source: New.

18A:12-17. Appointments; terms; vacancies. The mayor or other chief executive officer of the municipality shall, between January 2 and January 15 in each year, appoint one member of the board to serve for a term of five years beginning on February 1 next succeeding his appointment, to take the place of the member whose term shall expire in that year, and any vacancy occurring in the membership of the board shall be reported forthwith by the secretary of the board to the mayor or other chief executive officer of the municipality, who shall within 30 days thereafter appoint a qualified person to fill the vacancy for the unexpired term.

Source: R.S. 18:7-48, 18:7-49, 18:7-51.

18A:12-18. Resolution or petition for election of members; submission. In every such district the question whether or not the members of the board shall thereafter be elected by the voters of the district at annual school elections shall be submitted to the legal voters of the district at the next general or municipal election, following the expiration of 40 days after the adoption by the governing body of the municipality of a resolution, or after the filing with the clerk of the municipality of a petition signed by not less than 15% of the number of legally qualified voters who voted in the municipality at the last preceding general election held for the election of all of the members of the general assembly, directing such submission, whichever occurs earlier, or at the next annual school election, or a special school election called for that purpose, to be held after the expiration of 40 days from the adoption by the board of education of the district of a resolution, or from the filing with the secretary of the board of education of a petition signed by said percentage of such number of legally qualified voters of the district, directing such submission and thereupon said clerk or secretary shall cause said question to be submitted accordingly.

Source: C. 18:7-52.1 (1951, c. 100, s. 1); C. 18:7-52.2 (1951, c. 100, s. 2).

18A:12-19. Adoption of question; election and terms of members. If at said election the question shall be adopted, the members of the board of education then in office shall continue in office until the expiration of their respective terms and thereafter until the first Monday following the next annual school election and their respective successors shall be elected by the legal voters of the district at such and each following annual school election to be held in the district, for terms of five years.

Source: C. 18:7-52.3 (1951, c. 100, s. 3); C. 18:7-52.4 (1951, c. 100, s. 4).

Article 5. Indemnity.

18A:12-20. Indemnity of members of boards of education against cost of defense of civil and criminal action. Whenever a civil or a criminal

action has been brought against any person for any act or omission arising out of and in the course of the performance of his duties as a member of a board of education, and in the case of a criminal action such action results in final disposition in favor of such person, the cost of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, shall be borne by the board of education.

Source: C. 18:5-50.20 (1965, c. 157).

Part 4. REGIONAL SCHOOL DISTRICTS.

Chapter 13. REGIONAL SCHOOL DISTRICTS.

Article 1. Application of Chapter; Government of Regional Districts.

18A:13-1. Application of chapter; government of regional districts.

Article 2. Types of Regional Districts.

18A:13-2. Types of regional districts.

Article 3. Constituent Municipalities as Constituent Districts.

18A:13-3. Constituent municipalities as constituent districts.

Article 4. Supervision of Regional Districts.

18A:13-4. Supervision by county superintendent.

Article 5. Conduct of Elections and Majority.

18A:13-5. Conduct of elections; majority; exceptions.

Article 6. Body Corporate and Corporate Title.

18A:13-6. Body corporate and corporate title.

Article 7. Boards of Education.

A. Residential Requirements.

18A:13-7. Two years residence required; regional board members.

B. Apportionment and Election.

18A:13-8. Number of members of regional boards; apportionment.
18A:13-9. Reapportionment of membership.
18A:13-10. Election of members of boards; terms.

C. Vacancies.

18A:13-11. Vacancies in membership of board; filling.

D. Organization of Boards; Officers.

18A:13-12. Organization of boards; failure to organize.
18A:13-13. Appointment of secretary.
18A:13-14. Custodian of school moneys; appointment; term; bond.

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Part 4. REGIONAL SCHOOL DISTRICTS.

Chapter 13. REGIONAL SCHOOL DISTRICTS.

Article 1. Application of Chapter; Government of Regional Districts.

18A:13-1. Application of chapter; government of regional districts. The provisions of this chapter shall apply to regional school districts and to all former union graded schools and the affairs of such districts shall be conducted and governed by the provisions of this title relating to type II school districts, except as otherwise so provided as to regional school districts.

Source: R.S. 18:8-14, 18:8-20.

Article 2. Types of Regional Districts.

18A:13-2. Types of regional districts. Regional school districts shall be of two types:

a. "all purpose regional districts" organized for all the school purposes of the municipalities included within such regional districts;

b. "limited purpose regional districts" organized to provide and operate in the territory comprised within such districts one or more of the following: elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities or particular educational services or facilities.

Source: R.S. 18:8-1, amended 1938, c. 155, s. 1; 1953, c. 90, s. 1; 1955, c. 159, s. 1; 1956, c. 95, s. 1; 1965, c. 110, s. 1; C. 18:8-26 (1960, c. 122, s. 1, amended 1962, c. 128, s. 1; 1964, c. 106, s. 1; 1965, c. 110, s. 4).

Article 3. Constituent Municipalities as Constituent Districts.

18A:13-3. Constituent municipalities as constituent districts. In every all purpose regional district the constituent municipalities of the regional district shall be construed to be the constituent districts of the regional district after the dissolution pursuant to this chapter of the constituent districts which formed the regional district.

Source: New.

Article 4. Supervision of Regional Districts.

18A:13-4. Supervision by county superintendent. Each regional school district shall be under the supervision of the county superintendent of the county in which the constituent districts having the greatest amount of ratables are situate.

Source: R.S. 18:8-15.

Article 5. Conduct of Elections and Majority.

18A:13-5. Conduct of elections; majority; exceptions. Elections in regional districts shall be conducted as in other local districts except that there shall be at least one polling place in each of the constituent districts

and in any such elections, unless otherwise provided by this title, the total vote of the entire regional district, without regard to the territorial boundaries of the constituent districts, shall be counted in determining the result of the election.

In any case in which a proposal for the creation of a regional district or for the enlargement of a regional district is submitted, such proposal shall be adopted only if a majority of the votes cast thereon

a. in each of the local districts proposing to form the regional district, or

b. in the regional district to be enlarged, and in each district proposed to enlarge it,

shall be cast in favor of the adoption of such proposal.

Source: R.S. 18:8-2, amended 1955, c. 159, s. 2; 18:8-3, amended 1955, c. 159, s. 3; 18:8-16, amended 1938, c. 155, s. 10; 1955, c. 159, s. 9; 1962, c. 23; C. 18:8-27 (1960, c. 122, s. 2, amended 1961, c. 98, s. 1; 1964, c. 106, s. 2).

Article 6. Body Corporate and Corporate Title.

18A:13-6. Body corporate and corporate title. Each board of education of a regional district shall be a body corporate and shall be known as "the board of education of the regional school district including the school districts of (herein insert the names of the constituent districts and the names of the county or counties in which each is situate)" unless the regional board shall determine to adopt a shorter title, with the approval of the state board, in which case the new title shall be certified by the secretary of the board to the secretary of state and thereupon it shall become the corporate title of the regional district and any obligations of the regional board, under the former title, shall become the obligation of the board under the new title.

Source: R.S. 18:8-9, amended 1938, c. 155, s. 7; C. 18:8-33 (1960, c. 122, s. 8, amended 1961, c. 128, s. 3).

Article 7. Boards of Education.

A. Residential Requirements.

18A:13-7. Two years residence required; regional board members. A member of a regional board of education shall be for at least two years a resident of the constituent district of the regional district, to be represented by the member, in the regional board of education.

Source: C. 18:8-7.1 (1960, c. 93, s. 2).

B. Apportionment and Election.

18A:13-8. Number of members of regional boards; apportionment. The board of education of a regional district shall consist of nine members unless it consists of more than nine constituent districts, in which case the membership shall be such that each district shall have one member, but if there are less than nine constituent districts, each district shall have one member and the remaining members shall be apportioned by the county superintendent or county superintendents of the county or counties in which the constituent districts are situate, among said districts as nearly as may be according to the number of their inhabitants.

In making the apportionment of the membership of a regional board of education among the several school districts uniting to create a regional school district, as required by section 18A:13–36, there shall be subtracted from the number of inhabitants of a constituent school district, as shown by the last federal census officially promulgated in this state, the number of such inhabitants who according to the records of the federal bureau of the census were patients in, or inmates of, any state or federal hospital or prison, or who are military personnel stationed at, or civilians residing within the limits of, any United States army, navy or air force installation, located in such constituent school district.

If any constituent district is a consolidated district, or a district composed of two or more municipalities, and

a. the regional district is a limited purpose regional district and such constituent district has such population that it is entitled to have apportioned to it a number of members equal to or greater than the number of districts making up such constituent district, or

b. the regional district is an all purpose regional district,

the membership of the regional board of education from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

Source: R.S. 18:8–4, amended 1938, c. 155, s. 2; 1955, c. 159, s. 4; 18:8–5, amended 1938, c. 155, s. 3; 1955, c. 159, s. 5; C. 18:8–5.1 (1958, c. 162, amended 1959, c. 164); C. 18:8–6.8 (1957, c. 149); C. 18:8–6.9 (1963, c. 91); C. 18:8–31 (1960, c. 122, s. 6, amended 1964, c. 106, s. 5).

18A:13–9. Reapportionment of membership. Each apportionment shall continue in effect unless and until a reapportionment shall become necessary by reason of the official promulgation of the next federal census or the enlargement of the regional district by the admission of one or more local districts. In any such case, immediately after the official promulgation of said census or the certification of a favorable result of the election for enlargement of the regional district the county superintendent or county superintendents of the county or counties in which the constituent districts are situate shall reapportion the members accordingly but all members shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment. If any constituent district shall become entitled to increased representation on the board the additional members shall be elected at the next annual school election of the regional district.

Source: R.S. 18:8–5, amended 1938, c. 155, s. 3; 1955, c. 159, s. 5.

18A:13–10. Election of members of boards; terms. The board of education of each regional district shall provide for the holding of an annual school election for the regional district on

(1) the second Tuesday in February in any all purpose regional district consisting of a consolidated school district, or of a school district comprising two or more municipalities, whch is itself a constituent district of a larger regional district, or

(2) the first Tuesday in February in all other regional districts.

At such election there shall be elected for terms of three years, beginning on the first Monday following such election, the members of the regional boards of education, to succeed those members of the board whose terms shall expire in that year, except as is in this chapter provided for the election of the first elected members of the board.

Source: R.S. 18:8-8, amended 1938, c. 155, s. 6; 1949, c. 66; 1955, c. 159, s. 7; 18:8-16, amended 1938, c. 155, s. 10; 1955, c. 159, s. 9; 1962, c. 23.

C. Vacancies.

18A:13-11. Vacancies in membership of board; filling. Vacancies in the membership of the board shall be filled from the constituent districts represented by the former incumbents in the same manner as vacancies in the membership of boards of education of type II districts having elected boards of education are filled.

Source: R.S. 18:8-8, amended 1938, c. 155, s. 6; 1949, c. 66; 1955, c. 159, s. 7.

D. Organization of Boards; Officers.

18A:13-12. Organization of boards; failure to organize. The board shall hold a regular meeting forthwith after its first appointment, and annually thereafter on the first Monday after the annual school election of the regional district, at which it shall organize by the election, from among its members, of a president and vice president, who shall serve until the first Monday next succeeding the election of their respective successors as members of the board. If any board shall fail to organize within three days after said date, the county superintendent of the county, or the county superintendents of the counties, in which the constituent districts are situate, shall appoint, from among the members of the board, a president and vice president to serve until the first Monday next succeeding the next election.

Source: R.S. 18:8-10, amended 1938, c. 155, s. 8; 1954, c. 80, s. 7; 1955, c. 159, s. 8.

18A:13-13. Appointment of secretary. The board shall appoint a secretary who may or may not be a member of the board, for the term of one year beginning on July 1 following his appointment but he shall continue to serve after the expiration of his term until his successor is appointed and qualified.

Source: R.S. 18:8-10, amended 1938, c. 155, s. 8; 1954, c. 80, s. 7; 1955, c. 159, s. 8.

18A:13-14. Custodian of school moneys; appointment; term; bond. The board shall appoint a custodian of school moneys who may be a member of the board and it shall fix his salary. His term of office shall expire annually on June 30 of each year, but if a municipal officer is appointed custodian, his term shall cease if he ceases to hold his municipal office and in either case, the custodian shall continue in office after the expiration of his term until his successor is qualified. He shall give bond in such amount, and with such surety, as the board shall direct. The board in its determination of the amount shall be guided by a schedule of minimum limits to be promulgated by the state board.

Source: R.S. 18:8-11, amended 1938, c. 155, s. 9; 1966, c. 194, s. 3.

Article 8. Special Powers.

18A:13-15. Acquisition of lands without districts. The board of education of any regional school district may from time to time acquire for school purposes, by purchase, condemnation or otherwise, lands or premises not exceeding 45 acres in extent and situated in whole or in part in any one or more municipalities adjoining the regional school district, and all of the proceedings to acquire such lands or premises shall be in accordance with the provisions of this title.

Source: C. 18:8-22 (1939, c. 113, amended 1954, c. 81, s. 3; 1955, c. 159, s. 13; 1963, c. 27).

18A:13-16. Special police services; contracts with municipalities. The board of education of any regional district may contract with the municipality in which any of its regional schools are located for such special police services as may be required for the safety of its students and such regional district shall appropriate and raise annually in the same manner as other school moneys are appropriated and raised in the district the amount required to pay therefor.

Source: C. 18:8-14.2 (1959, c. 31).

Article 9. Appropriations.

18A:13-17. Submission of budget; annual regional school election. The regional board of education shall, at each annual school election, submit to the voters of the regional district the amount of money fixed and determined in its budget to be voted upon for the use of the regional schools of the district for the ensuing school year and may submit thereat any other question authorized by this law to be submitted at such an election.

Source: R.S. 18:8-16, amended 1938, c. 155, s. 10; 1955, c. 159, s. 9; 1962, c. 23.

18A:13-18. Resubmission of rejected appropriations. If the voters shall reject any or all items of appropriations submitted at the annual school election, the regional board shall submit the item or items so rejected, or if it so determines, lesser amounts than those so submitted, to the voters, at a special regional school election called and held for said purpose on the third Tuesday in February.

Source: C. 18:8-16.1 (1954, c. 96, s. 1).

18A:13-19. Items rejected at second election; certification to and by governing bodies. If the voters reject any of the items submitted at the second election, the board of education of the regional district shall certify to the governing body of each municipality, included within the regional district, the item or items so rejected, and such governing bodies, after consultation with the board, shall within 10 days after the receipt of the certificate, determine the amount or amounts which they deem necessary to provide a thorough and efficient system of schools in the regional district for the ensuing school year and cause the same to be certified by the respective municipal clerks to the board of education of the regional district.

Source: C. 18:8-16.2 (1954, c. 96, s. 2).

18A:13-20. Certification by commissioner. Should said governing bodies fail to so certify or fail to agree and certify different amounts for said purposes, then the commissioner shall determine and certify the amount or amounts which in his judgment shall be necessary to provide a thorough and efficient system of schools in such regional district, to the board of education of the regional district.

Source: C. 18:8-16.3 (1954, c. 96, s. 3).

18A:13-21. Inclusion of amounts certified in tax. The amount or amounts so certified by all of said governing bodies or by the commissioner, as the case may be, shall be apportioned among municipalities included within the regional district and shall be included in the tax levy for such municipalities for such appropriations, as provided by law.

Source: C. 18:8-16.2 (1954, c. 96, s. 2); C. 18:8-16.3 (1954, c. 96, s. 3).

18A:13-22. Apportionment among constituent districts of amounts to be raised for debt service. The amounts authorized to be raised annually for interest upon, and the redemption of bonds shall be apportioned among municipalities included within the municipal district by the county board of taxation upon the basis of the apportionment valuations, as defined in section 54:4-49 of the Revised Statutes, of such municipalities.

Source: R.S. 18:8-17, amended 1953, c. 90, s. 2; 1954, c. 13; 1955, c. 159, s. 10; 1956, c. 95, s. 2; 1965, c. 110, s. 2.

18A:13-23. Apportionment of appropriations, except for debt service. The annual or special appropriations for regional districts, exclusive of the amounts to be raised for interest upon, and the redemption of, bonds payable by the district, shall be apportioned among the municipalities included within the regional district as follows:

a. In regional districts in which apportionment on the basis of the number of pupils enrolled on the last school day of September of the current school year is in effect, such apportionment shall be made upon said basis;

b. In all other regional districts upon the basis of the apportionment valuations, as defined in section 54:4-49 of the Revised Statutes, of the constituent districts.

Source: R.S. 18:8-17, amended 1953, c. 90, s. 2; 1954, c. 13; 1955, c. 159, s. 10; 1956, c. 95, s. 2; 1965, c. 110, s. 2; C. 18:8-17.1 (1964, c. 199); C. 18:8-17.2 (1965, c. 175); C. 18:8-27 (1960, c. 122, s. 2, amended 1961, c. 98, s. 1; 1964, c. 106, s. 2).

18A:13-24. Appropriations, certification, apportionment, assessment and collection among constituent districts. The amounts to be raised for annual or special appropriations and for interest upon, and the redemption of, bonds for regional districts shall be certified by the regional board of education to, and shall be apportioned among the municipalities included within the regional district as follows:

a. When the regional district is located wholly within one county, said amounts shall be certified to the county board of taxation of the county and shall be apportioned by it among such municipalities in the manner, and upon the basis, prescribed in this article, or

b. When the regional district is located in more than one county, said amount shall be certified to the county board of taxation of the county, in which the largest aggregate apportionment valuations as established by the last published county abstract of ratables in the regional district are found, and said amounts shall be apportioned by said county board of taxation, among such municipalities in the manner, and upon the basis, prescribed in this article.

The apportionment valuations of each municipality included in the regional district as defined in section 54:4–49 of the Revised Statutes of each constituent district shall be certified to said county board of taxation by the county boards of taxation of the county in which such constituent district is located and the apportionments so made shall be certified to each of the other county boards of taxation by the county board making the same.

The amounts thus apportioned to each such included municipality shall be assessed, levied and collected in the same manner and at the same time as other school taxes are assessed, levied and collected therein and shall be paid upon requisition as in other type II school districts.

Source: R.S. 18:8–17, amended 1953, c. 90, s. 2; 1954, c. 13; 1955, c. 159, s. 10; 1956, c. 95, s. 2; 1965, c. 110, s. 2.

18A:13–25. Change of method of apportionment of appropriations. Whenever the board of education of a regional school district, in which the amounts raised for annual or special appropriations are apportioned on a basis other than the basis of the number of pupils enrolled on the last school day of September of the current school year from the constituent districts, shall, after study and consultation with the commissioner or his representative, determine by resolution that it is advisable that the amounts to be raised for annual or special appropriations for the regional district be apportioned on said basis of the enrollment of pupils from the constituent local districts, and the commissioner shall consent thereto, the regional board of education may submit the question whether or not said resolution shall be approved briefly describing the contents of the resolution and stating the date upon which it was adopted by the regional board of education at any subsequent school election held in the regional school district, and if the voters of each municipality included within the regional district shall approve such resolution, the secretary of the regional district shall certify the approval thereof by each constituent school district to the county superintendent of each county in which any such constituent district is situate and thereafter the effective basis, for apportionment of the amounts to be raised for annual or special appropriations for such a regional district, shall be said basis of the enrollment of pupils from the constituent districts, as provided in this chapter, and said appropriations shall be apportioned accordingly.

Source: R.S. 18:8–19, amended 1955, c. 159, s. 12; 1956, c. 95, s. 3; 1965, c. 110, s. 3.

Article 10. Bonds and Notes of Regional Districts.

18A:13–26. Authorization; issuance; maturities, sales and lien of bonds. Bonds or notes of a regional school district shall be issued in the corporate name of the district, and shall be authorized and issued, in accordance with

the law governing the issuance of bonds by type II districts, and the outstanding bonds and notes of a regional school district shall be a lien upon the real estate, situate in all the constituent school districts in the regional district, and the personal estates of the inhabitants of all of such constituent districts, as well as the public property of said constituent districts and of the regional district, shall be liable for the payment thereof.

All bonds and notes issued by or for regional districts shall be dated and sold in all respects in accordance with the provisions of this title and shall mature within the period or respective periods of time prescribed by such provisions, in each case computed from the date of such bonds.

Source: R.S. 18:8-1, amended 1938, c. 155, s. 1; 1953, c. 90, s. 1; 1955, c. 159, s. 1; 1956, c. 95, s. 1; 1965, c. 110, s. 1; 18:8-18, amended 1955, c. 159, s. 11; C. 18:8-26 (1960, c. 122, s. 1, amended 1962, c. 128, s. 1; 1964, c. 106, s. 1; 1965, c. 110, s. 4).

18A:13-27. Newly created regional districts; issuance of temporary bonds or notes for current expenses; submission to voters, etc. Whenever the boards of education of all local school districts proposing to create a regional district shall determine by identical resolutions that it is desirable, as part of the proposal to create such regional district, to issue promissory notes or temporary loan bonds of the regional district, in a principal amount not exceeding such amount as shall be stated in said resolutions, to mature not later than one year, from the date of the issuance of the first of such notes or bonds, in order to provide for the current expenses of the proposed regional district to be incurred until appropriations for the operation of the regional district will be available and the commissioner shall certify in writing that said principal amount does not exceed the amount which reasonably may be expected to be necessary for such expenses, each of said boards of education may, at the election called and conducted to act upon the proposal for the creation of the regional district, submit as part of such proposal the authorization and approval of the issuance of said notes or bonds briefly describing the contents of the resolution authorizing the issuance of the same and stating the date upon which it was adopted by the boards of education in question. If such proposal is adopted any such note or bond so authorized may be issued and may be renewed in like form, without further certification or submission to the voters, to mature not later than two years from the date of the first of the notes or bonds so renewed, but no school debt statement need be prepared or filed prior to the authorization of such bonds.

Source: R.S. 18:8-1, amended 1938, c. 155, s. 1; 1953, c. 90, s. 1; 1955, c. 159, s. 1; 1956, c. 95, s. 1; 1965, c. 110, s. 1.

18A:13-28. Authorization of bonds upon formation of regional district. The board of education of each local district proposing to create or to join in the creation of the regional district or the board of education of any regional district and of each local district proposing to unite to enlarge the regional district may adopt identical resolutions authorizing the issuance of bonds of such proposed or enlarged regional district, in such amount or amounts, and for such of the purposes described in section 18A:24-5 as they shall determine upon and there may be submitted, as part of the proposal for the creation or enlargement of the regional district the approval of the authorization of the issuance of such bonds. If the provisions of

sections 18A:24–24 through 18A:24–27 are applicable to such issuance of bonds, a copy of such resolutions shall be submitted, prior to such election, for consideration by the commissioner and the local finance board under and for all the purposes of said sections and no such authorization shall be submitted in any such case except it be approved for submission as provided in said sections. If the proposal containing such authorization shall be approved by referendum in each of such districts such resolutions shall after such vote be authority for the issuance of bonds of such regional district to the amount and for the purpose or purposes set forth therein, and from and after the date of, such vote, shall for all purposes of any provisions of this title, be deemed to constitute resolutions duly approved on said date by the local voters of such regional district authorizing the board of education thereof to issue bonds of such regional district for the purpose or purposes and in the amount or amounts set forth in such proposal.

If the regional district so created or enlarged is a limited purpose regional district, no school debt statement in relation to the issuance of such bonds need be prepared and filed prior to the authorization of the issuance thereof.

Source: R.S. 18:8–1, amended 1938, c. 155, s. 1; 1953, c. 90, s. 1; 1955, c. 159, s. 1; 1956, c. 95, s. 1; 1965, c. 110, s. 1; 18:8–3, amended 1955, c. 159, s. 3; C. 18:8–26 (1960, c. 122, s. 1, amended 1962, c. 128, s. 1; 1964, c. 106, s. 1; 1965, c. 110, s. 4).

18A:13–29. Issuance of bonds of constituent district by all purpose regional district. If in any consolidated district, or local district comprising two or more municipalities, which is comprised in an all purpose regional district, the issuance of bonds of said consolidated district or district comprising two or more municipalities has been authorized and approved by referendum in accordance with this title before the creation of such regional district and all or any part of such issue of bonds remained or remain unissued at the time of the creation of the regional district, such authorization and approval shall, be authority for the issuance of bonds of the regional district in same amount and for the same purpose or purposes after the date of such creation, as though such authorization and approval by referendum had been given in the regional districts after the creation thereof. The bonds so issued shall be dated and sold and made payable in accordance with the provisions of this chapter and any provisions of resolutions with respect to the dates and maturities of such bonds shall not affect the powers of the regional board of education with respect to such dates and maturities.

Source: C. 18:8–32.1 (1961, c. 98, s. 2).

18A:13–30. Issuance of bonds for acquisition of lands to include buildings, equipment, etc. Every resolution, proposition, question or proposal heretofore or hereafter adopted by the legal voters of:

1. Any regional district then in existence, or

2. Each local district proposing to join in the creation of a regional district, or

3. Any local district proposing to join with a regional district so as to enlarge the same, and of the regional district so to be enlarged

authorizing the issuance of bonds of said existing regional district or of the regional district so to be formed or enlarged, as the case may be, for the purchase or taking or condemning of land for school purposes shall, unless otherwise expressly provided therein, be deemed to include and authorize the purchase of any schoolhouse or schoolhouses or other buildings situate thereon and the furniture and other necessary equipment therefor and the material and supplies therefor, as well as the issuance of said bonds for said purpose in the amount or amounts set forth in such resolution, proposition, question or proposal.

Source: R.S. 18:8-3, amended 1955, c. 159, s. 3; C. 18:8-22 (1939, c. 113, amended 1954, c. 81, s. 3; 1955, c. 159, s. 13; 1963, c. 27); C. 18:8-26 (1960, c. 122, s. 1, amended 1962, c. 128, s. 1; 1964, c. 106, s. 1; 1965, c. 110, s. 4).

18A:13-31. Authority to purchase and sell property of constituent district. Whenever at an election held to create or enlarge a regional district and at that or a subsequent election a resolution for the purchase of real or personal property or both from one or more of the constituent districts of such regional district and the issuance of bonds of the newly created or enlarged regional district shall be legally adopted and approved by referendum as part of the proposal to create or enlarge such regional district, the board or boards of education of said constituent district or districts shall have power to sell and convey said property if it is no longer useful to such district at the price and on the terms designated in the resolution, and the board of education of the regional district as created or enlarged, when organized, shall have power to purchase the same accordingly at private sale, and to issue and sell such bonds with such maturities, and in such manner as is prescribed by law.

Source: C. 18:8-22.1 (1954, c. 81, s. 4, amended 1955, c. 159, s. 14).

18A:13-32. Application of proceeds of sale of property. The board of education of each constituent district from which any purchase of real property is made pursuant to section 18A:13-31 may expend all or any part of the proceeds of any such sale together with any interest thereon for any purpose for which bonds might be issued by such district if the board shall first have been authorized to make such expenditure in the same manner as authority is given in the case of issuance of bonds of the district and all or any part of the proceeds of such sale not so expended shall be applied to the payment of the principal of any outstanding bonds or notes of the district and pending said application shall be invested in war savings bonds or other obligations of the United States of America pursuant to law and the income received from such investments shall be applied to the payment of interest upon said outstanding bonds or notes as it shall become due and payable and if any surplus of such proceeds remains after the payment of the principal and interest payable upon said outstanding bonds or notes, the same, or if there be then no outstanding bonds or notes, the entire proceeds shall be paid into the capital account of the local school district.

Source: C. 18:8-22.1 (1954, c. 81, s. 4, amended 1955, c. 159, s. 14).

Article 11. Adoption of Additional Purposes.

18A:13-33. Additional purposes; referendum. Whenever the board of education of a regional district and the commissioner or his representative, shall, after consultation, study and investigation, determine that it is ad-

visable to add to the purposes for which the regional district was created, one or more of the purposes for which such a district may be created as provided in this chapter, the regional board shall by resolution frame and adopt a proposal to that effect and submit to the voters of the regional district at any school election held therein, the question, whether or not said proposal shall be approved, briefly describing the contents thereof and stating the date of its adoption by the regional board of education, and if, at said election, said proposal is adopted by a majority of the votes cast thereon in the regional district, the secretary of the regional district shall certify to the county superintendent of each county in which any of the constituent districts of the regional district is situate, and to the commissioner, the result of said election and thereafter the regional board of education shall be authorized to carry out such additional purpose or purposes.

If the proposal to add additional purposes will convert the regional district from a limited purpose regional district to an all purpose regional district, the proposal shall be submitted to the voters of each of the constituent districts of the regional district instead of at large to the voters of the regional district.

If the boards of education of a regional district, and of each local district, proposing to join therewith to enlarge said regional district, and the commissioner or his representative, shall, after consultation, study and investigation, determine by resolution so to add to the purpose or purposes of the regional district, the authorization of the adoption of such additional purpose or purposes shall be included by resolution in the proposal to enlarge said regional district and shall be so submitted to the voters of the regional district and of each proposed new constituent district at the election to be held in relation to the enlargement of said regional district.

Source: R.S. 18:8-19, amended 1955, c. 159, s. 12; 1956, c. 95, s. 3; 1965, c. 110, s. 3.

Article 12. Formation: Newly Formed and Enlarged Regional Districts.

A. Newly Formed Districts.

18A:13-34. Formation of regional districts; referendum. If the boards of education of two or more local districts, or the board of education of a consolidated district, or of a district comprising two or more municipalities, and the commissioner or his representative, after consultation, study and investigation, shall determine, that it is advisable for such districts to join and create, or for such district to become.

(a) an all purpose regional school district for all the school purposes of such districts or district, or

(b) a limited purpose regional school district to provide and operate, in the territory comprised within such local districts or district, one or more of the following: elementary schools, junior high schools, high schools, vocational schools, special schools, health facilities or particular educational services or facilities,

said board or boards shall by resolution frame and adopt a proposal to that effect stating also the manner in which the amounts to be raised for annual or special appropriations for such proposed regional school district, exclusive of the amount to be raised for interest upon, and the redemption of bonds payable by the regional district, shall be apportioned either upon the

basis or apportionment valuations as defined in section 54:4–49 of the Revised Statutes or upon the basis of the number of pupils enrolled, on the last school day of September of the current school year, in the proposed regional school district, and each such board shall call for, and conduct, upon the same day, a special school election in each municipality in its district and shall submit thereat the question whether or not said proposal shall be approved, briefly describing the contents of said resolution and stating the date of its adoption and they may submit also, at said special election, as part of such proposal, any other provisions which may be submitted, at such a special election, under the provisions of this chapter but no such special election shall be held on any day before April 15 or after December 1 of any calendar year.

Source: R.S. 18:8–1, amended 1938, c. 155, s. 1; 1953, c. 90, s. 1; 1955, c. 159, s. 1; 1956, c. 95, s. 1; 1965, c. 110, s. 1; C. 18:8–26 (1960, c. 122, s. 1, amended 1962, c. 128, s. 1; 1964, c. 106, s. 1; 1965, c. 110, s. 4).

18A:13–35. Certification and determination of the result of referendum to create regional district. The secretary of each local district, so proposed to be included in the proposed regional district, shall certify to the county superintendent of the county, in which such district is situate, within five days after such election, the results of the election held therein for the creation of a regional district, showing the number of votes cast for, and the number cast against, the adoption of the proposal to create such a regional district submitted therein, in each municipality in his district and each county superintendent of a county, in which any such muncipality or municipalities are situate, shall canvass the vote cast in each such municipality and if such county superintendent or superintendents shall determine from such certificates that a majority of the votes cast for and against the proposal submitted at said election were cast for its adoption in each such municipality, he or they shall immediately certify, to the board of education of each such local district, the result of such vote as so determined and the regional school district shall be created and any other provisions included in such proposal in accordance with the provisions of this chapter shall become effective on the twentieth day following the day of such election.

Source: R.S. 18:8–2, amended 1955, c. 159, s. 2; C. 18:8–27 (1960, c. 122, s. 2, amended 1961, c. 98, s. 1; 1964, c. 106, s. 2).

18A:13–36. Apportionment of membership of board of newly created regional district. The county superintendent or county superintendents of any county or counties, in which such newly created regional district is situate, shall calculate and apportion the membership of the board of education of such newly created regional district in accordance with the provisions of section 18A:13–8 and if such regional district is an all purpose regional district such membership shall be apportioned among the municipalities included within the districts according to the number of their inhabitants, as apportionment is made among constituent districts forming a limited purpose regional district, and the members shall be elected or appointed in accordance with such apportionment.

Source: C. 18:8–31 (1960, c. 122, s. 6, amended 1964, c. 106, s. 5).

18A:13–37. First board of education; appointment. The county superintendent of each county in which there is located any constituent district of

a newly created regional district shall appoint from among the citizens of each constituent district in his county, qualified as required by sections 18A:12–1 and 18A:13–7 of this title, the number of members of the board of education of the regional district requisite to represent such constituent district and all of the members so appointed shall constitute the first board of education of the regional district.

Source: R.S. 18:8–4, amended 1938, c. 155, s. 2; 1955, c. 159, s. 4; 18:8–6, amended 1938, c. 155, s. 4; 1955, c. 159, s. 6; C. 18:8–30 (1960, c. 122, s. 5).

18A:13–38. Allocation of terms for first elective board. The county superintendent or county superintendents appointing the first board of education of a regional district shall allocate the initial elective terms for the first elective members of said board in the following manner:

(1) In regional districts having nine members, three members shall be elected for three years, three for two years and three for one year, which terms shall be allocated to the constituent districts to the extent of apportioned membership on the regional board of education, starting with the allocation of the terms of three years, by allocating one of such terms to each of the constituent districts in the alphabetical order of the names of such districts, and continuing then still in such order with allocation of the terms of two years and with allocation of the terms of one year.

(2) In regional districts in which there are more than nine constituent school districts, the allocation for the tenth district shall be a term of three years, for the eleventh district a term of two years, and for the twelfth district a term of one year, with continuation of such rotation until provision has been made for allocation of the terms to all districts.

In any regional district in which the constituent districts have been or will be dissolved, said allocation shall be made among the municipalities included within the regional district in the manner hereinbefore provided for allocation among the constituent districts.

The county superintendent or county superintendents shall notify the board, when it shall have been organized, of the allocation of initial elective terms for its members as so made.

Source: R.S. 18:8–7, amended 1938, c. 155, s. 5; 1958, c. 167, s. 1; C. 18:8–31 (1960, c. 122, s. 6, amended 1964, c. 106, s. 5).

18A:13–39. Election of first members to board. The first elected members of the board of a newly created regional district shall be elected at the annual election to be held in the calendar year first succeeding the year in which the special election for the creation of the district was held.

Source: R.S. 18:8–6, amended 1938, c. 155, s. 4; 1955, c. 159, s. 6; C. 18:8–29 (1960, c. 122, s. 4, amended 1964, c. 106, s. 4).

18A:13–40. General powers and duties of board of newly created regional districts. The board of education of a newly created regional district may, prior to taking charge and control of the educational facilities of the regional district, do all other acts and things which may be necessary for the proper organization and functioning of the public schools of the regional district during its first year, including the making of contracts for the em-

ployment of necessary personnel and for other proper purposes, the preparation and submission to the voters of the regional district for their approval or disapproval of the budget and the appropriations for the conduct of the public schools of the regional district during its first school year, the authorization of the purchase of real and personal property, and the construction, enlargement and repair of buildings, for school purposes, and the appropriations of the funds necessary to carry out the same and the authorization of the issuance and sale of bonds in order to provide for the payment therefor in whole or in part and the calling and holding of special elections when necessary for any such purposes and to carry out any or all of said purposes.

Source: R.S. 18:8-14.

18A:13-41. Taking charge and control of educational facilities of schools in newly created regional districts. A regional board of education of a newly created regional district shall take charge and control of the educational facilities of the constituent districts in the classes or grades for which the same is formed when the commissioner shall certify to the boards of education of each of the constituent districts that suitable facilities and accommodations have been made available for the instruction of the pupils in said regional district, but it shall not take charge and control of such educational facilities earlier than July 1 of the calendar year next ensuing the date of the special election, except by agreement between the regional board and the boards of education of the constituent districts, approved by the commissioner. Until the commissioner shall so certify, the charge and control of the educational facilities of the constituent districts in the classes and grades for which the regional district was formed shall continue to be in the respective boards of education of the constituent districts.

Source: C. 18:8-14.1 (1946, c. 266, amended 1952, c. 111).

18A:13-42. Pension and tenure rights; certain teachers transferred to regional districts; preserved. Whenever a regional district has been created subsequent to April 1, 1951, or shall hereafter be created, for high school or junior high school education, the tenure and pension rights of any high school or junior high school teacher, who, at the time of the holding of the election to create such regional district, was assigned for a majority of his time in a grade or grades from grades seven to 12 inclusive, in any high school or junior high school in any of the constituent districts of such regional district, shall be recognized and preserved by the board of education of the regional district in the organization and operation of any high school or junior high school in the regional district, and any period of employment in any one or more of the high schools or junior high schools of any such constituent district or districts, shall count toward the acquisition of tenure in the regional district, but nothing in this section shall be applicable to any superintendent or high school or junior high school principal.

Source: C. 18:8-23 (1951, c. 128, s. 1, amended 1955, c. 240, s. 2); C. 18:8-24 (1951, c. 128, s. 2, amended 1955, c. 240, s. 3).

B. Enlargement and Enlarged Regional Districts.

18A:13–43. Enlargement of regional districts; referendum. If the board of education of a regional district and the board or boards of education of one or more local districts, and the commissioner or his representative, after consultation, study and investigation, shall determine that it is advisable to enlarge the regional school district so as to include said local district or districts therein, the board of education of the regional district and of each such local district shall by resolution frame and adopt a proposal to that effect and shall call for, and conduct, upon the same day, a special school election in such regional district and in each such local school district, and shall submit thereat the question whether or not said proposal shall be approved briefly describing the contents of said resolution and stating the date of its adoption and they may submit also at such special election as part of such proposal any other provision which may be submitted at such a special election under the provisions of this chapter, but no such special election shall be held on any day before April 15 or after December 1 of any calendar year.

Source: R.S. 18:8–3, amended 1955, c. 159, s. 3.

18A:13–44. Certification of results of election for enlargement of regional district. The secretary of the regional district and of each local district, which is included in the proposal to enlarge the regional district, shall certify to the county superintendent of the county in which such district is situate, within five days after such election, the result of the election in his district showing the number of votes cast for, and the number cast against, the adoption of such proposal and such county superintendent or county superintendents shall canvass the vote and if he or they shall determine from such certificates that such proposal was adopted in the regional school district and in each proposed constituent district, he or they shall notify the board of education of the regional district and of each proposed constituent district, and the commissioner, accordingly and the enlargement of the regional district, by the admission thereto of the proposed constituent district or districts, and any other provisions included in such proposal in accordance with the provisions of this chapter shall become effective on the twentieth day following the day of said election.

Source: R.S. 18:8–3, amended 1955, c. 159, s. 3.

18A:13–45. Corporate existence and name; assumption of indebtedness. The corporate existence of an enlarged regional district shall be continued without interruption from the date of its original creation notwithstanding its enlargement and its corporate name shall remain unchanged unless another corporate name, approved by the state board, shall be adopted by resolution of the regional board of education and shall be certified to the secretary of state.

Each new constituent district shall become responsible, for the indebtedness of the regional district then outstanding or authorized but unissued, as if it had originally constituted a part of the regional district.

Source: R.S. 18:8–3, amended 1955, c. 159, s. 3.

18A:13–46. Enlargement of regional districts; new board members; reapportionment. The county superintendent of the county in which any new constituent district of an enlarged regional district shall be situate shall, not later than 30 days after the election for the enlargement thereof, appoint one member of the enlarged board of education of the regional district from among the qualified citizens of each such new constituent district and the members so appointed shall serve until the first Monday succeeding the first annual school election of the enlarged regional district and their successors shall be elected at said election. If by reason of the enlargement of the district it becomes necessary to reapportion the membership of the enlarged board of education the county superintendent or superintendents of the county or counties in which the constituent local districts of the enlarged district are situate shall reapportion the membership of the enlarged board of education in accordance with the provisions of sections 18A:13–8 and 18A:13–36, and at the same time shall designate the number of members to be elected from each constituent school district at the succeeding annual school election to be held therein upon the expiration of the terms of office of the members of the regional board then in office, in such manner that the representation of the constituent districts shall be established in accordance with such reapportionment at the earliest possible time but the members then in office shall continue in office for the terms for which they were elected or appointed notwithstanding such reapportionment.

Source: R.S. 18:8–3, amended 1955, c. 159, s. 3.

18A:13–47. Enlarged regional districts; educational facilities; powers of board. The regional board of education of an enlarged regional district shall not take charge and control of the educational facilities, being provided for pupils in the classes or grades included in the regional district before its enlargement, in the local districts to be added thereto, until such time, not earlier than July 1 of the calendar year following that in which the election to enlarge the regional district is held, as the commissioner shall certify to the board of education of the regional district before its enlargement, and the board of education of each new constituent district, that suitable facilities and accommodations have been made available for the instruction of pupils in the enlarged regional district and until then the pupils in the regional district and in the new constituent districts shall continue under the charge and control of the board of education of the regional district existing prior to its enlargement and the board or boards of education of said new constituent district or districts, respectively. The time for taking charge and control of such facilities may be accelerated or postponed by agreement of the board of education of the regional district existing prior to its enlargement and of the board or boards of education of the new constituent district or districts with the approval of the commissioner. Upon taking charge and control of the educational facilities of the enlarged regional district the board of education of the enlarged regional district shall have full authority and control with respect thereto and in the meantime said board of the enlarged regional district may exercise any other powers and perform any other duties with respect to the enlarged regional district which the first board of education of a newly formed regional district may exercise and perform, as provided in section 18A:13–40.

Source: R.S. 18:8–3, amended 1955, c. 159, s. 3.

C. Dissolution of Local Districts; Effect, etc.

18A:13-48. Dissolution of local districts; original boards to function until taking over of schools. Whenever any local district has joined or shall join in

a. Creating or enlarging an all purpose regional district, or

b. The formation of a limited purpose regional district and thereafter has joined or shall join in the formation of another regional district for all other school purposes,

all existing districts forming such regional district or any existing district so united with such last named regional district shall be dissolved when the board of education of such regional district shall take charge and control of the educational facilities of the schools of such existing district or districts and thereafter each municipality included within such regional district shall become a constituent district of such regional district.

The board of education of each district to be dissolved shall continue in office with power to conduct the schools of the district until such date as the board of education of such regional district shall take charge and control of the educational facilities of the schools of such regional district, on which date their terms of office shall terminate.

No election shall be held for members of any district to be so dissolved in or after any year in which the members of the board of the regional district are elected.

Source: C. 18:8-27 (1960, c. 122, s. 2, amended 1961, c. 98, s. 1; 1964, c. 106, s. 2); C. 18:8-28 (1960, c. 122, s. 3, amended 1964, c. 106, s. 3); C. 18:8-29 (1960, c. 122, s. 4, amended 1964, c. 106, s. 4).

18A:13-49. Principals, teachers and employees transferred. All principals, teachers and employees in the employ of any dissolving local district shall be transferred to and continue in their respective employments in the employ of the regional school district and their rights to tenure, pension and accumulated leave of absence accorded under the laws of the state shall not be affected by their transfer to the employ of the regional school district.

Source: C. 18:8-34 (1960, c. 122, s. 9, amended 1964, c. 106, s. 7).

18A:13-50. Funds and records transferred. Upon the dissolution of any local district the officer having custody of the funds of such district shall deliver all of the funds of the dissolved district in his possession to the secretary of the successor regional district who shall give his receipt therefor and shall immediately turn the same over to the custodian of school moneys of the regional district.

All personal property, books, papers, vouchers and other documents belonging to any district, being dissolved, shall be transferred to the secretary of said regional district who shall cause a complete inventory to be made on all assets, real and personal, received by the regional school district. Upon and after the date of dissolution of the district all proceeds of taxes of any nature raised or to be levied for use or benefit of each dissolving school district and rights and claims with respect thereto, and all the property, funds, moneys and assets of each dissolving district shall vest in the regional district and the regional district shall be subject to all the

contracts, debts and other obligations of each dissolving district. Upon said date all bonds and notes, of each dissolving district, theretofore issued and outstanding shall be and shall constitute obligations of and payable as to both principal and interest by the regional district, and, unless otherwise required or provided for by law, in the same manner and to the same extent as if such bonds and notes had been issued by the board of the regional district. The regional board shall cause an audit and settlement of all accounts of officers of the former district or districts to be made forthwith. The official bonds of such officers shall be continued in full force and effect until the completion of such audit and satisfactory financial settlement of said accounts shall have been made.

Source: C. 18:8-32 (1960, c. 122, s. 7, amended 1962, c. 128, s. 2; 1964, c. 106, s. 6).

Part 5. ELECTIONS.

Chapter 14. SCHOOL ELECTIONS.

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Article 1. Annual and Special School Elections.

18A:14–1. Elections by ballot; candidate grouping and party designation prohibited. All school elections shall be by ballot and no grouping of candidates or party designation shall appear on any ballot to be used in a school election.

Source: R.S. 18:7–30, amended 1948, c. 32, s. 1; 1950, c. 213, s. 4; 1953, c. 409, s. 7.

18A:14–2. Time of holding annual school elections. An annual school election shall be held in each type II local district, on the second Tuesday in February and in each regional district, on the first or the second

Tuesday in February of each year, as provided in section 18A:13-10, and in case either of such days falls on a legal holiday the election shall be held on the following day.

Source: R.S. 18:7-14, 18:8-8, amended 1938, c. 155, s. 6; 1949, c. 66; 1955, c. 159, s. 7.

18A:14-3. Special elections; how called; limitations on calling. The board of education of a type II district may call a special election of the legal voters of the district at any time when in its judgment the interests of the schools require it, or whenever 50 of such legal voters shall by petition so request but no special school election shall be called to be held in any municipality on any day within 20 days before or after the day fixed according to law for the holding of any primary election for the general election or municipal or general election and no more than two special school elections shall be called by any board of education within any period of six months to submit to the legal voters of the district for their adoption or rejection any proposal, resolution or question authorizing the raising of a special district tax, or the issuance of bonds of the district, for the same purpose, unless the commissioner shall first have certified in writing the necessity therefor.

Source: R.S. 18:7-46, amended 1958, c. 113, s. 2; C. 18:7-46.1 (1951, c. 73); R.S. 18:7-61.

18A:14-3.1. Business to be transacted at special elections; notices. No business shall be transacted at any special election except such as shall have been set forth in the notices by which the election was called and in the notices of any special election, called upon petition as aforesaid, there shall be inserted the purposes named in the petition so far as the same are not in conflict with the provisions of this title.

Source: R.S. 18:7-61.

18A:14-3.2. Special elections; calling and conduct; qualification of voters, etc. All special elections shall be called in the manner provided for the calling of the annual school election. The qualification of voters, conduct of the election, and establishment of voting districts, together with polling places therein shall be governed in all respects by the provisions of the law regulating the annual school election, and in the case of special school bonding elections, the form of ballot shall be controlled by the form prescribed by section 18A:14-37.

Source: R.S. 18:7-46, amended 1958, c. 113, s. 2; 18:7-47, amended 1948, c. 32, s. 4; 1953, c. 409, s. 14.

Article 2. Polling Districts and Polling Places.

18A:14-4. Polling places. The board shall provide at least one polling place for each school election in a schoolhouse or other convenient public place within the school district and shall provide additional polling districts and places, when and as in this article provided.

Source: R.S. 18:7-16.

18A:14-4.1. Additional temporary polling districts and places. Whenever the board anticipates an unusually heavy vote in a specific annual or special school election, it may provide one or more additional polling dis-

tricts and polling places for that particular election and, as provided in section 18A:14–5, prescribe the boundaries of the polling districts in order to assure the orderly processing of voters by election officials and challengers and to minimize delay and inconvenience to the voters; and whenever a petition signed by at least 100 registered voters of the school district requesting the provision of one or more additional polling districts and polling places for a particular election shall have been filed with the secretary of the board at least 20 days prior to the date of the election, the board shall similarly provide one or more polling districts and polling places for that election and prescribe the boundaries thereof.

Source: C. 18:7–18.1 (1966, c. 57, s. 1); R.S. 18:7–19, amended 1950, c. 213, s. 1; 1963, c. 148, s. 2.

18A:14–5. Additional permanent polling districts and places. Whenever at two consecutive annual school elections more than 500 ballots shall be cast in a polling district, the board shall establish a polling district and polling place for each 500 ballots or part thereof cast at the last annual school election, and prescribe the boundaries thereof, which shall coincide with the boundaries of one or more of the election districts of the municipality or municipalities composing the school district, so that as nearly as practicable an equal number of voters shall be eligible to vote in each polling district, but, if at any two subsequent annual school elections held in the entire school district, the number of votes cast in any polling district shall be less than 500, the number of polling places may be reduced by the board to such number as may be necessary to conform with the provisions of this section unless and until the vote so cast in a future school election in any polling district shall exceed said number.

Source: R.S. 18:7–18, amended 1953, c. 409, s. 4; 18:7–19, amended 1950, c. 213, ss. 1, 8; 1963, c. 148, s. 2.

Article 3. Election Officers; Appointment and Qualifications.

18A:14–6. Judge, inspector and clerks of elections. Each board of education shall, at its regular January meeting, if paper ballots are used in elections in the district, or at its last regular meeting held not less than 40 days prior to the date fixed for the next annual school election, if voting machines are used in elections in the district, appoint a judge of elections, an inspector of elections, and two clerks of elections for each polling district therein, and may appoint additional clerks for any polling district, not exceeding one for every two signature copy registers used therein, to act as election officers, and shall notify them accordingly. They shall be appointed from the qualified voters of the school district, who are not members or employees of the board of education and who do not intend to stand as candidates for any office of the school district during the ensuing year, and in school districts in which voting machines will be used during the ensuing year they shall be chosen, as far as practicable, from the members of the district boards of election in office in the municipality or municipalities comprising the school district.

Source: R.S. 18:7–35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2; C. 18:7–47.5 (1947, c. 146, amended 1949, c. 13, s. 4; 1966, c. 195).

18A:14-7. Terms of election officers; vacancies, etc. The election officers shall hold office until the next meeting of the board, at which election officers are to be appointed, and in case of a vacancy or absence of an election officer, at the time of the opening of the election, the person authorized to open the election shall appoint a temporary officer from among those present.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2.

18A:14-8. Compensation. Each such election officer may be paid by the board for his services in conducting each election not to exceed $2.00 per hour for each hour that the polls are open but in no event less than $10.00, as may be fixed by the board of education.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2; C. 18:7-47.5 (1947, c. 146, amended 1949, c. 13, s. 4; 1966, c. 195).

Article 4. Nomination and Withdrawal of Candidates.

A. Nomination.

18A:14-9. Nomination by petition; number of signers, etc. Each candidate to be voted upon at a school election shall be nominated directly by petition, signed by at least 10 persons, none of whom shall be the candidate himself, and filed with the secretary of the board of education of the district on or before four P. M. of the fortieth day preceding the date of the election, except that nominating petitions for special elections to be held pursuant to section 18A:9-10 shall be so filed on or before four P. M. of the fifteenth day before said special election. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate but no petition shall contain the endorsement of more than one candidate.

Source: R.S. 18:7-21, 18:7-23, amended 1950, c. 213, s. 2; 18:7-25, amended 1954, c. 119; 1958, c. 113, s. 1; 1958, c. 141; C. 18:7-47.7 (1947, c. 146, s. 7, amended 1949, c. 13, s. 6).

18A:14-10. Contents of petition. Each nominating petition shall be addressed to the secretary of the board of education of the district and therein shall be set forth:

a. A statement that the signers of the petition are all qualified voters of the school district;

b. The name, residence and post office address of the person endorsed and the office for which he is endorsed;

c. That the signers of the petition endorse the candidate named in the petition for said office and request that his name be printed upon the official ballot to be used at the ensuing election; and

d. That the person so endorsed is legally qualified to be elected to the office.

Accompanying the nominating petition and to be filed therewith, there shall be a certificate signed by the person endorsed in the petition, stating that:

a. He is qualified to be elected to the office for which he is nominated;

b. He consents to stand as a candidate for election; and

c. If elected, he agrees to accept and qualify into said office.

Source: R.S. 18:7-22, C. 18:7-47.7 (1947, c. 146, amended 1949, c. 13, s. 6).

18A:14-11. Verification of petition. Each nominating petition shall be verified by the oath of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of this state to administer an oath to the effect that:

a. The petition is signed in their own proper handwriting by each of the signers thereof;

b. The signers are to the best knowledge and belief of the affiants legally qualified to vote at the election at which the candidate shall be voted for; and

c. The petition is prepared and filed in good faith for the sole purpose of nominating the candidate therein named in order to secure his election as a member of the board.

Source: R.S. 18:7-24, C. 18:7-47.7 (1947, c. 146, amended 1949, c. 13, s. 6).

18A:14-12. Defective petitions. When a nominating petition is found to be defective, the secretary of the board shall forthwith notify the candidate of the defect and the date when the ballots will be printed and the candidate endorsing the petition may amend the same in form or substance so as to remedy the defect at any time prior to said date.

Source: R.S. 18:7-26.

B. Withdrawal.

18A:14-12.1. Withdrawal of candidates. Any candidate may withdraw his name as a candidate for election at the annual school election by filing a notice in writing, signed by him, of his withdrawal with the secretary of the board on or before four P. M. of the thirty-second day before the date of the election and thereupon the name of such candidate shall be withdrawn by the secretary. The name of such candidate shall not be printed on the ballot. The names of any candidates originally designated on the ballot below the name of the withdrawn candidate shall be advanced one place each, respectively, on the ballot.

Source: C. 18:7-26.1 (1962, c. 216).

Article 5. Drawing for Position of Candidates on Ballot.

18A:14-13. Position of names of candidates; drawing of names. The position which the names of candidates shall have upon the annual school election ballot in each school district shall be determined by the secretary of the board of education of the district by conducting a drawing in the following manner:

a. The drawing of names shall take place at eight P. M. on the day following the last day for filing petitions for the annual school election at the regular meeting place of the board of education. In case the day fixed for the drawing of names falls on a Sunday, the drawing shall be held on the following day. The drawing shall be done by the secretary, or

in the event of his sickness or disability or absence from the district, by a person designated by the president of the board of education. The person making the drawing shall make public announcement at the drawing of each name, the order in which the name is drawn and the term of office for which the drawing is made.

b. A separate drawing shall be made for each full term and for each unexpired term, respectively. The names of the several candidates for whom petitions have been filed for each of the terms shall be written upon cards of the same size, substance and thickness. The cards shall be placed in a covered box with an aperture in the top large enough to admit a man's hand and to allow the cards to be drawn therefrom. The box shall be turned and shaken thoroughly to mix the cards and the cards shall be withdrawn one at a time.

c. Where there is more than one person to be elected for a given term of office, the position of the names on the ballots for each term of office shall be determined as above described. The name of the candidate for each term of office first drawn from the box shall be printed directly below the proper term for which he was nominated and the name of the candidate next drawn shall be printed next in order, and so on, until the last name shall be drawn from the box.

Source: C. 18:7-29.3 (1950, c. 213, s. 5); C. 18:7-47.7 (1947, c. 146, amended 1949, c. 13, s. 6); C. 18:7-47.8 (1947, c. 146, amended 1949, c. 13, s. 7; 1951, c. 39).

18A:14-14. Witnesses to drawing. Any legal voter of the district may witness the drawing.

Source: C. 18:7-29.3 (1950, c. 213, s. 5); C. 18:7-47.7 (1947, c. 146, amended 1949, c. 13, s. 6); C. 18:7-47.8 (1947, c. 146, amended 1949, c. 13, s. 7; 1951, c. 39).

Article 6. Challengers.

A. For Candidates.

18A:14-15. Challengers; appointment. Each candidate may act as a challenger and may appoint also a legal voter of the school district to act as a challenger for each municipal election district included within each polling district in which he is to be voted for. If at such election the polls shall be scheduled to be open for more than four hours, each candidate may appoint additional challengers, as alternates, in such number as to permit periodic relief from duty of challengers not more often than every two hours. Challengers shall be appointed in writing, signed by the candidate, specifying the names and addresses of the challengers and the polling district for which they are severally appointed, which shall be filed with the secretary of the board of education not later than five days preceding the election.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2.

18A:14-16. Certification of appointment. The secretary of the board of education shall make a certificate of the appointment of the challengers and the polling districts for which they are severally appointed, which shall be submitted by the challengers to the election officers of said respective polling districts.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2.

18A:14-17. Identification. Each challenger shall wear a mark of identification as a challenger which shall be furnished to him by the secretary of the board.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2.

18A:14-18. Powers. Each challenger may in the polling district for which he is appointed:

a. Challenge the right of any person to vote in such district at any time after the person claims such right and before his ballot is deposited in the ballot box, or before the screen, hood or curtain of the voting machine is closed, and ask all necessary questions to determine this right; and

b. Be present while the votes are being counted, in such position that he can observe the marking on the ballots but not to interfere with the orderly counting of the votes, and challenge the counting or rejection of any ballot or part thereof.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2.

B. For Public Questions.

18A:14-18.1. Appointment of challengers. In event that any public question is to be submitted at any school election, challengers may be appointed to act for each polling place within the district for the voters favoring the adoption of such question and challengers may be appointed to act for each such polling place for the voters opposing the adoption of such question. The petitions naming the challengers for the proponents and the opponents may each name as many challengers as there are municipal election districts included within each school election polling district, and if at such election the polls shall be scheduled to be open for more than four hours, sufficient additional challengers, as alternates, may be named in such number as to permit periodic relief from duty of challengers not more often than every two hours.

Source: C. 18:7-35.1 (1960, c. 106, s. 1, amended 1966, c. 57, s. 3).

18A:14-18.2. Appointment filed with the secretary. Each such challenger shall be appointed by the filing with the secretary of the board of education of the district, not later than five days preceding such election, of a petition naming the person or persons so appointed and designating the polling place for which each is appointed and stating that they are appointed to act for those favoring or for those opposed to the adoption of the question, which petition shall be signed by at least 10 qualified voters of the district. Not more than one such petition on behalf of those favoring the adoption of the question and one such petition on behalf of those opposed to the adoption of such question, appointing challengers for each polling place, shall be filed with the secretary of the board and in event that more than one such petition is offered, the first offered shall be filed by the secretary.

Source: C. 18:7-35.2 (1960, c. 106, s. 2).

18A:14-18.3. Certification by secretary. The secretary of the board shall certify each such appointed challenger designating in the certificate

the polling place at which he is to serve, which certificate shall be presented to the election officials of the polling place for which he is appointed.

Source: C. 18:7-35.3 (1960, c. 106, s. 3).

18A:14-18.4. Challengers to wear identification markers. Each such challenger shall wear a mark of identification as a challenger which shall be furnished him by the secretary of the board and he shall have all the powers of other challengers appointed for annual school elections.

Source: C. 18:7-35.4 (1960, c. 106, s. 4).

Article 7. Notice of Election.

18A:14-19. Notice; contents; posting and publication. The secretary of each board shall give notice of each election specifying:

(1) The day, time and place thereof,

(2) The offices, if any, to be filled at such election,

(3) The substance of any public question to be submitted to the voters thereat,

(4) Such other information as may be required by law, and

(5) If more than one polling district is established in the school district, the boundaries of the polling districts or the numbers assigned to them as election districts with which they coincide in the school district and the location of the polling place for each,

not less than 10 days prior to the date fixed for the election, by posting at least seven copies of such notice, one on each schoolhouse in the district and the others at such public places therein as the board shall direct and causing a copy thereof to be published at least once, in at least one newspaper published in each municipality in the district and, if no newspaper is published in any such municipality, then, as to such municipality, in at least one newspaper published in the county or state and circulating in the municipality.

Source: R.S. 18:7-15, amended 1953, c. 18, s. 13; 1963, c. 148, s. 1.

Article 8. Equipment, etc., for Polling Places.

18A:14-20. General equipment. The secretary shall furnish for each polling place proper equipment for the performance of their duties by the election officers, including tables, booths, chairs and lights, which shall be supplied and be properly erected in ample time for the holding of the election.

Source: R.S. 18:7-20, amended 1939, c. 386, s. 1; 1953, c. 409, s. 5; C. 18:7-47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5).

18A:14-21. Booths; number. Not less than two booths shall be installed at each polling place and in each school district in which paper ballots are used, at least one booth shall be provided for each 100 votes or major fraction thereof cast at the preceding annual school election in the polling district.

Source: R.S. 18:7-20, amended 1939, c. 386, s. 1; 1953, c. 409, s. 5.

18A:14-22. Booths; equipment and character. Each booth shall be equipped with swinging doors or curtains, so arranged that some part of the person of the voters within the booth shall be visible from without the booth, when the doors or curtains are closed. It shall be sufficiently large to enable the voter conveniently to prepare his ballot and shall contain a counter or shelf, so placed that the voter may place his ballot thereon while preparing same.

Source: R.S. 18:7-20, amended 1939, c. 386, s. 1; 1953, c. 409, s. 5.

18A:14-23. Ballot boxes; construction and locking. Each ballot box used for the casting of paper ballots shall be constructed of wood, metal or glass and shall be at least one foot in depth, width and length and shall have a properly slitted hinged top, which shall be locked while the polls are open.

Source: R.S. 18:7-20, amended 1939, c. 386, s. 1; 1953, c. 409, s. 5.

18A:14-24. Ballot boxes; location. Each ballot box shall be so placed within the polling room that each voter may deliver his ballot to an election officer after emerging from the booth and before leaving the polling room within which the booths and ballot box are placed.

Source: R.S. 18:7-20, amended 1939, c. 386, s. 1; 1953, c. 409, s. 5.

Article 9. Ballots.

A. Military Service and Civilian Absentee Ballots.

18A:14-25. Notice to persons desiring military service and civilian absentee ballots. Not less than 40 days whenever possible, and always as nearly 40 days as possible, prior to the date fixed for the holding of any school election, the secretary of the board of education shall cause notices, of the character provided in section 7 of the "Absentee Voting Law (1953)," (C. 19:57-7) to be published at least once in one newspaper published in the county or each county in which the district is situate and circulating in such county or in each such county, and if no newspaper is published in any such county or such a newspaper will not be published in time to publish such notices in accordance with this section, then in at least one newspaper published in the state and circulating, in the municipality or municipalities in such county or each such county, which notices shall state that the applications for any such ballots may be made to the secretary.

Source: New.

18A:14-26. Receipt of applications. The secretary shall receive all applications for military service or civilian absentee ballots and shall forward the same to the county clerk of the county forthwith.

Source: New.

18A:14-27. Printing and distributing of military service and civilian absentee ballots. The secretary shall cause to be printed a sufficient number of military service and civilian absentee ballots, in the form prescribed by the county clerk of the county and section 14 of the "Absentee Voting Law (1953)," (C. 19:57-14) for each school election and shall furnish them,

together with inner and outer envelopes and printed directions for the preparation and transmission of such ballots for use in such election, to the county clerk, pursuant to section 8 of the "Absentee Voting Law (1953)" (C. 19:57–8).

Source: New.

18A:14–28. Voting of military service and civilian absentee ballots. Said military service and civilian absentee ballots shall be voted and the result thereof canvassed and certified by the county board of elections to the secretary of the board of education of the district in which the election is held, and shall be counted, in determining the result of the election, in the same manner as is required under chapter 211 of the laws of 1953, the said "Absentee Voting Law (1953)."

Source: New.

B. Sample Ballots.

18A:14–29. Sample ballots; when used; preparation. If the board of education of any district shall determine by resolution that sample ballots for any election shall be posted and mailed to the voters, the secretary of the board shall cause to be prepared sample ballots which, as nearly as possible, shall be facsimiles of the official ballots to be used at such election or, in districts in which voting machines are used, shall be facsimiles in reduced size of the face of the machine so to be used, but shall be printed on paper different in color from the official ballot and shall have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official school election ballot to be used on election day."

Source: C. 18:7–47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5).

18A:14–30. Envelopes for mailing sample ballots. The secretary shall also cause to be prepared stamped envelopes, of sufficient size, with sufficient postage, to enable the sample ballots to be mailed therein, on the face of each of which shall be printed the words "Official school election sample ballot" in large type, and in the upper left-hand corner, the return address of the secretary, upon failure of delivery.

Source: C. 18:7–47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5).

18A:14–31. Mailing and posting of sample ballots. The secretary shall mail one of each such sample ballots to each voter who is registered in any of the municipalities comprising the school district in which the election is to be held, in a properly stamped envelope, addressed to him at the address shown on the signature copy register, on or before 12 noon on Wednesday preceding the date fixed for the election and he shall also post sample ballots at each polling place in the district.

Source: C. 18:7–47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5).

C. Paper Ballots.

18A:14–32. When used; preparation. Paper ballots shall be used in all school elections unless the board of education of the district shall deter-

mine to use voting machines in such elections, as provided by this article. Paper ballots, when used, shall be furnished by the board and shall be prepared by the secretary of the board.

Source: New.

18A:14-33. Paper for ballots. The paper ballots shall be printed on plain white paper uniform in size and quality and of such thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device, or figure on the front or back thereof except as provided for in this article.

Source: R.S. 18:7-33.

18A:14-34. Description of paper ballot coupon and heading. Each paper ballot shall have at the top thereof a coupon at least one inch deep extending across the ballot above a perforated line. The coupons shall be numbered consecutively from one to the number of ballots prepared for use in such election district. Upon the coupon and above the perforated line shall be the words "To be torn off by the judge of election" and "Fold to this line." Below the perforated line shall be printed the words "School Election Ballot" and below which and extending across the ballot in one or more lines shall be the name of the municipality or municipalities comprising the school district, the date of the election, and if the district is divided into two or more polling places, the number, name or other mark or designation to distinguish the polling place, and the printed facsimile signature of the secretary. The heading shall be set apart from the body of the ballot by a heavy diagram rule.

Source: R.S. 18:7-30, amended 1948, c. 32, s. 1; 1950, c. 213, s. 4; 1953, c. 409, s. 7.

18A:14-35. Description of paper ballot for candidates. Below the rule there shall be printed on each paper ballot to be voted for candidates the following directions instructing the voter how to indicate his choice for the person for whom he may desire to vote and stating the maximum number of candidates he may vote for: "To vote for any person whose name appears on this ballot make a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the space or square at the left of the name of such person. To vote for any person whose name is not printed upon this ballot write or paste the name in the blank space and mark a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the space or square at the left of the name of such person. Do not vote for more candidates than are to be elected." Below these instructions shall be printed a heavy diagram rule below which shall be printed such directions to the voter as may be necessary as "Vote for one," or "Vote for two," or a greater number, as the case may be, immediately after which shall be printed the names of the candidates duly nominated by petition as they appear signed to the certificate of acceptance in the order prescribed by law, but no candidate who has failed to file a certificate of acceptance shall have his name printed upon the ballot. The same size and style of type shall be used in printing the name of each candidate and between the name of each candidate shall be printed a heavy diagram rule and the space between each of the rules shall be exactly equal. Immediately after the space allotted to the names of candidates there shall be as many ruled blank spaces as

there are members to be voted for. Immediately to the left and on the same line with the name of each candidate and blank space there shall be printed a square the same size of type in which the name of the candidate is printed, which type shall, in no case, be larger than 24 point. In case a member is to be elected for a full term, and one is to be elected to fill an unexpired term, the ballots shall designate which of the persons to be voted for is to be elected for the full term and which for the unexpired term.

Source: R.S. 18:7-30, amended 1948, c. 32, s. 1; 1950, c. 213, s. 4; 1953, c. 409, s. 7.

18A:14-36. Illustration of ballot for election of board members. The following is an illustration of the form of ballot:

No. .....

To be torn off by the Judge of Election.

....

Fold to this line.

SCHOOL ELECTION BALLOT
Township of Webster
February 14, 1922

Polling District No. 1
Main Street School.

John Henry Doe,
Secretary.

To vote for any person whose name appears on this ballot mark a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the place or square at the left of the name of such person.

To vote for any person whose name is not printed upon this ballot write or paste the name in the blank space and mark a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the space or square at the left of the name of such person. Do not vote for more candidates than are to be elected.

For Membership to Board of Education, Full Term.	*Vote for three.*
☐ RUTHERFORD B. FALLON	
☐ WILLIAM F. SEIBEL	
☐ JAMES A. STEPHENS	
☐ THOMAS TEMPLETON	
☐	
☐	
☐	

For Membership to Board of Education, Unexpired Two-Year Term.	*Vote for one.*
☐ HENRY JONES	
☐ JOHN SMITH	
☐	

For Membership to Board of Education, Unexpired One-Year Term.	*Vote for one.*
☐ FRANCIS R. LOORI	
☐ ARTHUR H. PATTERSON	
☐	

using as much of the said form as may be applicable to the current school board election and extending the same to provide for cases not herein specified.

Source: R.S. 18:7-31, amended 1948, c. 32, s. 2; 1953, c. 409, s. 8.

18A:14-37. Description of paper ballot for questions to be voted upon. All questions to be voted upon by paper ballots at any school election shall be placed upon the ballot immediately following the names of the candidates for election, if any, or if none, immediately following the heavy diagram rule and shall be so arranged that the voter may indicate his choice in voting for or against each of them.

There shall be printed upon each official ballot the following:

"If you are in favor of the adoption of the question printed below, make a cross (×) or plus (+) or check (√) mark with black ink or black pencil in the square opposite the word 'Yes.' If you are opposed thereto, make a cross (×) or plus (+) or check (√) mark in like manner in the square opposite the word 'No.' "

	Yes.	(Question to be voted on.)
	No.	

If the voter makes a cross (×) or plus (+) or check (√) mark in black ink or black pencil in the square to the left of and opposite the word "Yes," it shall be counted as a vote in favor of the proposition.

If the voter makes a cross (×) or plus (+) or check (√) mark in black ink or black pencil in the square to the left of and opposite the word "No," it shall be counted as a vote against the proposition. In case no marks are made in the square to the left of and opposite either the word "Yes" or "No," it shall not be counted as a vote either for or against the proposition.

Source: R.S. 18:7-32, amended 1948, c. 32, s. 3; 1953, c. 409, s. 9; 1954, c. 183; 18:7-47, amended 1948, c. 32, s. 4; 1953, c. 409, s. 14.

18A:14-38. Exhaustion of supply of ballots. If the supply of paper ballots shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of the official ballot, and approved by the election officials of the polling district, may be used. The mode and manner of voting such unofficial ballots, shall, nevertheless, in all respects conform as nearly as possible to the mode and manner of voting herein prescribed.

Source: C. 18:7-33.1 (1950, c. 213, ss. 6, 8).

D. Use of Voting Machines in School Elections.

18A:14-39. Authority to use voting machines. Any board of education of any district which is coterminous with any municipality or municipalities in which voting machines are used at general or municipal elections may, by a majority recorded roll call vote of its full membership, determine by resolution to use voting machines at school elections, and thereafter voting

machines shall be used at all school elections in the district unless and until the board shall in like manner determine otherwise.

Source: C. 18:7–47.1 (1947, c. 146, s. 1, amended 1949, c. 13, s. 2).

18A:14–40. Obtaining use of machines. Whenever any board shall determine to use voting machines at school elections, the secretary of the board shall notify, in writing, the officer or officers having control and custody of voting machines of the county, of the number of machines to be used and the polling places and times at which they will be used, not less than 40 days before the date of the election at which the same are to be used, and the superintendent of elections or county board of elections, as the case may be, shall cause said voting machines to be delivered at such polling places and such times as shall be designated in the notice.

Source: C. 18:7–47.2 (1947, c. 146, s. 2, amended 1949, c. 13, s. 3).

18A:14–41. Official ballots for machines. The secretary of the board of education of the district shall furnish to said officer or officers of the county, at least seven days before the election, official ballots, of the type and in the number required by law for use in voting machines, for such election, and shall make such other arrangements as are necessary to hold such election by the use of voting machines in all polling districts of the school district.

Source: C. 18:7–47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5).

18A:14–42. Manner of use of machines. The voting machines shall be prepared for use and shall be used at such election in the same manner, and the superintendent of elections or the county board of elections, as the case may be, and all election officers of the district shall perform the same duties, as are required when the same are used in elections held pursuant to Title 19, Elections, of the Revised Statutes, except that—

a. No provision of Title 19 of the Revised Statutes relating to political parties or organizations, or officers thereof, shall be construed to apply to any school election;

b. Written notice of the time and place when the machines will be prepared for use at the elections shall be mailed to each candidate to be voted upon at such election, stating the time and place where the machines may be examined, at which time and place said candidates shall be afforded an opportunity to see that the machines are in proper condition for use in the election;

c. When candidates are to be nominated, their nomination shall be made in the manner provided by this title;

d. The names of all candidates to be voted upon at such election shall be arranged in the manner provided by this act, and no grouping of two or more candidates or political party designations shall be permitted;

e. The superintendent of elections or the county board of elections, as the case may be, shall not be required to prepare, challenge, or strike out lists for use at any such election.

Source: C. 18:7–47.3 (1947, c. 146, s. 3); C. 18:7–47.4 (1947, c. 146, s. 4); C. 18:7–47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5); C. 18:7–47.9 (1947, c. 146, s. 9, amended 1949, c. 13, s. 8); C. 18:7–47.10 (1947, c. 146, s. 10, amended 1949, c. 13, s. 9).

18A:14–43. Payment for use of voting machines. The board of education shall pay to the board of chosen freeholders of the county, unless the board of chosen freeholders shall determine to waive such payment, a rental fee of $5.00 for the use of each voting machine used in the district, plus the cost of any partial or total damage done to any machine or pertinent equipment whatever, between the time of leaving the place of storage and its return thereto.

The board of chosen freeholders shall be reimbursed by the board of education for the cost of carting the voting machines to and from the polling places and any other reasonable expense incurred by the superintendent of elections or the county board of elections of the county, as the case may be, in carrying out the provisions of this subarticle, which shall be paid in the same manner as other school expense in elections.

Source: C. 18:7–47.11 (1947, c. 146, s. 11, amended 1954, c. 120; C. 18:7–47.12 (1947, c. 146, s. 12).

Article 10. Qualifications of Voters.

18A:14–44. Qualifications of voters. No person shall be permitted to vote at any school election unless—

a. He is a citizen of the United States of the age of 21 years;

b. He has been a resident of the state six months and of the county in which he claims his vote 40 days next, before the election;

c. He shall be registered to vote in an election district included within the school district or the respective polling district of the school district, as the case may be, at least 40 days prior to the election, and his name shall appear upon the signature copy register furnished for such school district or polling district, respectively, or he shall make proof to the election board at such election that he is entitled to vote at such election, notwithstanding that his name does not appear on the said signature copy register, in the manner prescribed in this chapter.

Source: R.S. 18:7–27, amended 1939, c. 386, s. 2; 1947, c. 148, s. 11; 1948, c. 287, s. 1; 1953, c. 409, s. 6; 1965, c. 108, s. 1.

Article 11. Voting Procedure.

18A:14–45. Opening and closing of polls. The polls shall be and remain open between the hours of five and nine P. M. and during any additional time which the board may designate between the hours of seven A. M. and nine P. M. and shall remain open as much longer as may be necessary to permit those present at the time so fixed for the closing of the polls to cast their ballots.

Source: R.S. 18:7–34, amended 1939, c. 386, s. 4; 1959, c. 72; 1963, c. 18.

18A:14–46. Opening election; powers of election officers. A member of the board of education, or in his absence the judge of the election, or in the absence of both, the secretary of the board shall declare the polls open at the time fixed for the opening thereof, and they shall remain open and the balloting shall continue without recess from the time of the opening until the close thereof, and the election officers shall have power to maintain order in the polling place, to require all persons other than

challengers, candidates, and persons in the process of voting to leave the polling place, and to prohibit electioneering in the building in which the election is being conducted while the same is being conducted.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2.

18A:14-47. Signature copy registers. The secretary shall forward a written notice to the commissioner of registration of the county at least 10 days before any school election, setting forth the election districts in the school district in which such election will be held, and the commissioner shall thereupon prepare the signature copy registers which contain the names and addresses of all persons duly registered in such election districts who are entitled to vote at such election, and shall deliver the same to the secretary on the day preceding, or the day of, such election. The signature copy registers containing the names of the voters in each polling district in the school district shall be forwarded by the secretary to the election officers who will conduct the election in such district, and shall be used in the election and shall be returned to the secretary immediately after the election and by him to the commissioner of registration not later than three P. M. of the day after such election.

Source: R.S. 18:7-28, amended 1947, c. 148, s. 12; 1948, c. 287, s. 2.

18A:14-48. Poll lists; description. The board of education shall provide, and one of the election officers, designated by the judge of election, and acting, as clerk of the election shall keep at each polling place, for each school election, a poll list arranged in a column or columns appropriately headed so as to indicate the election, the date thereof, and the school district and election district in which the same is used, in such manner that each voter voting in the polling place at the election may sign his name and state his address therein and the number of his official ballot may be indicated opposite the signature.

Source: New.

18A:14-49. Claiming right to vote. Every person qualified to vote in any school election shall be at liberty, at any time while the polls are open, to enter the polling place and claim, in person, his right to vote at such election in his proper polling district, before the election officers, giving, at the same time, his full name and address to the election officer in charge of the signature copy register.

Source: New.

18A:14-50. Signature, etc., of poll list; entry of number of ballots therein. The voter shall, previous to the receipt of an official ballot, sign his name without assistance and state his address, in an appropriate column of the poll list and the election officer in charge of the poll list shall record therein opposite the voter's name, the number of the official ballot furnished to the voter for voting.

Source: C. 18:7-35.5 (1960, c. 105, s. 1).

18A:14-51. Comparison of signatures. After the voter shall have so signed and before an official ballot shall be given to him, one of the election officers shall compare the signature made in the poll list with the signature theretofore made by the voter in the signature copy register,

and if the signature thus written in the poll list is the same or sufficiently similar to the signature in the signature copy register, the voter shall be eligible to receive a ballot.

Source: C. 18:7-35.6 (1960, c. 105, c. 2).

18A:14-51.1. Procedure when voter unable to write. The comparison of the signatures of a voter, and if the voter alleges his inability to write, the comparison of the answers made by such voter, upon registration and upon election day, shall be had in full view of the challengers.

Source: C. 18:7-35.7 (1960, c. 105, s. 3).

18A:14-51.2. Challenge of voter. Upon any question or challenge of a voter duly registered, it shall be the duty of the election board and the privilege of all of its members to put such questions as are proper to determine the right of the voter to vote.

Source: C. 18:7-35.8 (1960, c. 105, s. 4).

18A:14-51.3. Right to vote after challenge determined under provisions of Title 19. In event that the right of any voter to vote shall be challenged, his right to vote shall be determined in accordance with the provisions of Title 19, Elections, of the Revised Statutes.

Source: C. 18:7-35.9 (1960, c. 105, s. 5).

18A:14-52. Procedure for obtaining ballot when duplicate permanent registration form cannot be found. In any school election, if the duplicate permanent registration form of any person cannot be found in the signature copy register at the time he applies for a ballot and such person claims that he was permanently registered in such municipality at least 40 days prior to such election or that he was permanently registered in another municipality within the same county and filed or forwarded a change of residence notice to the commissioner of registration of the county or the clerk of the municipality, if the municipality is not the one in which the county seat is located, certifying that he has moved to the municipality in which he seeks to vote at least 40 days prior to such election, one of the school election officers shall require such person to make and sign an affidavit, which may be taken by any school election officer, in the form which shall have been prescribed by the commissioner of education, which form shall include a statement that such person was permanently registered at least 40 days prior to such election in such municipality or in another municipality within the same county and filed or forwarded a change of residence notice to the commissioner of registration of the county or the clerk of the municipality, other than the municipal clerk of the municipality in which the county seat is located, certifying that he has moved to the municipality in which he seeks to vote at least 40 days prior to such election, and that such person has the qualifications required to vote at such election. If such form has been properly filled out by a school election officer and signed by such person, such person shall be eligible to receive a ballot. The number of the ballot shall be recorded on such form and the form shall be transmitted to the superintendent of schools of the county, in the sealed packet required by this title.

Source: C. 18:7-29.1 (1944, c. 3, s. 1, amended 1950, c. 213, s. 3).

18A:14–53. Balloting by paper ballots; duties of election officers; secret ballot; penalty. In all school districts using paper ballots after the election officers shall have ascertained that a voter is properly registered and qualified to vote, the election officers shall furnish to the voter one official ballot numbered to correspond with the number entered opposite the voters name in the poll list, allowing for spoiled ballots, if any.

No ballot shall be handed to a voter until there is a booth ready for occupancy and until the voter shall have signed the poll list. The election officers shall not allow a voter to mark his ballot outside of an election booth unless the voter is unable to enter the booth by reason of his physical disability.

The election officers shall instruct the voter how to fold the ballot and shall crease the ballot so as to indicate the point where the voter shall fold the ballot, but before handing the ballot to the voter the election officers shall see that the face of the ballot including the coupon is exposed, and at the same time shall call off the ballot number to the official having charge of the poll list, who shall make certain that the ballot number and number entered opposite agree, allowing for spoiled ballots, if any.

If the number of the ballot does not follow consecutively the missing number or numbers shall be written on a blank sheet of paper signed by the election officers and placed on the string with the coupons in its or their proper place or places.

Every voter to whom a ballot is given shall thereupon retire into the polling booth. Not more than one voter shall be permitted to enter or be in the same booth at one time. The voter shall prepare his ballot in the booth secretly and screened from the observation of others.

Any person or voter who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00, or by imprisonment not exceeding one year or both at the discretion of the court.

Source: R.S. 18:7–36, amended 1939, c. 386, s. 6; 1953, c. 409, s. 11.

18A:14–54. Spoiled, etc., ballots. Should any voter to whom any paper ballot has been handed spoil or render it unfit for use, he may return it and obtain another from the election officer but no more than two ballots shall be furnished to any voter except at the discretion of the election officer. The election officer shall preserve all spoiled or unfit ballots with the coupons attached and after proper correction has been made in the poll list, the same shall be placed upon the same string with the coupons.

Source: New.

18A:14–55. Marking paper ballots. To vote for any candidates whose names are printed on the paper ballot, the voter shall mark a cross (×) or plus (+) or check (√) mark in black ink or black pencil in the square at the left of the name of such candidate and to vote upon any public question printed upon a paper ballot, the voter shall indicate his choice by making a cross (×) or plus (+) or check (√) mark in black ink or black pencil in the square at the left of either the word "Yes" or "No" of such public question. Any voter who desires to vote for any person or persons whose names are not printed upon the ballot for any office to be filled at such election, may

write or paste under the proper title of the office the name or names of the persons so to be voted for and mark a cross (×) or plus (+) or check (√) mark in the square at the left of such name in black ink or black pencil. All pasters shall be printed with black ink on white paper.

Source: New.

18A:14-56. Voting by voting machines. In districts in which voting machines are used, the election shall be conducted and the votes shall be cast by the use of such machines in the manner prescribed by Title 19, Elections, of the Revised Statutes in elections held under that title.

Source: New.

Article 12. Ascertainment of Result of Election.

18A:14-57. Counting votes; tally sheets. Immediately after the close of the polls, the election officers shall proceed to count the votes for each candidate and the votes for and against the adoption of each proposal, resolution or question submitted to the voters at the election. The counting shall be open and public but the number of persons permitted to be present shall not be such as to hinder, delay or inconvenience the election officers in counting and ascertaining the result. The election officers shall keep tally sheets of the votes as counted which shall be signed by the judge of the election and the secretaries of the election.

Source: R.S. 18:7-38, amended 1939, c. 386, s. 7; 18:7-40.

18A:14-58. Number of votes necessary to elect or adopt. A plurality of the legal votes cast in favor of any candidate for any office for which such person is a candidate at any school election shall be sufficient to elect and if the number of legal votes cast in favor of the adoption of any proposal, resolution or question submitted at any election, shall exceed the number of legal votes cast against the adoption thereof, in any school district, the same shall be adopted; otherwise, the same shall be rejected.

Source: R.S. 18:7-41.

18A:14-59. Announcement of result. After the counting of the votes has been completed in each polling district, the judge of the election shall announce the result of the voting in the district publicly.

Source: R.S. 18:7-42, amended 1939, c. 386, s. 9.

18A:14-60. Certificates of election. A candidate may secure a certified statement of the count in any polling district upon request made in writing to the election officers, upon the completion of the canvass of the votes cast in the polling district or as soon as possible thereafter and before the time of the close of the voting place.

Source: R.S. 18:7-42, amended 1939, c. 386, s. 9.

18A:14-61. Forwarding ballots, etc., to secretary of board of education; ascertainment of the final result of election; certificates. The tally sheets, poll list and ballots shall be placed by the inspector of the election at each polling place in a sealed package endorsed with the address of the polling place and the date on which the election was held and the judge of the election shall deliver the same immediately to the secretary of the board

of education of the district, together with a statement of the result of the election signed by all of the election officers. The secretary of the board of education shall add to the statements the result of the canvass of the military service and civilian absentee ballots as certified to him by the county board of election and shall thereupon canvass the entire vote in the school district and combine the reports from all polling places and announce the result of the election. The secretary shall fill out and certify to the correctness of the count upon any statement which may be required by one or more school officials as provided for in this chapter.

Source: R.S. 18:7-43; 18:7-44, amended 1939, c. 386, s. 10; 1953, c. 409, s. 12; 18:7-45, amended 1953, c. 409, s. 13.

Article 13. Preservation of Records and Duties of Secretary of Board of Education as to Elections.

18A:14-62. Preservation of ballots, election records, etc. The secretary of the board of education shall, within five days after the date of the election, forward a sealed package containing a statement of the canvass of the votes in the school district, the ballots, including the irregular ballots, the poll lists and the tally sheets to the county superintendent who shall preserve them for one year.

Source: R.S. 18:7-45, amended 1953, c. 409, s. 13.

18A:14-63. Duties of the secretary of the board of education. It shall be the duty of the secretary of the board of education to perform any such duties, not in conflict with those imposed upon any other officer by this law, as may be necessary for the proper conduct of a school election.

Source: C. 18:7-47.6 (1947, c. 146, s. 6, amended 1949, c. 13, s. 5).

Article 14. Offenses and Penalties.

18A:14-64. Terms defined. As used in this article:

"Election" means any annual or special election held for the election of members of the board of education or upon the adoption or rejection of any public question in any school district in this state,

"Election officer" means any person lawfully designated to conduct or assist in conducting any election in any school district.

Source: C. 18:5-82.1 (1958, c. 128, s. 1).

18A:14-65. Disturbing elections or falsifying, etc., election records. Any person interfering with the orderly conduct of a school election or destroying, falsifying or altering any of the records of a school election in any manner whatsoever shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding $500.00, or by imprisonment not exceeding one year, or both.

Source: R.S. 18:7-35, amended 1939, c. 386, s. 5; 1947, c. 2; 1947, c. 145; 1953, c. 409, s. 10; 1964, c. 52; 1966, c. 57, s. 2; 18:7-42, amended 1939, c. 386, s. 9.

18A:14-66. False affidavit. Any person signing any affidavit pursuant to section 18A:14-52, which includes a false statement of fact, shall be guilty of a misdemeanor.

Source: C. 18:7-29.2 (1944, c. 3, s. 2).

18A:14–67. Failure to perform, or enforce provisions of title, a misdemeanor. Any officer or employee of any board of education or any person designated as an election officer to hold any election who shall willfully fail to perform or enforce any provision of this title, or shall willfully destroy any record directed to be kept thereby, or any person who shall willfully or fraudulently register to vote in any election or elections more than once, or register under any but his true name, or attempts to vote in any election by impersonating another, who is registered, or, being registered in an election district in which he is not a resident at the time of registering, votes or attempts to vote in any election, shall be guilty of a misdemeanor.

Source: C. 18:5–82.2 (1958, c. 128, s. 2).

18A:14–68. False nominating petitions. No person shall falsely make, falsely make oath to, or fraudulently deface or fraudulently destroy any nomination petition, or any part thereof, or file, or receive for filing, any nomination petition, for any office to be voted for at any election, knowing the same or any part thereof to be falsely made, or suppress any such nomination petition which has been duly filed, or any part thereof. A person violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be punished by imprisonment for not more than five years.

Source: C. 18:5–82.3 (1958, c. 128, s. 3).

18A:14–69. Official ballots; fraudulent acts; penalty for violation. If any printer employed to print official ballots, or any person engaged in printing the same, shall appropriate to himself or give or deliver or knowingly permit to be taken any of such ballots by any other person than a person duly authorized so to do, or shall print or cause to be printed any official ballot in any other form than that prescribed by the proper officer or officers, according to law, or with any other names thereon, or with the names spelled or the names or printing thereon arranged in any other way than that authorized and directed by this title, the person so offending shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or imprisonment not exceeding five years.

If any person not authorized by the proper officers shall print or make any official or sample ballot provided for in this title, or on or prior to election day shall willfully have in his possession an official ballot without being authorized by this title to have charge or possession thereof, the person so offending shall be guilty of a misdemeanor.

If any person shall forge or falsely make any ballot or the official endorsement thereof, the person so offending shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than five years.

Source: C. 18:5–82.4 (1958, c. 128, s. 4).

18A:14–70. Voting after disfranchisement; penalty. If a person convicted of a crime which disfranchises him shall vote at any election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be guilty of a misdemeanor, and shall be punished by a fine not

exceeding $200.00, or imprisonment at hard labor not exceeding two years, or both.

Source: C. 18:5-82.5 (1958, c. 128, s. 5).

18A:14-71. Removal of ballot or equipment; penalty. No person shall, during an election, with intent to hinder or delay same, or to hinder or delay any voter in the preparation of his ballot, remove or destroy any of the ballots or pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot.

Any person willfully violating any of the provisions of this section shall be a disorderly person and shall be punished by a fine not exceeding $500.00 and imprisonment until such fine and the costs of the conviction are paid.

Source: C. 18:5-82.6 (1958, c. 128, s. 6).

18A:14-72. Obstructing elections; electioneering near polling place prohibited. If a person shall on any day fixed for any election tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or obstruct or interfere with any voter, or loiter, or do any electioneering within any polling place or within 100 feet thereof, he shall be a disorderly person and shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding one year, or both.

Source: C. 18:5-82.7 (1958, c. 128, s. 7).

18A:14-73. Marking or showing ballot; loitering; electioneering; penalty. No person shall within the polling room mark his ballot in a place other than in the polling booth or show his ballot, nor shall anyone request such person to show his ballot during the preparation thereof, nor shall any other person inspect such ballot during the preparation thereof or after it is prepared for voting in such a way as to reveal the contents, nor shall any person within the polling place or within 100 feet thereof, loiter, electioneer, or solicit any voter or prompt a voter in answering any questions required to be answered by such voter in connection with any election.

Any person violating any provisions of this section shall be a disorderly person and shall be punished by a fine not exceeding $500.00, or imprisonment not exceeding one year, or both.

Source: C. 18:5-82.8 (1958, c. 128, s. 8).

18A:14-74. Voting other than official ballot; penalty. No voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot, except an official ballot as by this title required, and no person shall on any pretext carry any official ballot from the polling room on any election day except such persons as may by this title be authorized to do so.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding one year, or both.

Source: C. 18:5-82.9 (1958, c. 128, s. 9).

18A:14–75. Acceptance of sample ballot forbidden. No election officer shall knowingly accept from any voter and deposit in the ballot box any sample ballot.

Source: C. 18:5–82.10 (1958, c. 128, s. 10).

18A:14–76. Placing of distinguishing mark on ballot prohibited; penalty. If any person shall write, paste or otherwise place upon any official ballot any mark, sign or device of any kind as a distinguishing mark whereby to indicate to any officer holding any election or any other person how any voter has voted at any election, or if any person shall induce or attempt to induce any voter to write, paste or otherwise place on his ballot any mark, sign or device of any kind, as a distinguishing mark by which to indicate to any such officer or other person how such voter has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce voters or any voter to so place any distinguishing mark, sign or device on his ballot, whether or not such act be committed or attempted to be committed, such person so offending shall be a disorderly person and shall be punished by a fine not exceeding $500.00 or imprisonment not exceeding one year, or both.

Source: C. 18:5–82.11 (1958, c. 128, s. 11).

18A:14–77. Fraudulent conduct as to voting prohibited. Every person not entitled to vote who fraudulently votes and every person who votes more than once at any one election; or knowingly hands in two or more ballots folded together; or changes any ballot after it has been deposited in the ballot box; or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted; or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating the election; or willfully detains, mutilates or destroys any election returns; or in any manner so interferes with the officers holding the election, or conducting the canvass or with the voters lawfully exercising their rights of voting at the election, as to prevent the election or canvass from being fairly had and lawfully conducted, shall be guilty of a misdemeanor.

Source: C. 18:5–82.12 (1958, c. 128, s. 12).

18A:14–78. Illegal voting a misdemeanor. Every person not entitled to vote who fraudulently attempts to vote, or who being entitled to vote attempts to vote more than once at any election, or who personates or attempts to personate a person legally entitled to vote, shall be guilty of a misdemeanor.

Source: C. 18:5–82.13 (1958, c. 128, s. 13).

18A:14–79. Forbidden actions by election officers. Every election officer, who, previous to putting the ballot of an elector in the ballot box, at any election, attempts to find out any name on such ballot, or who

opens or suffers the folded ballot of any elector which has been handed in to be opened or examined previous to putting the same in the ballot box, or who makes or places any mark or device on any folded ballot with the view to ascertain the name of any person for whom the elector has voted, shall be guilty of a misdemeanor.

Source: C. 18:5-82.14 (1958, c. 128, s. 14).

18A:14-80. Illegal disclosure; penalty. If any election officer has knowledge how any person has voted at any election and shall reveal such knowledge to any other person, or shall fraudulently or corruptly disclose what other candidates were voted for on any ballot bearing a name not printed thereon at any election, or fraudulently or corruptly gives any information concerning the appearance of any ballot voted thereon, he shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $2,000.00 or imprisonment not exceeding five years.

Source: C. 18:5-82.15 (1958, c. 128, s. 15).

18A:14-81. Prohibits certain electioneering; penalty. If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question, to be voted upon at any election, within the polling place or room or within a distance of 100 feet of the outside entrance to such polling place or room, he shall be a disorderly person.

Source: C. 18:5-82.16 (1958, c. 128, s. 16).

18A:14-82. Destruction or removal of poll list; penalty. A person who shall remove, destroy or mutilate any signature copy register or copy thereof, or who before an election closes shall remove, destroy or mutilate any poll list, used at any election, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than $1,000.00 or imprisonment for not more than two years.

Source: C. 18:5-82.17 (1958, c. 128, s. 17).

18A:14-83. Robbing or plundering ballot box; changing returns; penalty; application of section. If a person shall rob or plunder any ballot box, or unlawfully and by stealth or violence take the same or remove therefrom any ballot or other paper, or exchange, alter or destroy any ballot or other paper contained therein, or if any person shall willfully and corruptly suppress, withhold, mutilate, destroy, alter or change any return, statement or certificate or any copy thereof, which shall have been made in pursuance of law, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person in pursuance of law, every such person, his aiders, procurers and abettors, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00, or by imprisonment at hard labor for a term not exceeding two years, or both.

This section shall not apply to the destruction of ballots or the performance of other acts by officials when such acts are performed as prescribed by law.

Source: C. 18:5-82.18 (1958, c. 128, s. 18).

18A:14-84. Interference with election officer; penalty. A person who shall willfully obstruct or interfere with any election officer, while performing any duty prescribed by this title, shall be a disorderly person and shall be punished by a fine not exceeding $500.00, or by imprisonment at hard labor for a term not exceeding one year, or both.

Source: C. 18:5-82.19 (1958, c. 128, s. 19).

18A:14-85. Displaying, selling or giving political insignia; penalty. No person shall display, sell, give or provide any political badge, button or other insignia to be worn at or within 100 feet of the polls or within the polling place or room, on any day upon which an election is held, except as provided by law.

A person violating any of the provisions of this section shall be a disorderly person and shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding one year, or both.

Source: C. 18:5-82.20 (1958, c. 128, s. 20).

18A:14-86. Soliciting illegal registration or voting, etc.; penalty. Whoever, with respect to any election, shall:

(1) Solicit the registering of his name to vote therein, or vote therein, knowing that he is not a qualified voter; or

(2) Vote or attempt to vote therein more than once in his own name, or in more than one election district, or upon any name other than his own; or

(3) Knowingly casts or attempts to cast therein more than one ballot at one time; or

(4) Counsels, procures, aids, advises, assists or abets any person to—

a. Vote therein knowing that he is not a qualified voter, or to

b. Vote therein in more than one election district, or to

c. Vote or attempt to vote any name other than his own, or to

d. Cast or attempt to cast therein more than one ballot at one time of voting; or

(5) Maliciously mark or deface or willfully and maliciously counsel, procure, aid, advise, assist or abet any person in marking or defacing any ballot cast or to be cast therein; or

(6) Hinder or prevent, willfully, in any manner a voter to cast his legal vote therein knowing such person to have a right so to vote; or

(7) Tamper with, injure, mutilate, destroy or render unfit for use willfully any ballot box or voting machine used or intended to be used therein; or

(8) Counsel, procure, aid, advise, assist or abet, in any manner, any official or person to commit any act which is contrary to the provisions of this law, so far as it relates to elections;

shall be guilty of a misdemeanor and punishable by a fine of $500.00 or imprisonment in the state prison for a term of three years, or both.

Source: C. 18:5-82.21 (1958, c. 128, s. 21).

18A:14-87. Betting or wagering; penalty. No person shall make, lay or deposit any bet, wager or stake, to be decided by the result of any election, by the election or defeat of one or more persons at any election, or by any contingency connected with or growing out of any election. All contracts for or on account of any money, property or thing in action so bet, wagered or staked shall be void. Any person who shall pay, deliver or deposit any money, property or thing in action upon the event of any bet, wager or stake prohibited by this section, may sue for and recover the same from the winner or person to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he shall have been a stakeholder, or other person, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager or stake shall have been lost.

No candidate for public office under this title, before or during an election, shall make any bet or wager with a voter, or take a share of interest in, or in any manner become a party to such bet or wager, or provide or agree to provide any money to be used by another in making such a bet or wager, upon any event or contingency whatever. No person, directly or indirectly, shall make a bet or wager with a voter, depending upon the result of any election, with the intent thereby to procure the challenge of such voter, or to prevent him from voting at the election.

Any person violating any provisions of this section shall be a disorderly person and shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding one year, or both.

Source: C. 18:5-82.22 (1958, c. 128, s. 22).

18A:14-88. Gifts for votes or for refraining from registering; penalty. If a person shall, directly or indirectly, by himself or by any other person in his behalf, give, lend or agree to give or lend, or shall offer, promise or promise to procure, or endeavor to procure, any money or other valuable consideration or thing to or for any voter, or to or for any person, in order to induce any voter to vote in any manner or refrain from registering for any election, or shall corruptly do or commit any of the acts in this article forbidden because of any such voter having voted or refrained from voting at an election, or registered or refrained from registering for an election, he shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $2,000.00 or imprisonment not to exceed five years, or both.

Source: C. 18:5-82.23 (1958, c. 128, s. 23).

18A:14-89. Gifts to election officers; penalty. Whosoever shall, directly or indirectly, make or give any money or other thing of value to any election officer because of his holding of such office, or when it shall appear that such money or other thing of value is made or given to such election officer because of his holding such office, except as hereinbefore provided as his legal compensation for service as such officer, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or imprisonment not exceeding two years, or both.

Source: C. 18:5-82.24 (1958, c. 128, s. 24).

18A:14-90. Receiving gifts by election officer; penalty. Any election officer who shall, by himself, or by any other person in his behalf, receive any money or other thing of value because of his holding said office, or when it shall appear that such money or other thing of value is accepted or received by such officer because of his holding said office, except as hereinbefore provided as his legal compensation for service, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or imprisonment not exceeding two years, or both.

Source: C. 18:5-82.25 (1958, c. 128, s. 25).

18A:14-91. Procuring office or employment for voter; penalty. A person who shall directly or indirectly, by himself or by any other person in his behalf, give or procure, or agree to give or procure or offer or promise to procure, or endeavor to procure any office, place or employment to or for any voter, or to or for any person on behalf of such voter, or to or for any other person, in order to induce such voter to vote in any manner or refrain from voting, or to register or refrain from registering for any election, or shall corruptly do any act as above because of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $2,000.00, or imprisonment not exceeding five years.

Source: C. 18:5-82.26 (1958, c. 128, s. 26).

18A:14-92. Receipt of gift or employment by voter; penalty. Any voter who shall directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote, in any manner, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering, for any election, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000.00, or imprisonment not exceeding one year.

Source: C. 18:5-82.27 (1958, c. 128, s. 27).

18A:14-93. Use of gift, service, etc., for securing vote; penalty. Whoever shall, directly or indirectly, give, furnish, supply or promise, or cause to be given, furnished, supplied, offered or promised, to any person or persons, any money, service, preferment or valuable thing with the intent that such money or valuable thing or any other money, service, preferment or valuable thing shall be given, offered, promised or used, by any person or persons, by way of fee, reward, gift or gratuity, for giving or refusing to give any vote of any citizen, at any election, or by way of gift, gratuity or reward, for giving or withholding any such vote, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding $10,000.00, or imprisonment not exceeding one year, or both.

Source: C. 18:5-82.28 (1958, c. 128, s. 28).

18A:14-94. Corruptly inducing voter; disfranchisement. A person who shall, directly or indirectly, by himself, or by any other person in his

behalf, give, lend, or agree to give or lend, or procure, or agree to procure or offer or promise to procure, or endeavor to procure, any money or other valuable consideration or thing, or any office, place or employment to or for any voter, or to or for any person, in order to induce such voter to vote in any manner or refrain from registering for, or voting at any election, or shall corruptly do or commit any of the acts in this article forbidden, because of any voter having voted or refrained from voting or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and shall be sentenced to disfranchisement for a period of five years, from the date of conviction.

Source: C. 18:5-82.29 (1958, c. 128, s. 29).

18A:14-95. Gifts to be used in bribery of voter; disfranchisement. A person who shall give, advance or pay, or cause to be given, advanced or paid, any money or other valuable thing to any person, or to the use of any person, with the intent that such money or other valuable thing, or any part thereof, shall be expended, or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay, or cause to be paid money to any person wholly or in part expended in bribery of a voter at any election, shall be guilty of a misdemeanor, and shall be sentenced to disfranchisement for five years from the date of conviction.

Source: C. 18:5-82.30 (1958, c. 128, s. 30).

18A:14-96. Receiving gifts for use in influencing voter; disfranchisement. A person who shall, directly or indirectly, by himself, or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote in any manner, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and shall be sentenced to disfranchisement for a period of five years from the date of conviction.

Source: C. 18:5-82.31 (1958, c. 128, s. 31).

18A:14-97. Printed matter used in elections to show source of payment and printer. No person shall print, copy, publish, exhibit, distribute or pay for printing, copying, publishing, exhibiting or distribution or cause to be distributed in any manner or by any means, any circular, handbill, card, pamphlet, statement, advertisement or other printed matter having reference to any election or to any candidate or to the adoption or rejection of any public question at any annual or special school election unless such circular, handbill, card, pamphlet, statement, advertisement or other printed matter shall bear upon its face a statement of the name and address of the person or persons causing the same to be printed, copied or published or of the name and address of the person or persons by whom the cost of the printing, copying, or publishing thereof has been or is to be defrayed and of the name and address of the person or persons by whom the same is printed, copied or published.

Source: C. 18:5-82.32a (1963, c. 58, s. 1).

18A:14-97.1. Records to be retained for two years. Any person who prints, copies or publishes any such circular, handbill, card, pamphlet, statement, advertisement or other printed matter of the nature referred to in section 18A:14-97, shall maintain a record which shall include a copy of the full text thereof, a statement of the number of copies printed, copied, published or distributed and the true names and addresses of the persons paying for or to whom was billed the cost of such printing, copying, publishing or distribution, which record shall be retained for a period of not less than two years at the principal office of such person and shall be available for inspection by any interested person at all reasonable times between the hours of 10:00 A.M. and four P.M. on weekdays.

Source: C. 18:5-82.32b (1963, c. 58, s. 2).

18A:14-97.2. Name and address of individual as well as association to be shown. In event that any such circular, handbill, card, pamphlet, statement, advertisement or other printed matter of the nature referred to in section 18A:14-97 is to be printed, copied, published, exhibited, or distributed or the cost thereof is to be defrayed by an association, organization or committee, the name and address of the association, organization or committee may be used in compliance with the provisions of this article if there is used therewith the name of at least one person by whose authority, acting for such association, organization or committee, such action is taken.

Source: C. 18:5-82.32c (1963, c. 58, s. 3).

18A:14-97.3. Application of sections 18A:14-97 through 18A:14-97.2. Sections 18A:14-97, 18A:14-97.1 and 18A:14-97.2 shall not apply to any bona fide news item or editorial comment item, contained or published in any newspaper of bona fide general circulation.

Source: C. 18:5-82.32d (1963, c. 58, s. 4).

18A:14-98. False swearing; penalty. If a person shall be guilty of willful and corrupt false swearing or affirming, or by any means shall willfully and corruptly suborn or procure a person to swear or affirm falsely, in taking any oath, affirmation or deposition prescribed or authorized by this law, he shall be deemed guilty of a high misdemeanor, and shall be punished by a fine not exceeding $800.00 or imprisonment at hard labor not exceeding seven years, or both, and be deemed to be an incompetent witness thereafter for any purpose within this state, until such time as he shall have been pardoned.

Source: C. 18:5-82.33 (1958, c. 128, s. 33).

18A:14-99. Offenses by employers; penalty. An employer of any workman, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm or loss against any person in his employ, in order to induce or compel such employee to vote or refrain from voting for any particular candidate, or for the adoption or rejection of any

public question at any election, or because of such employee having voted or refrained from voting for any particular, candidate, or for the adoption or rejection of any public question at any election, or who shall by any duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate, or for the adoption or rejection of any public question at any election, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding $2,000.00, or imprisonment not exceeding five years, or both.

Source: C. 18:5-82.34 (1963, c. 58, s. 34).

18A:14-100. Prohibits use of force or violence. No person shall, directly or indirectly, by himself or by any other person in his behalf, make use of, or threaten to make use of, any force, violence or restraint, or inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons, or for the adoption or rejection of any public question at any election, or on account of such person having voted or refrained from voting at any election.

Source: C. 18:5-82.35 (1958, c. 128, s. 35).

18A:14-101. Impeding or interfering with voter. No person shall by abduction, duress or any forcible or fraudulent device or contrivance whatever, impede, prevent or otherwise interfere with the free exercise of the elective franchise by any voter at any election; or compel, induce or prevail upon any voter either to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election.

Source: C. 18:5-82.36 (1958, c. 128, s. 36).

18A:14-102. Use of "pay envelopes" for political purposes forbidden. No employer, in paying his employees the salary or wages due them, shall enclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees in connection with any candidate or public question to be voted upon at any election. Nor shall an employer, within 90 days of an election, put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, or any public question shall be approved or rejected, work in his establishment will cease, in whole or in part, or his establishment be closed up, or the salaries or wages of his employees be reduced, or other threat, express or implied, intended or calculated to influence the political opinions or actions of his employees

in connection with any candidate or public question to be voted upon at any election.

Source: C. 18:5-82.37 (1958, c. 128, s. 37).

18A:14-103. Payments by insurance corporations; penalty. No insurance corporation or association doing business in this state shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee, organization or corporation, or for or in aid of any candidate for political office, or in connection with the adoption or rejection of any public question at any election, or for any political purpose whatsoever, or for the reimbursement of indemnification of any person for money or property so used.

Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this chapter, who participates in, aids, abets, or advises, or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this chapter, shall be guilty of a misdemeanor.

Source: C. 18:5-82.39 (1958, c. 128, s. 39).

18A:14-104. Penalties in general. Any person violating any provisions of sections 18A:14-97, 18A:14-97.1 or 18A:14-97.2 shall be a disorderly person and shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding one year, or both.

Any person violating any provision of this chapter for which no penalty is provided shall be guilty of a misdemeanor.

Any corporation violating any provisions of sections 18A:14-99 to 18A:14-102 inclusive, shall also forfeit its charter.

Source: C. 18:5-82.2 (1958, c. 128, s. 2); C. 18:5-82.38 (1958, c. 128, s. 38); C. 18:5-82.32e (1966, c. 219).

Part 6. OFFICERS AND EMPLOYEES OF BOARDS OF EDUCATION.

Chapter 15. PRESIDENT AND VICE PRESIDENT.

18A:15–1. President and vice president; election or failure to elect.
18A:15–2. Removal of president or vice president; vacancies.

18A:15–1. President and vice president; election or failure to elect. At its first regular meeting each board shall organize by electing one of its members as president and another as vice president, who shall serve for one year and until their respective successors are elected and shall qualify, but if the board shall fail to hold said meeting or to elect said officers, as prescribed by this law, the county superintendent shall appoint from among the members of the board a president and vice president.

Source: R.S. 18:6–12, amended 1947, c. 148, s. 5; 18:6–13, amended 1947, c. 148, s. 6; 18:7–53, amended 1958, c. 82.

18A:15–2. Removal of president or vice president; vacancies. A president or vice president of a board of education who shall refuse to perform a duty imposed upon him by this law may be removed by a majority vote of all of the members of the board, and in case the office of president or vice president shall become vacant the board shall, within 30 days thereafter fill the vacancy for the unexpired term. If the board shall fail to fill the vacancy within such time, the county superintendent shall fill the vacancy for the unexpired term.

Source: R.S. 18:6–12, amended 1947, c. 148, s. 5; 18:6–13, amended 1947, c. 148, s. 6; 18:7–53, amended 1958, c. 82; C. 18:8–10.1 (1954, c. 80, s. 8).

Chapter 16. OFFICERS AND EMPLOYEES IN GENERAL.

Note: For reduction in salaries for purchase of annuities, see chapter 66, article 3.

18A:16–1. Officers and employees in general.
18A:16–1.1. May appoint temporary officers and employees.
18A:16–1.2. Delegation of powers of business manager in district having no business manager.
18A:16–2. Physical examinations; requirement.
18A:16–3. Character of examinations.
18A:16–4. Sick leave; dismissal.
18A:16–5. Records of examinations.
18A:16–6. Indemnity of officers and employees against civil actions.
18A:16–6.1. Indemnity of officers and employees in certain criminal actions.
18A:16–7. Salaries in first-class cities; payment.
18A:16–8. Salary deductions for hospital and insurance plans and government bonds.
18A:16–9. Responsibility of board.
18A:16–10. Payment by board in lieu of salary deductions.
18A:16–11. Compensation of de facto officer or employee.

18A:16–1. Officers and employees in general. Each board of education, subject to the provisions of this title and of any other law, shall employ and may dismiss a secretary or a school business administrator to act as secretary and may employ and dismiss a superintendent of schools, a custodian of school moneys, when and as provided by section 18A:13–14 or 18A:17–31, and such principals, teachers, janitors and other officers and employees, as it shall determine, and fix and alter their compensation and the length of their terms of employment.

Source: R.S. 18:5–52, 18:5–53, amended 1947, c. 148, s. 4; 1966, c. 194, s. 1; 18:5–64, amended 1960, c. 63; 1966, c. 194, s. 2; 18:6–27, amended 1938, c. 78, s. 2; 1960, c. 137, s. 3; 18:6–30; 18:7–68, amended 1947, c. 148, s. 14; 1953, c. 255, s. 1; 18:7–70, amended 1947, c. 148, s. 15; 1952, c. 236, s. 9; 18:7–71, amended 1947, c. 148, s. 16.

18A:16–1.1. May appoint temporary officers and employees. In each district the board of education may designate some person to act in place of any officer or employee during the absence, disability or disqualification of any such officer or employee subject to the provisions of section 18A:17–13.

The act of any person so designated shall in all cases be legal and binding as if done and performed by the officer or employee for whom such designated person is acting but no person so acting shall acquire tenure in the office or employment in which he acts pursuant to this section when so acting.

Source: C. 18:5–49.2 (1954, c. 103).

18A:16–1.2. Delegation of powers of business manager in district having no business manager. Any board of a district, which has no business manager, may delegate, to any appropriate officer employed by the board, the powers vested in a business manager by section 18A:17–28 and those set forth in sections 18A:18–1, 18A:18–2, 18A:18–4.1, 18A:18–23 and 18A:18–24.

Source: C. 18:5–51.4 (1967, c. 190, s. 2); R.S. 18:6–47, amended 1967, c. 190, s. 1.

18A:16–2. Physical examinations; requirement. Every board of education shall require all of its employees, and may require any candidate for employment, to undergo a physical examination, the scope whereof shall be determined under rules of the state board, at least once in every year and may require additional individual psychiatric or physical examinations of any employee, whenever, in the judgment of the board, an employee shows evidence of deviation from normal, physical or mental health.

Any such examination may, if the board so requires, include laboratory tests or fluoroscopic or X-ray procedures for the obtaining of additional diagnostic data.

Source: C. 18:5–50.5 (1939, c. 295, amended 1954, c. 262).

18A:16–3. Character of examinations. Any such examination may be made by a physician or institution designated by the board, in which case the cost thereof and of all laboratory tests and fluoroscopic or X-ray procedures shall be borne by the board or, at the option of the employee, they may be made by a physician or institution of his own choosing, approved by the board, in which case said examination shall be made at the employee's expense.

Source: C. 18:5–50.5 (1939, c. 295, amended 1954, c. 262).

18A:16–4. Sick leave; dismissal. If the result of any such examination indicates mental abnormality or communicable disease, the employee shall be ineligible for further service until proof of recovery, satisfactory to the board, is furnished, but if the employee is under contract or has tenure, he may be granted sick leave with compensation as provided by law and shall, upon satisfactory recovery, be permitted to complete the term of his contract, if he is under contract, or be reemployed with the same tenure as he possessed at the time his services were discontinued, if he has tenure, unless his absence shall exceed a period of two years.

Source: C. 18:5–50.5 (1939, c. 295, amended 1954, c. 262).

18A:16–5. Records of examinations. All records and reports relating to any such examination shall be the property of the board and shall be filed with its medical inspector as confidential information but shall be open for inspection by officers of the state department of health and the local board of health.

Source: C. 18:5–50.5 (1939, c. 295, amended 1954, c. 262).

18A:16–6. Indemnity of officers and employees against civil actions. Whenever any civil action has been or shall be brought against any person holding any office, position or employment under the jurisdiction of any board of education, including any student teacher, for any act or omission arising out of and in the course of the performance of the duties of such office, position, employment or student teaching, the board shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom; and said board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

Source: C. 18:5–50.4a (1965, c. 205, s. 1, amended 1967, c. 167, s. 1).

18A:16-6.1. Indemnity of officers and employees in certain criminal actions. Should any criminal action be instituted against any such person for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of such person, the board of education shall reimburse him for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals.

Source: C. 18:5-50.4b (1965, c. 205, s. 2, amended 1967, c. 167, s. 2).

18A:16-7. Salaries in first-class cities; payment. The salaries of all persons, other than teachers and instructors, employed in any school district, which comprises a city of the first class, shall be paid as other city employees are paid.

Source: R.S. 18:6-28.

18A:16-8. Salary deductions for hospital and insurance plans and government bonds. Whenever 50% or more of the persons employed by a board of education shall agree, in writing, to participate in any hospital service plan or group insurance plan, for themselves or for themselves and their husbands or wives and dependent children, or plan for the purchase of bonds of the United States government the board may, by a recorded roll call majority vote of its full membership direct the secretary of the board to deduct from the salaries of such employees as shall participate in such plan under such rules as may be established by the board, specified fees or premiums or specified amounts for the purchase of bonds and pay the total amount of such deductions to the respective hospital service plan or insurance company or directly or indirectly to the federal government for such bonds, and the making of any such deductions shall be construed as voluntary payments by the employee.

Source: C. 18:5-50.6 (1940, c. 47, s. 1 amended 1942, c. 218, s. 1; 1962, c. 229, s. 1).

18A:16-9. Responsibility of board. No board of education shall be under any liability or responsibility in connection with any such plan except to show that the payments have been made for the purposes aforesaid and that any bonds purchased through such deductions are delivered to the respective employees.

Source: C. 18:5-50.6 (1940, c. 47, s. 1 amended 1942, c. 218, s. 1; 1962, c. 229, s. 1).

18A:16-10. Payment by board in lieu of salary deductions. The board of education in lieu of making such deductions, may, but shall not be compelled to, pay, a part or all of the fees or premiums payable by its employees in any such hospital service plan or group insurance plan as additional compensation to them and as a current expense of the board.

Source: C. 18:5-50.7a 1951, c. 145, s. 1 amended 1962, c. 229, s. 2; C. 18:5-50.7b (1951, c. 145, s. 2).

18A:16-11. Compensation of de facto officer or employee. A person who holds de facto any office, position or employment in a school district and who performs the duties thereof shall be entitled to the emoluments and compensation appropriate thereto for the time the same is so held in fact and may recover therefor in any court of competent jurisdiction.

Source: R.S. 18:5-50.

Chapter 17. SPECIFIC OFFICERS AND EMPLOYEES.

Article 1. Tenure.

Note: For tenure of officers and employees for whom qualifying certificates are required, see chapter 28 of this title.

18A:17-1. Removal, etc., of secretaries, assistant secretaries, school business administrators and business managers during terms of office.

18A:17-2. Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees.

18A:17-3. Tenure of janitorial employees.

18A:17-4. Reduction in number of janitorial employees.

Article 2. Secretaries, Assistant Secretaries and School Business Administrators.

A. Secretaries and Assistant Secretaries.

18A:17-5. Appointment of a secretary of board of education; terms; compensation; vacancy.

18A:17-6. Bond of secretary.

18A:17-7. Secretary to give notices and keep minutes, etc.

18A:17-8. Secretary; collection of tuition and auditing of accounts.

18A:17-9. Secretary; report of appropriations, etc.; custodial duties, etc.

18A:17-10. Secretary; annual report.

18A:17-11. Secretary; taking oaths.

18A:17-12. Secretary; annual financial report to commissioner.

18A:17-13. Assistant and acting secretaries; appointment, powers and duties.

18A:17-14. Clerks in secretary's office.

B. School Business Administrators.

18A:17-14.1. Appointment of school business administrators; may act as secretary; duties, etc.

18A:17-14.2. Qualifications.

18A:17-14.3. Secretary or business manager appointed school administrator; tenure.

Article 3. Superintendents and Assistant Superintendents of Schools.

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Article 1. Tenure.

18A:17-1. Removal, etc., of secretaries, assistant secretaries, school business administrators and business managers during terms of office. No secretary, assistant secretary, school business administrator or business manager of a board of education of any school district shall, during the term for which he was appointed, be dismissed or reduced in compensation, except for neglect, misbehavior or other offense unless it is otherwise provided in his contract of employment.

Source: New.

18A:17-2. Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees.

a. Any secretary, assistant secretary, school business administrator or business manager of a board of education of any school district who has or shall have devoted his full time to the duties of his office and has or shall have served therein for three consecutive calendar years, and

b. Any person holding any secretarial or clerical position or employment under a board of education of any school district or under any officer thereof, after

1. The expiration of a period of employment of three consecutive calendar years in the district or such shorter period as may be fixed by the board or officer employing him, or

2. Employment for three consecutive academic years, together with employment at the beginning of the next succeeding academic year, an academic year being the period between the time when school opens in the district after the general summer vacation and the beginning of the next succeeding summer vacation, and

c. Any person, who has acquired, or shall hereafter acquire, tenure in any secretarial or clerical office, position or employment under the board of education of a school district and has been appointed district clerk or secretary, or shall hereafter be appointed secretary of said district, as such secretary,

shall hold his office, position or employment under tenure during good behavior and efficiency and shall not be dismissed or suspended or reduced in compensation, except for neglect, misbehavior or other offense and only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title.

Source: R.S. 18:5-51, amended 1938, c. 78, s. 1; 1938, c. 247; 1960, c. 137, s. 1; 1962, c. 212, s. 2; C. 18:5-51.3 (1953, c. 401); C. 18:5-51.11 (1962, c. 212, s. 3); R.S. 18:6-27, amended 1938, c. 78, s. 2; 1960, c. 137, s. 3; 18:7-56, amended 1938, c. 78, s. 3; 1960, c. 137, s. 4.

18A:17-3. Tenure of janitorial employees. Every public school janitor of a school district shall, unless he is appointed for a fixed term, hold his office, position or employment under tenure during good behavior and efficiency and shall not be dismissed or suspended or reduced in compensation, except as the result of the reduction of the number of janitors in the district made in accordance with the provisions of this title or except for neglect, misbehavior or other offense and only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title.

Source: R.S. 18:5-67, amended 1960, c. 137, s. 2.

18A:17-4. Reduction in number of janitorial employees. No board of education shall reduce the number of janitors, janitor engineers, custodians or janitorial employees in any district by reason of residence, age, sex, race, religion or political affiliation and when any janitor, janitor engineer, custodian or janitorial employee under tenure is dismissed by reason of reduction in the number of such employees, the one having the least number of years to his credit shall be dismissed in preference to any other having a longer term of service and the person so dismissed shall be and remain

upon a preferred eligibility list, in the order of years of service, for re-employment whenever vacancies occur and shall be reemployed by the board in such order and upon reemployment shall be given full recognition for previous years of service in his respective positions and employments.
Source: R.S. 18:5-66.1.

Article 2. Secretaries, Assistant Secretaries and School Business Administrators.

A. Secretaries and Assistant Secretaries.

18A:17-5. Appointment of a secretary of board of education; terms; compensation; vacancy. Each secretary shall be appointed by the board, by a recorded roll call majority vote of its full membership, for a term to expire not later than June 30 of the calendar year next succeeding that in which the board shall have been organized, but he shall continue to serve after the expiration of his term until his successor is appointed and qualified. The secretary may be appointed from among the members of the board and, subject to the provisions of this title and any other law, the board shall fix his compensation.

In case of a vacancy in the office of secretary, the vacancy shall be filled by the board within 60 days after the vacancy occurs and if the board does not make such appointment within such time the county superintendent shall appoint a secretary who shall receive the same compensation as his predecessor in office received and shall serve until a secretary is appointed by the board.
Source: R.S. 18:6-30, 18:7-68, amended 1947, c. 148, s. 14; 1953, c. 255, s. 1.

18A:17-6. Bond of secretary. The secretary shall, before entering upon the duties of his office, give bond to the board, not less than $2,000.00, in an amount and with surety to be approved by the board, conditioned for the faithful performance of the duties of his office. The board may accept as surety a corporation authorized to be surety under the laws of this state and may pay the annual premiums or fee upon said bond as a current expense of the board.
Source: R.S. 18:6-30, 18:7-68, amended 1947, c. 148, s. 14; 1953, c. 255, s. 1.

18A:17-7. Secretary to give notices and keep minutes, etc. The secretary shall give notice of all regular or special meetings of the board to the members thereof and post and give notice of annual and special elections of the legal voters of the district required by law to be held and of the object or objects for which the election is called, record the minutes of all proceedings of the board and the results of any annual or special school election in suitable minute books.
Source: R.S. 18:6-32, 18:7-69, amended 1953, c. 255, s. 2; 1953, c. 409, s. 16.

18A:17-8. Secretary; collection of tuition and auditing of accounts. The secretary shall be the general accountant of the board and he shall:

a. Collect tuition fees and other moneys due to the board not payable directly to the custodian of school moneys of the district and transmit the same to such custodian;

b. Examine and audit all accounts and demands against the board and present the same to the board for its approval in open meeting, and when

payment thereof shall be ordered by the board, he shall indicate the board's approval upon the same in writing with the president of the board and present the same to the district comptroller, or to the custodian of school moneys of the district; and

c. Keep and maintain such accounts of the financial transactions of the district as shall be prescribed by the state board in accordance with the uniform system of bookkeeping presented by the state board including a correct detailed account of all the expenditures of school moneys in the district.

Source: R.S. 18:6-33, 18:6-34, amended 1954, c. 80, s. 6; 1966, c. 23, s. 1; 18:7-69, amended 1953, c. 255, s. 2; 1953, c. 409, s. 16.

18A:17-9. Secretary; report of appropriations, etc.; custodial duties, etc. The secretary shall:

a. Report to the board, at each regular meeting, but not oftener than once each month, the amount of total appropriations and the cash receipts for each account, and the amount for which warrants have been drawn against each account and the amounts of orders or contractual obligations incurred and chargeable against each account since the date of his last report;

b. Keep and maintain in his office all contracts, records and documents belonging to the board, except such as shall be kept by the custodian of school moneys pursuant to law, under such conditions as the board shall prescribe;

c. Perform any other duties prescribed by law.

Source: R.S. 18:6-34, amended 1954, c. 80, s. 6; 1966, c. 23, s. 1; 18:6-35, 18:7-69, amended 1953, c. 255, s. 2; 1953, c. 409, s. 16.

18A:17-10. Secretary; annual report. The secretary shall, at the close of each fiscal year, present to the board a detailed report of its financial transactions during such year and file such copies thereof with the county superintendent as shall be required by the commissioner and he shall also make report on or before August 1 of each year of such matters, in such manner and form, as shall be prescribed by the commissioner.

Source: R.S. 18:4-9, 18:6-35, 18:7-69, amended 1953, c. 255, s. 2; 1953, c. 409, s. 16.

18A:17-11. Secretary; taking oaths. The secretary may, without charge, administer oaths, in relation to the school matters of the district in which he is employed.

Source: C. 18:5-51.1 (1939, c. 148).

18A:17-12. Secretary; annual financial report to commissioner. The secretary shall, on or before August 1 of each year, report to the commissioner the amount of interest bearing school debt, if any, of the municipality or the district then remaining unpaid, together with the rate of interest payable thereon, the date or dates on which the bonds or other evidences of indebtedness were issued and the date or dates upon which they will fall due, which information shall be furnished to the secretary, upon demand, by the clerk of each municipality within the district as to any such obligation outstanding.

Source: R.S. 18:7-69, amended 1953, c. 255, s. 2; 1953, c. 409, s. 16.

18A:17-13. Assistant and acting secretaries; appointment, powers and duties. The board may, by a recorded roll call majority vote of its full

membership appoint an assistant secretary who may be chosen from among its members and may fix his term of employment and compensation.

An assistant secretary shall assist the secretary in the performance of his duties and perform such other duties as the board may from time to time prescribe.

An assistant secretary shall act as secretary of the board and perform all duties and be subject to all of the obligations of the secretary during the secretary's absence or inability to act or during a vacancy in the office of secretary, unless or until the board shall, by a like vote, designate another person to act as secretary during such time.

An assistant secretary or an acting secretary shall, if so required by the board, give bond for his faithful performance of his duties as secretary in the same manner and in the same amount as is required of the secretary and the payment of the premium thereon may be paid by the board as in the case of a secretary.

No assistant secretary or acting secretary shall acquire tenure of office, position or employment as secretary.

Source: C. 18:5-51.2 (1950, c. 163).

18A:17-14. Clerks in secretary's office. In type I districts, the secretary may appoint clerks in his office to such number and at such salaries as shall be determined by the board and remove them, subject to the provisions of this title and of any other law.

Source: R.S. 18:6-31, amended 1947, c. 148, s. 7.

B. School Business Administrators.

18A:17-14.1. Appointment of school business administrators; may act as secretary; duties, etc. A board or the boards of two or more districts may, under rules and regulations prescribed by the state board, appoint a school business administrator by a majority vote of all the members of the board, define his duties, which may include serving as secretary of one of the boards, and fix his salary, whenever the necessity for such appointment shall have been agreed to by the county superintendent of schools or the county superintendents of schools of the counties in which the districts are situate and approved by the commissioner and the state board. No school business administrator shall be appointed except in the manner provided in this section.

Source: C. 18:5-51.10 (1962, c. 212, s. 1).

18A:17-14.2. Qualifications. The appointee shall be a suitable person who holds an appropriate certificate as prescribed by the state board. He shall be considered a member of the professional staff of the district. No person shall act as school business administrator or perform the duties of a school business administrator, as prescribed by the rules and regulations of the state board, unless he holds such a certificate.

Source: C. 18:5-51.10 (1962, c. 212, s. 1).

18A:17-14.3. Secretary or business manager appointed school administrator; tenure. Any person who has acquired, or shall hereafter acquire tenure as a secretary or business manager under any board, and who shall be appointed a school business administrator shall have tenure as a school business administrator.

Source: C. 18:5-51.11 (1962, c. 212, s. 3).

Article 3. Superintendents and Assistant Superintendents of Schools.

18A:17-15. Appointment of superintendents; terms; apportionment of expense. The board of education of a type I district and of any type II district, now having a superintendent of schools, may appoint, for a term not exceeding five years, a superintendent of schools by the recorded roll call majority vote of the full membership of the board.

A superintendent of schools may be appointed for a like term also in any other type II district or in any other two or more type II districts as follows:

Application for the establishment of the office of superintendent of schools for the district or districts shall be made to the county superintendent of the county or the county superintendent of each of the counties in which such district or districts are situate and if said application is agreed to in writing by such county superintendent or county superintendents and shall be approved by the commissioner and the state board, the board of education of such a district so applying may appoint a superintendent of schools for a single district in the manner hereinbefore provided or the commissioner shall appoint, subject to the approval of the state board, a superintendent of schools for two or more districts making such application and the state board shall apportion the expense of maintaining such a superintendent in more than one district equitably between the districts.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:6-27, amended 1938, c. 78, s. 2; 1960, c. 137, s. 3; 18:6-37, amended 1952, c. 236, s. 5; 18:7-70, amended 1947, c. 148, s. 15; 1952, c. 236, s. 9.

18A:17-16. Appointment and removal of assistant superintendents. The board or boards of education of any school district or school districts having a superintendent of schools may, upon nomination of the superintendent, by a recorded roll call majority vote of the full membership, of the board or of each of such boards, appoint assistant superintendents of schools. They may be removed by a like vote of the members of the board or of each board employing them, subject to the provisions of chapter 28 of this title.

Source: R.S. 18:6-40, amended 1952, c. 236, s. 7; C. 18:7-70.3 (1952, c. 236, s. 18).

18A:17-17. Certificate required. No person shall be appointed, or act as, or perform the duties of, superintendent or assistant superintendent of schools, unless he holds an appropriate certificate as prescribed by the state board.

Source: R.S. 18:6-41, amended 1947, c. 148, s. 9; 18:7-70, amended 1947, c. 148, s. 15; 1952, c. 236, s. 9.

18A:17-18. Full time required of superintendents; when. The superintendent of schools shall, when so required by the board or boards of education of the district or districts employing him, devote himself exclusively to the duties of his office.

Source: R.S. 18:6-38, amended 1947, c. 148, s. 8; 1952, c. 236, s. 6; C. 18:7-70.2 (1952, c. 236, s. 17).

18A:17-19. Salaries. The board or boards of education employing a superintendent or assistant superintendent of schools shall fix the salaries

of the superintendent and assistant superintendent of schools and the salary of a superintendent shall not be reduced during his term of office.

Source: R.S. 18:6-37, amended 1952, c. 236, s. 5; 18:6-40, amended 1952, c. 236, s. 7; 18:7-70, amended 1947, c. 148, s. 15; 1952, c. 236, s. 9; C. 18:7-70.3 (1952, c. 236, s. 18).

18A:17-20. Superintendent; general powers and duties. The superintendent of schools shall have general supervision over the schools of the district or districts under rules and regulations prescribed by the state board and shall keep himself informed as to their condition and progress and shall report thereon, from time to time, to, and as directed by, the board and he shall have such other powers and perform such other duties as may be prescribed by the board or boards employing him.

He shall have a seat on the board or boards of education employing him and the right to speak on all educational matters at meetings of the board or boards but shall have no vote.

Source: R.S. 18:6-37, amended 1952, c. 236, s. 5; 18:6-38, amended 1947, c. 148, s. 8; 1952, c. 236, s. 6; 18:7-70, amended 1947, c. 148, s. 15; 1952, c. 236, s. 9; C. 18:7-70.2 (1952, c. 236, s. 17).

18A:17-21. Annual report to commissioner. Each superintendent of schools shall render to the commissioner and to the county superintendent of schools having jurisdiction over the district a report of such matters relating to the schools, under his supervision as shall be required by the commissioner, and in the manner and form prescribed by him, on or before August 1 of each year.

Source: R.S. 18:4-8, 18:6-39, C. 18:7-70.4 (1952, c. 236, s. 19).

18A:17-22. Assistant superintendent; duties. Each assistant superintendent of schools shall perform such duties as shall be prescribed by the superintendent of schools with the approval of the board or boards of education employing such superintendent.

Source: New.

18A:17-23. Suspension of assistant superintendent. Any assistant superintendent of schools may be suspended by the superintendent of schools in the manner provided by section 18A:25-6.

Source: R.S. 18:6-42, amended 1952, c. 236, ss. 8, 22; C. 18:7-70.2 (1952, c. 236, s. 17).

18A:17-24. Clerks in superintendent's office. The superintendent of schools may appoint, and subject to the provisions of article 1 of this chapter may remove, clerks in his office but the number and salaries of such clerks shall be determined by the board or boards employing him.

Source: R.S. 18:6-38, amended 1947, c. 148, s. 8; 1952, c. 236, s. 6; C. 18:7-70.2 (1952, c. 236, s. 17).

Article 4. Business Managers and Business Assistants.

A. Business Managers.

18A:17-25. Appointment; salary; removal. A business manager may be appointed in any type I school district, and subject to the provisions of article 1 of this chapter, may be removed from such office, by a majority vote of all of the members of the board of education and he shall receive such salary as the board shall determine.

Source: R.S. 18:6-45.

18A:17-26. Bond of business manager. The business manager shall, before entering upon the duties of office, give bond to the board for the faithful discharge of his duties in such principal sum, not less than $2,000.00 and with such surety as the board shall direct, but the annual premium of such bond may be paid by the board as a current expense.

Source: R.S. 18:6-45.

18A:17-27. Attendance upon meetings of the board. The business manager shall have a seat on the board and the right to speak on all matters relating to his department but he shall not have the right to vote.

Source: R.S. 18:6-45.

18A:17-28. Duties of business manager. The business manager shall:

a. Have charge and care of the public school buildings and other property belonging to the district and the repair and maintenance thereof, and in the case of repairs not exceeding the sum of $1,000.00, he, when so authorized by the board, may order the same between meetings of the board, without previous order of the board and without advertisement;

b. Draw or supervise the drawing of all plans and specifications for the erection, improvement or repair of public schoolhouses, subject to the approval thereof by the board;

c. Superintend all advertisements for bids in the letting of all contracts for the board;

d. Supervise the construction and repair of all school buildings and inspect all work done and materials and supplies furnished under contract and, subject to the approval of the board, condemn any work done or reject any materials or supplies furnished which, in his judgment, do not conform to the specifications or the contract therefor;

e. Report monthly to the board as to the progress of any work of construction or repair;

f. Perform such other duties as may be required by law or as may be required by the board.

Source: R.S. 18:6-46, 18:6-47, amended 1967, c. 190, s. 1.

18A:17-29. Appointment of clerks. The business manager may appoint and remove clerks in his office to the number and at such salaries as shall be determined by the board of education.

Source: R.S. 18:6-46.

B. Business Assistants.

18A:17-30. Business assistants; appointments, etc. The board of education in every type II school district which has a board of school estimate may employ and dismiss a business assistant, fix his duties, compensation and term of employment.

Source: R.S. 18:7-111.

Article 5. Custodians of School Moneys.

18A:17-31. Custodians of school moneys; who to act. The custodian of school moneys of each school district shall be the custodian of the moneys of the municipality unless the board of education shall designate

the tax collector of the municipality as such custodian, but if the school district contains more than one municipality, the person designated by law as the custodian of the moneys of the constituent municipality having the largest amount of taxable property shall be custodian of the school moneys of the district unless and until the board shall appoint a suitable person and fix his term of office. Any municipal officer acting or designated as custodian of school moneys who ceases to be such officer shall thereupon cease to be such custodian.

Source: R.S. 18:5-52, 18:5-53, amended 1947, c. 148, s. 4; 1966, c. 194, s. 1; 18:5-64, amended 1960, c. 63; 1966, c. 194, s. 2.

18A:17-32. Bond of custodian. If the custodian is an officer of the municipality constituting the district, and the bond given by him for the faithful performance of his duties as such municipal officer covers and secures the faithful performance of his duties as custodian of school moneys, and it shall be so certified to the board by a certificate of such coverage by the bondsman thereon and the amount thereof is sufficient to cover both the original and the additional liability he shall not be required to give additional bond but otherwise he shall give additional bond for the faithful performance of his duties in such amount, and with such surety, as the board shall direct. In each case the board in its determination of the amount shall be guided by a schedule of minimum limits to be promulgated by the state board.

Source: R.S. 18:5-53, amended 1947, c. 148, s. 4; 1966, c. 194, s. 1; 18:5-64, amended 1960, c. 63; 1966, c. 194, s. 2.

18A:17-33. Compensation. The custodian shall receive from the board of education such compensation as the board shall determine.

Source: R.S. 18:5-53, amended 1947, c. 148, s. 4; 1966, c. 194, s. 1; 18:5-64, amended 1960, c. 63; 1966, c. 194, s. 2.

18A:17-34. Receipt and disposition of moneys. The custodian shall receive and hold in trust all school moneys belonging to the district from whatever source derived free of any control by the governing body of any municipality comprised in said district, except such moneys as are derived from athletic events or other activities of pupil organizations of the district, and he shall, when required by resolution of the board, deposit the same or such part thereof as may be designated in any bank or banking institution of this state designated by it as a depository of school moneys, and thereafter school moneys shall be deposited only in the depository or any of the depositories so named and the custodian shall, upon depositing the same therein, be relieved from liability for any loss thereof which may be caused by reason of such deposit.

Source: R.S. 18:5-52; 18:5-57; 18:5-65.

18A:17-35. Records of receipts and payments. The custodian shall keep a record of the sums received and paid out by him in books provided for that purpose and kept in accordance with the uniform system of bookkeeping prescribed by the state board. Upon ceasing to hold said office he shall pay over the balance of school funds remaining in his hands to his successor in office.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:5-59.

18A:17-36. Accounting; monthly and annual reports. The custodian shall render to the board monthly, and at such other times as shall be requested by the board, reports giving a detailed account of all receipts, the amounts of all warrants signed by him since the date of his last report and the accounts against which, and the purposes for which, the warrants were drawn and the balance to the credit of each account, and at the close of the school year and not later than August 1 of each year he shall render an annual report showing the amounts received and disbursed by him for school purposes during said year, a duplicate whereof shall be filed with the county superintendent, and shall also report to the county superintendent in the manner and form prescribed by the commissioner.

Source: R.S. 18:4-9; 18:5-60.

Article 6. District Comptrollers.

18A:17-37. Designation; compensation. The comptroller, auditor, or other officer authorized by law to audit claims and demands against the municipality composing a type I district, if there be such officer of the municipality, shall be the district comptroller and shall receive such compensation, for acting as such comptroller, as the governing body of the municipality shall determine and his bond given to the municipality for the faithful performance of his duties to the municipality shall cover the performance of his duties as district comptroller.

Source: R.S. 18:6-79.

18A:17-38. Audit of warrants and claims by district comptroller. In every school district having a district comptroller all warrants for the payment of money by the district, accompanied by itemized statements of the accounts or demands for which they are drawn, shall be forwarded by the secretary of the district to the district comptroller who shall examine and audit the same in order to ascertain whether the amounts thereof are proper to be paid.

Source: R.S. 18:6-80; 18:6-81.

18A:17-39. Investigation of correctness of claims, etc. The district comptroller shall, whenever he shall deem it to be for the best interest of the district, examine, under oath, any person presenting a bill or claim against the district and investigate the facts relating to the claim by the examination of witnesses and any other evidence and inquiry which, in his opinion, are necessary to establish the accuracy and good faith of the claim and the district's liability for the payment thereof.

Source: R.S. 18:6-81.

18A:17-40. Examination of books, etc., of district. The district comptroller may, whenever he deems it necessary, examine all books, papers and vouchers of the board or of any officer thereof and shall have free and unrestrained access thereto for that purpose.

Source: R.S. 18:6-81.

Article 7. Janitorial Employees.

18A:17-41. Rules and regulations governing janitorial employees. The board of education of every district shall make such rules and regulations, not inconsistent with this title, as may be necessary for the employment, discharge, management and control of the public school janitor, janitor engineers, custodians or janitorial employees of the district.

Source: R.S. 18:5-66.

Article 8. Public School Safety Law.

18A:17-42. Preamble; purpose of article. The legislature finds that the safety and welfare of the public school students of this state while attending sessions of the public schools is a matter of prime concern to the citizens of this state; that, in several isolated instances throughout this state, unlawful intruders into the public schools have subjected public school students and their teachers to physical and verbal attacks during sessions of the public schools and on the property of said public schools; that such attacks might have been prevented, and similar attacks will be prevented, if public school law enforcement officers are stationed in said schools; and that state aid to local boards is necessary to help such boards bear the cost of employing and stationing public school law enforcement officers.

Source: C. 18:5-67.2 (1967, c. 181, s. 2).

18A:17-43. Employment of law enforcement officers.

(a) The commissioner may, in accordance with rules and regulations promulgated pursuant to this article and upon a finding of need therefor, authorize any board of education to employ, subject to the provisions of Title 11, Civil Service, of the Revised Statutes, one or more public school law enforcement officers, and to station such public school law enforcement officers in public schools of this state during hours when said public schools are normally in session or are occupied by public school students or their teachers.

(b) No such public school law enforcement officer shall be employed, except upon the application of a board of education and with the approval of the county superintendent.

Source: C. 18:5-67.3 (1967, c. 181, s. 3).

18A:17-44. Reimbursement by commissioner. Within the limits of available appropriations, the commissioner is authorized to reimburse any board of education which employs any such public school law enforcement officer, for such portion of the cost to said board of employing such public school law enforcement officer as the commissioner may determine, but not in excess of 75% of such cost. In determining the amount of reimbursement to which any board may be entitled hereunder, the commissioner shall consider the financial ability of said board to pay for the cost of employing any public school law enforcement officer pursuant to this article.

Source. C. 18:5-67.4 (1967, c. 181, s. 4).

18A:17-45. Rules and regulations to be established by commissioner. The commissioner shall issue and promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this article.

Source: C. 18:5-67.5 (1967, c. 181, s. 5).

Part 7. ADMINISTRATION OF SCHOOL DISTRICTS.

Chapter 18. CONTRACTS; PLANS AND SPECIFICATIONS, ETC.

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Article 1. Contracts; Joint Contracts; Authorization, etc.

18A:18-1. Contracts passed upon at meeting. No board of education shall enter into a contract until the same has been presented and passed upon at a regularly called meeting of the board except that, when so authorized by the board,

(a) in case of repairs not exceeding the sum of $1,000.00 the business manager of the district, if there be one, or an officer employed by the board to whom the powers of a business manager are delegated, as set forth in section 18:16-1.2, and

(b) in case of repairs not exceeding the sum of $2,000.00, the committee of a board having charge of the repair of school property,

may order the same between meetings of the board, without previous order of the board and without advertisement.

Source: C. 18:5-51.4 (1967, c. 190, s. 2); R.S. 18:6-47, amended 1967, c. 190, s. 1; R.S. 18:7-63.

18A:18-1.1. Agreement for joint purchases of supplies for two or more districts. The boards of education of two or more districts may provide jointly by agreement for the purchasing of supplies for their respective districts.

Source: C. 18:12-2.1 (1964, c. 33, s. 1).

18A:18-1.2. Adoption of agreement and contents. Such agreement shall be adopted by resolution of each of the participating boards, wherein shall be set forth the categories of supplies to be purchased, the manner in which the bidding and contracting shall be handled, the method of payment by each participating board, and other matters deemed necessary to carry out the purposes of the agreement.

Source: C. 18:12-2.2 (1964, c. 33, s. 2).

18A:18-1.3. Purchases and agreements subject to law and rules and regulations. Such purchase of supplies and all agreements pertaining thereto shall be subject to all provisions of law and the applicable rules and regulations of the state board.

Source: C. 18:12-2.3 (1964, c. 33, s. 3).

18A:18-1.4. Expenditures; payment. Each district's share of expenditures for such purchases and any agreement therefor entered into shall

be paid in the manner set forth in the agreement and in the same manner as other expenses of the district are paid.

Source: C. 18:12-2.4 (1964, c. 33, s. 4).

18A:18-1.5. Controversies or disputes; determination; appeal. In the event that any controversy or dispute shall arise among the parties to any such agreement, the same shall be referred to the county superintendent of the county in which the districts are situate for determination and his determination thereon shall be binding, subject to appeal to the commissioner and the state board pursuant to law. In the event that the districts are in more than one county, the controversy or dispute shall be referred to the county superintendents of the counties for joint determination, and if they shall be unable to agree upon a joint determination within 30 days, the controversy or dispute shall be referred to the commissioner for determination.

Source: C. 18:12-2.5 (1964, c. 33, s. 5).

Article 2. Plans and Specifications.

18A:18-2. Plans and specifications; preparation and approval. All plans and specifications for the erection, improvement or repair of public schoolhouses shall be drawn by or under the supervision of the business manager, if there be a business manager of the district, but if there be no business manager of the district, they may be drawn by or under the supervision of an appropriate officer employed by the board to whom such power shall have been delegated by the board.

No contract for the erection of any building or any part thereof by any board of education of any school district shall be entered into until the plans and specifications therefor have been submitted to, and approved by, the state board and no change in any such plans or specifications, so approved, shall be made unless the same shall have been submitted to, and approved by, the state board. A copy of all plans and specifications, and all changes therein, so approved, shall be filed forthwith with the state board.

Source: C. 18:5-51.4 (1967, c. 190, s. 2); R.S. 18:6-47, amended 1967, c. 190, s. 1; R.S. 18:11-8.

18A:18-3. Separate plans for various types of work. In the preparation of plans and specifications for the construction, alteration or repair of any building by a board of education of any school district, the cost whereof will exceed $2,000.00, separate plans and specifications shall be prepared for each of the following and all work kindred thereto, to be performed or furnished in connection therewith:

a. The plumbing and gas fitting work;

b. The heating and ventilating systems and equipment;

c. The electrical work, including any electrical power plant;

d. The structural steel and ornamental iron work;

e. All other work required for the completion of the project.

Source: R.S. 18:11-7; 18:11-10, amended 1953, c. 272.

18A:18–4. Buildings, construction, etc.; advertisement for bids, contracts. No contract for the construction, alteration, enlargement or repair of any building by a board of education of any school district, the entire cost whereof will exceed $2,000.00, shall be entered into without first advertising for proposals therefor and separate bids, for the doing of the work and the furnishing of materials of each category, for which it is requisite that separate plans and specifications be prepared, shall be advertised for and received and contracts for each such separate category of work shall be awarded to the lowest responsible bidder thereon.

Source: R.S. 18:6–25, amended 1949, c. 150; 1957, c. 174, s. 1; 1964, c. 159, s. 1; 1964, c. 193, s. 1; 18:7–64, amended 1949, c. 151; 1957, c. 174, s. 2; 1964, c. 159, s. 2; 1964, c. 193, s. 2; 18:11–10, amended 1953, c. 272.

18A:18–4.1. Superintendence of advertisements for bids and of letting of contracts. All advertisements for bids and the letting of contracts shall be superintended by the business manager of the district, if there be a business manager of the district, but if there be no business manager of the district, they may be superintended by an appropriate officer employed by the board to whom such power shall have been delegated by the board.

Source: C. 18:5–51.4 (1967, c. 190, s. 2); R.S. 18:6–47, amended 1967, c. 190, s. 1.

Article 3. Advertisements; Bids; Awards; Exceptions.

18A:18–5. Advertisement and contract for supplies for school year. Every board of education shall, prior to the beginning of each school year, advertise for proposals for furnishing the supplies, which shall be required by the schools of the district during the ensuing school year, so far as the same shall be anticipated, and contract therefor, with the lowest responsible bidder, on the basis of the proposals so received, but the board may authorize the purchase, without such advertising, of

(a) textbooks and kindergarten supplies,

(b) other supplies to an amount not exceeding $1,000.00, and

(c) food supplies, including food supplies for home economics classes, when purchased pursuant to rules and regulations of the state board and in accordance with the provisions of section 18A:18–5.1.

Source: R.S. 18:6–25, amended 1949, c. 150; 1957, c. 174, s. 1; 1964, c. 159, s. 1; 1964, c. 193, s. 1; 18:7–64, amended 1949, c. 151; 1957, c. 174, s. 2; 1964, c. 159, s. 2; 1964, c. 193, s. 2; 18:11–14, amended 1947, c. 148, s. 19; 1957, c. 51; 1964, c. 193, s. 3.

18A:18–5.1. Standards for purchases of fresh milk. In purchases of fresh milk and as a condition thereof, the board shall require each vendor to certify in writing that he purchased during the immediately preceding year fresh milk produced within the state at least equal in amount to the amount he seeks to furnish to the school district, and, in addition, to agree to purchase during the year in which he proposes to furnish such milk to the school district an amount of fresh milk produced within the state at least equal to the amount he proposes to furnish to the school district plus an amount equal to the amount, if any, he shall be required to furnish to any other school district in the state.

Source: R.S. 18:6–25, amended 1949, c. 150; 1957, c. 174, s. 1; 1964, c. 159, s. 1; 1964, c. 193, s. 1; 18:7–64, amended 1949, c. 151; 1957, c. 174, s. 2; 1964, c. 159, s. 2; 1964, c. 193, s. 2; 18:11–14, amended 1947, c. 148, s. 19; 1957, c. 51; 1964, c. 193, s. 3.

18A:18-6. Advertisement and contract for supplies during school year. If other and further supplies are required during the year, they shall be purchased in like manner as supplies of like character are required to be purchased prior to the beginning of the school year.

Source: R.S. 18:6-25, amended 1949, c. 150; 1957, c. 174, s. 1; 1964, c. 159, s. 1; 1964, c. 193, s. 1; 18:7-64, amended 1949, c. 151; 1957, c. 174, s. 2; 1964, c. 159, s. 2; 1964, c. 193, s. 2.

18A:18-7. Purchase of supplies by secretary. Supplies may be purchased by the secretary, when so authorized by the board but he shall present an itemized bill of the same with his affidavit attached which shall be acted upon and paid as are other bills.

Source: R.S. 18:7-66.

Article 4. Qualifications of Bidders.

18A:18-8. Definitions. As used in this article:

"Person" means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, assignees or receivers appointed by any court whatsoever.

"Board of education" means and includes the board of education of any local school district, consolidated school district, regional school district, county vocational school and any other board of education or other similar body other than the state board, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to engage contractors for the performance of public works for the board.

Source: C. 18:11-9.1 (1962, c. 105, s. 1).

18A:18-9. Classification of bidders by state board; requisite to bidding. Every board of education shall require that all persons proposing to bid on any contract with the board for public work shall first be classified by the state board as to the character and amount of public work on which they shall be qualified to submit bids. So long as such requirement is in effect, the board of education shall accept bids only from persons qualified in accordance with such classification.

Source: C. 18:11-9.2 (1962, c. 105, s. 2).

18A:18-10. Application for classification. Any person desiring such classification shall file with the state board a statement under oath in response to a questionnaire, prepared and standardized for like classes of work, by the department. The statement shall develop fully the financial ability, adequacy of plant and equipment, organization and prior experience of the prospective bidder, and also such other pertinent and material facts as may be deemed desirable.

Source: C. 18:11-9.3 (1962, c. 105, s. 3).

18A:18-11. Classification by classes; notice to applicants. The department shall classify all such prospective bidders as to the character and amount of public work on which they shall be qualified to submit bids. The classification shall be made and an immediate notice thereof shall be sent to the prospective bidder or bidders by registered mail within a period of 15 days after the date of receipt of the statement in response to

the questionnaire; provided, however, that if the department shall require additional information from the prospective bidder, the classification shall be made and the notice sent within 15 days after receipt of such additional information.

Source: C. 18:11-9.4 (1962, c. 105, s. 4).

18A:18-12. Appeal from determination as to classification; hearings, etc.; change; approval by state board. Any person, after being notified of his classification, being dissatisfied therewith or with the classification of another person or persons, may request in writing a hearing before the commissioner, and may present such further evidence with respect to his financial ability, plant and equipment or prior experience, or that of the other person or persons, as might tend to justify a different classification.

Where the request for a hearing is related to the classification of another person, the applicant for the hearing shall notify such other person, by registered mail, of the time and place of hearing and at the hearing shall present to the commissioner satisfactory evidence that such notice was given before any matters pertaining to the classification of such other person shall be taken up.

After the hearing the commissioner may change or affirm the classification or classifications, the subject of the hearing.

Decisions of the commissioner, made after hearing, shall be subject to appeal to the state board.

Source: C. 18:11-9.5 (1962, c. 105, s. 5).

18A:18-13. Rejection of bids; proposed change in classification as affecting bids; review and reconsideration of classification. Nothing contained in this chapter shall be construed as depriving any board of education of the right to reject all bids. Where there have been developments subsequent to the qualification and classification of a bidder which in the opinion of the awarding board would affect the responsibility of the bidder, information to that effect shall forthwith be transmitted to the department for its review and reconsideration of the classification. Before taking final action on any such bid, the board of education concerned shall notify the bidder and give him an opportunity to present to the department any additional information which might tend to substantiate the existing classification.

Source: C. 18:11-9.6 (1962, c. 105, s. 6).

18A:18-14. Bidders not submitting statements, within six months ineligible to bid; affidavit of no change in status to accompany bid; reports as to performance, etc. No person shall be qualified to bid on any contract with the board who shall not have submitted a statement as required by section 18A:18-10, within a period of six months preceding the date of opening of bids for such contract. Every bidder shall submit with his bid an affidavit that subsequent to the latest such statement submitted by him there has been no material adverse change in his qualification information except as set forth in said affidavit. The specifications for every contract subject to this chapter shall provide that the board of education, through its architect or other authorized agent, shall upon completion of the contract report to the department as to the contractor's performance,

and shall also furnish such report from time to time during performance if the contractor is then in default.

Source: C. 18:11-9.7 (1962, c. 105, s. 7).

18A:18-15. False statements, etc.; penalties. Any person who makes, or causes to be made, a false, deceptive or fraudulent statement in the questionnaire required to be submitted, or in the course of any hearing under this article shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than $100.00 nor more than $1,000.00; or, in the case of an individual or the officer or employee charged with the duty of making such questionnaire for a person, firm, copartnership, association or corporation, to pay such fine or undergo imprisonment, not exceeding six months, or both. All such persons and any copartnership, association, corporation or joint stock company of which any such person is a partner or officer or director, and any corporation of which he owns more than 25% of the stock, shall for five years from the date of such conviction be disqualified from bidding on all public work in this state.

Source: C. 18:11-9.8 (1962, c. 105, s. 8).

18A:18-16. Forfeiture of deposit, etc., for false, etc., statements. The board of education shall cause the forfeiture as liquidated damages to the board of any certified check or certificate of deposit deposited as bid security by any person who makes or causes to be made any false, deceptive or fraudulent statement in the questionnaire or bid affidavit required to be submitted, or in the course of any hearing under this chapter.

Source: C. 18:11-9.9 (1962, c. 105, s. 9).

18A:18-17. Rules and regulations by state board. The state board shall establish such reasonable regulations as to it may seem appropriate for controlling the qualifications of prospective bidders. The regulations shall fix the qualification requirements for bidders according to available capital and equipment, and with due regard to the organization and prior experience of the bidder and all other pertinent and material facts. No regulations of the state board for controlling the qualifications of bidders shall become effective until at least 30 days after the regulations shall have been formally adopted and published in not less than 10 newspapers of this state.

Source: C. 18:11-9.10 (1962, c. 105, s. 10).

18A:18-18. No action for damages for action by officials. No action for damages in any court of competent jurisdiction shall lie against the state board or any state official because of any action taken by virtue of the provisions of this chapter.

Source: C. 18:11-9.11 (1962, c. 105, s. 11).

Article 5. Advertisement and Form of Bids; Awarding of Contracts.

18A:18-19. Advertisement for proposals; how made. The board shall prescribe, subject to the provisions of section 18A:18-5.1, the regulations under which advertisement for proposals shall be made and said advertisement shall be made accordingly.

Source: R.S. 18:7-64, amended 1949, c. 151; 1957, c. 174, s. 2; 1964, c. 159, s. 2; 1964, c. 193, s. 2.

18A:18-20. Bids to conform to specifications; awards. No bid for the construction, alteration or repair of any building or for supplies shall be accepted which does not conform to the specifications furnished therefor and all contracts shall be awarded to the lowest responsible bidder.

Source: R.S. 18:6-26, 18:7-65.

18A:18-21. Award of contracts when bids, etc., are equal. Whenever two or more proposals or bids of equal amounts are the lowest proposals or bids submitted by responsible bidders pursuant to advertisement, the board of education may award the contract to any one of such bidders as, in its discretion, it may determine.

Source: C. 18:11-10.1 (1960, c. 99).

Article 6. Filing of Contract Copies.

18A:18-22. Filing copies of contracts. A copy of each contract for the construction, alteration or repair of any building and for the furnishing thereof shall be filed with the state board within 10 days after the same shall have been signed.

Source: R.S. 18:11-9.

Article 7. Repairs of School Buildings.

18A:18-23. Repairs of school buildings; supervision, etc. Repairs of all school buildings shall be supervised by the business manager of the district, if there be one, as provided by section 18A:17-28, but if the district has no business manager, the board may delegate such power to any appropriate officer of the board as provided by section 18A:16-1.2 and repairs of school property may be ordered between meetings of the board as provided in section 18A:18-1.

Source: C. 18:5-51.4 (1967, c. 190, s. 2); R.S. 18:6-47, amended 1967, c. 190, s. 1.

Article 8. Inspection, Condemnation and Rejection.

18A:18-24. Inspection, condemnation and rejection of work and materials. All work done and materials or supplies furnished under contract shall be inspected by the business manager of the district, if there be a business manager of the district, but if there be no business manager of the district, they may be inspected by an appropriate officer employed by the board to whom such power shall have been delegated by the board, and subject to the approval of the board the business manager or such officer, as the case may be, shall condemn any work and reject any material or supplies, which in his judgment do not conform to the specifications of the contract therefor.

Source: C. 18:5-51, (1967, c. 190, s. 2); R.S. 18:6-47, amended 1967, c. 190, s. 1.

Article 9. Municipal Permits not Required.

18A:18-25. No municipal permit for school buildings required. No board of education of any school district shall be required to secure the approval of its plans and specifications for the erection or alteration of any school building or vocational school building or any part thereof by the municipality therein; nor shall any board of education or any board of education of a county vocational school or any contractor doing work in connection with school buildings or county vocational school buildings be required to secure a building permit from the municipality.

Source: R.S. 18:11-11, amended 1948, c. 56.

Chapter 19. EXPENDITURE OF FUNDS; AUDIT AND PAYMENT OF CLAIMS.

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18A:19–14. Funds derived from pupil activities.

18A:19–1. Expenditure of funds on warrant only; requisites. The money or funds of the board in the custody of its custodian of school moneys shall be expended by such custodian by, and only by, warrants, each made payable to the order of the person entitled to receive the amount thereof and specifying the object for which it is issued, signed by the president and secretary of the board, by such custodian of school moneys and by the district comptroller, if any,

(a) after audit of the account or demand to be paid, by the secretary and by the district comptroller, if any, and after approval by the board, or

(b) in accordance with payrolls duly certified as provided by this title, or

(c) for debt service.

Source: R.S. 18:5–54.

18A:19–2. Requirements for payment of claims; audit of claims in general. No claim or demand against a school district shall be paid by the custodian unless it is authorized by law and the rules of the board of education of the district, is fully itemized and verified, has been duly audited as required by law, has been presented to, and approved by, the board at a meeting thereof and the amount required to pay the same is available for said purpose.

Source: R.S. 18:6–77, 18:7–63.

18A:19–3. Verification of claims. All claims and demands, exceeding $25.00 in amount, except for payrolls and debt service, shall be verified by affidavit, or by a signed declaration in writing, contained therein or annexed thereto, to the effect that the same are correct in all particulars, that the

articles have been furnished or the services rendered as stated therein and that no bonus has been given or received on account thereof.

Source: R.S. 18:6-34, amended 1954, c. 80, s. 6; 1966, c. 23, s. 1; 18:7-67, amended 1955, c. 113; 1965, c. 163, s. 1.

18A:19-4. Audit of claims, etc., by secretary; warrants for payment. All claims and demands against the board, except such as are to be paid from funds derived from athletic events or other activities of pupil organizations, shall be examined, audited and certified, in writing, by the secretary and presented by him to the board for its approval at a regularly called meeting and if found to be correct, shall be ordered paid by the board, whereupon the secretary and the president of the board shall issue and sign a warrant in payment therefor. The secretary thereupon shall forward such warrant to the custodian of school moneys of the district, unless there is a district comptroller, in which case he shall forward the same with said claim to the district comptroller.

Source: R.S. 18:6-78, 18:6-80.

18A:19-5. Countersignature of warrants by district comptroller. If the district comptroller shall find the warrant and statement to be correct, he shall countersign the warrant and forward it to the custodian of school moneys of the district.

Source: R.S. 18:6-82.

18A:19-6. Return of incorrect warrant or claim to secretary of board. If the district comptroller has reason to believe a claim or demand for which any warrant was issued was incorrect, or for any cause should not be paid, he shall return the warrant and statement to the secretary of the board with a statement of the reasons why the same should not be paid.

Source: R.S. 18:6-82.

18A:19-7. Correction of warrants and statements; return to district comptroller. If the secretary shall find a warrant or statement to be incorrect when returned to him by the district comptroller, he shall correct the same and return them to the district comptroller who, if he finds them to be correct, shall countersign the warrant and forward it with the statement to the custodian of school moneys for payment.

Source: R.S. 18:6-82.

18A:19-8. Procedure for payment of warrants. If the secretary shall find the warrant and statement returned to him to be correct, he shall present them to the board at its next meeting and if the board shall find them to be correct it shall, by a recorded roll call majority vote of its full membership, order the claim or demand to be paid and thereupon the warrant and statement shall be forwarded to the district comptroller together with a statement of the action of the board thereon and he shall thereupon countersign the warrant and forward it to the custodian of school moneys for payment.

Source: R.S. 18:6-82.

18A:19-9. Compensation of teachers, etc., payrolls. Payment of the compensation of teachers and other employees may be made on the basis

of payrolls certified by the president and secretary of the board, stating the names and amounts to be paid to each, and delivered to the custodian of school moneys with a warrant made to his order for the full amount of each payroll.

Source: R.S. 18:5–55.

18A:19–10. Payroll bank account; checks for compensation. The custodian shall deposit the warrants in a separate bank account as a payroll account and payment shall be made to the teachers and others entitled thereto by individual checks drawn to their respective orders upon such account.

Source: R.S. 18:5–55.

18A:19–11. Signature of payroll checks by deputy. If the custodian of the school moneys of the district is the custodian of the municipality composing it, such payroll checks may be signed by a deputy or a municipal officer who serves as such municipal custodian, if the deputy is bonded for the faithful performance of such duties in the same manner as is the custodian.

Source: R.S. 18:5–58.

18A:19–12. Interest payable on certain warrants not immediately paid. When a warrant for the payment of current expenses of a public school is drawn and issued and there are no funds for payment of the same, the warrant shall bear legal interest until such time as the custodian gives public notice of the fact that funds are provided for the payment thereof.

Source: R.S. 18:5–56.

18A:19–13. Petty cash funds. The provisions of this chapter shall not prevent the establishment and operation by a board of education of petty cash funds, pursuant to rules of the state board.

Source: New.

18A:19–14. Funds derived from pupil activities. All funds derived from athletic events or other activities of pupil organizations shall be administered, expended and accounted for pursuant to the rules of the state board.

Source: New.

Chapter 20. PROPERTY OF SCHOOL DISTRICTS.

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18A:20–25. Insurance of property.
18A:20–26. Board of education of city district may insure in municipal fund.
18A:20–27. Each building and its contents insured separately.
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18A:20–32. Commissioners may insure buildings and property in insurance companies.
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C. Use of Property.

18A:20–34. Use of schoolhouse and grounds for various purposes.
18A:20–35. Liability of district for use of school property.

D. Abandonment of, or Changes in, Buildings.

18A:20–36. Commissioner may order alteration or abandonment of buildings.

Article 1. Title to District Property.

18A:20–1. Title in board of education. The title to the property, real and personal, of each school district, and the title to all property, real and personal, which shall be acquired for school purposes in the district, is vested and shall vest in the board of education of the district and the board shall succeed to and be vested with all the property, rights and privileges not inconsistent with the provisions of this act heretofore vested in or possessed by any body heretofore having charge and control of the public schools or the public school property, of the district, or of the municipality or municipalities composing the district, and the board shall have the supervision, control and management of all such property.

Source: R.S. 18:6–15, 18:6–16, 18:6–18, 18:7–72.

Article 2. Acquisition and Disposition of Property.

A. In General.

18A:20–2. Purchase and sale of property in general. The board of education of any district may, in and by its corporate name, acquire, by purchase or lease, receive, hold, hold in trust and sell and lease real estate and personal property and may take and condemn lands and other property for school purposes in the manner provided by law relating to the taking and condemnation of property for public purposes, subject to the restrictions provided in this title.

Source: R.S. 18:6–24, amended 1953, c. 18, s. 11; 18:7–73, amended 1945, c. 133; 1948, c. 162, s. 1; 18:7–75, amended 1953, c. 18, s. 15; 18:7–76, amended 1948, c. 162, s. 2; 1962, c. 34.

18A:20–3. Acquisition of outstanding interest in real property. Any district which holds any real estate or interest therein may acquire any outstanding interest therein by condemnation in the manner provided by law relating to the taking and condemnation of property for public purposes.
Source: R.S. 18:5–24.

18A:20–4. Acceptance and use of gifts. The board of education may accept any gift or grant of land with or without improvement, and of money or other personal property, without additional authorization or authority, and may:

a. Expend any such money or use any such personal property, without any additional authorization or authority, in the equipment of any building for school purposes; or

b. Expend such moneys in the construction of a building for school purposes, or addition thereto, and the equipment thereof but only if such expenditure and the expenditures of any additional moneys required to be expended in connection with such construction shall be authorized in the manner prescribed by law for the construction of buildings for school purposes or additions thereto.
Source: R.S. 18:5–24.1.

18A:20–4.1. Type II districts; acquisition of property without authorization of voters. 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, in case of emergency, buildings to use for school purposes; and

(b) Take an option not to exceed one year in duration, at a cost not to exceed $100.00 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.
Source: R.S. 18:7–73, amended 1945, c. 133; 1948, c. 162, s. 1.

18A:20–4.2. Type II districts; acquisition of property; authority required. The board of education of any type II school district may, for school purposes:

(a) purchase, take and condemn lands within the district and lands not exceeding 50 acres in extent without the district but situate in a municipality or municipalities adjoining the district, but no more than 25 acres may be so acquired in any one such municipality, without the district, except with the consent, by ordinance, of such municipality;

(b) grade, drain and landscape lands owned or to be acquired by it and improve the same in like manner;

(c) erect, lease, enlarge, improve, repair or furnish buildings;

(d) borrow money therefor, with or without mortgage;

in the case of a type II district without a board of school estimate, when authorized so to do at any annual or special school election and in the case of a type II district having a board of school estimate, when the amount

necessary to be provided therefor shall have been fixed, determined and certified by the board of school estimate.

Source: R.S. 18:7–73, amended 1945, c. 133; 1948, c. 162, s. 1; 18:7–74, amended 1954, c. 100; 1958, c. 122; 1965, c. 219, s. 1; 18:7–75, amended 1953, c. 18, s. 15; 18:7–109; 18:7–110, amended 1953, c. 18, s. 17.

18A:20–5. Disposition of property and title of purchaser. The board of education of any district by a recorded roll call majority vote of its full membership may dispose, by sale or otherwise, in the manner prescribed in this chapter, of any lands or any rights or interest therein, owned by it, which cease to be suitable or convenient for the use for which they were acquired or which are no longer needed for school purposes, whether acquired by purchase or through condemnation proceedings and the purchaser thereof shall acquire title thereto free from any use or purpose for which it may have been acquired by the board.

Source: R.S. 18:5–25; 18:5–29; 18:7–73, amended 1945, c. 133; 1948, c. 162, s. 1.

18A:20–6. Sale at public sale; exceptions. Any lands or rights or interest therein sold by any board of education shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district, or, if none is published therein, then in a newspaper circulating in the district, in which the same is situate at least once a week for two weeks prior to the sale unless:

a. The same are sold to the state, or a political subdivision thereof, in which case they may be sold at private sale without advertisement; or

b. The sale or other disposition thereof in some other manner is provided for in this title.

Source: R.S. 18:5–26, amended 1958, c. 51.

18A:20–7. Sales at fixed minimum prices. In the case of public sales the board may by resolution fix a minimum price with or without the reservation of the right, upon the completion of said public sale, to accept or reject the highest bid made thereat, a statement whereof shall be included in the advertisement of sale of the lands and public notice thereof shall be given at the time of sale, or it may by resolution provide without fixing a minimum price, that upon the completion of the public sale, the highest bid made thereat shall be subject to acceptance or rejection by the board, but the acceptance or rejection thereof shall be made not later than the second regular meeting of the board following the sale, and, if the board shall fail or refuse to accept or reject any such highest bid, as aforesaid, the said bid shall be deemed to have been rejected.

Source: R.S. 18:5–26, amended 1958, c. 51.

18A:20–8. Exchange of lands. The board of education of any school district, by a recorded roll call majority vote of its full membership, may exchange any lands owned by it and not needed for school purposes for lands located in the school district and at least equal in value to the lands conveyed by the board in such exchange.

Source: R.S. 18:5–29.

18A:20–9. Transfer of real estate, no longer used, to municipality, volunteer fire company, rescue squad or veterans' organization. Whenever

any board of education of a district consisting of one municipality shall by resolution determine that any tract of land is no longer desirable or necessary for school purposes and authorize the conveyance thereof, whether there is a building thereon or not, for a nominal consideration, to the municipality or any board, body or commission thereof, or to any volunteer fire company or rescue squad actively engaged in the protection of life and property and duly incorporated under the laws of the state of New Jersey, or to any American legion post, veterans of foreign wars, or other recognized veterans' organization of the United States of America, located in the municipality or the county, as a meeting place for such organization. The president and secretary of the board shall be authorized to execute and deliver a conveyance for the same in the name and under the seal of the board, which conveyance may, in the discretion of the board, be made subject to a condition or limitation that said land shall be used by such municipality, board, body or commission thereof for public purposes and by any such fire company for fire company purposes or by such rescue squad for rescue squad purposes and in such case should such property cease to be used for such purposes or if any property conveyed pursuant to this section to any veterans' organization cease to be used for any of the purposes contemplated by this section, such property shall thereupon revert to and the title thereof shall vest in the board of education making the conveyance thereof hereunder.

Source: R.S. 18:5-27, amended 1939, c. 341, s. 1; 1946, c. 126, s. 1; 1958, c. 46, s. 1; 1963, c. 139; 18:5-28, amended 1939, c. 341, s. 2; 1946, c. 126, s. 2; 1948, c. 196; 1958, c. 46, s. 2.

18A:20-9.1. Conveyance of certain sewer lines to a municipality. Upon the request or with the concurrence of the governing body of a municipality the board of education of any district is authorized to convey and transfer, without consideration, its right, title and interest in and to any trunk or other sewer line to the municipality in which it is situated subject to the continued right of the district to use the same together with such other use as may be authorized by the governing body of the municipality.

Source: C. 18:5-29.2 (1965, c. 224, s. 1).

18A:20-10. Lands conveyed on condition. Whenever any district has heretofore received a conveyance of lands subject to a recital or condition in the deed of conveyance, substantially providing that the land and premises conveyed are intended to be conveyed for the express purpose of building a public schoolhouse on the same and for the uses and purposes of a public school for said district, and the lands so conveyed have been held by the district for more than 30 years, and no public schoolhouse has ever been built or has stood for the past 20 years thereon, and the board of education of the district shall determine that the lands are not required for school uses and purposes, the board may sell and convey the said lands and make, execute and deliver a valid conveyance thereof, free of any such recital or condition and thereby vest a title in fee simple absolute in the grantee as fully as though such recital or condition was not contained in the deed of conveyance to the school district; provided, that no proceeding or action shall be commenced against said school district for the recovery

of said lands or the enforcement of such recital or condition within a period of one year from the date of conveyance of said lands by the board.

Source: C. 18:5-29.1 (1948, c. 427, amended 1953, c. 18, s. 2; 1953, c. 428, s. 7).

18A:20-11. Property devised in trust. When any person dies and by his last will and testament gives, devises and bequeaths any real estate to any board of education, by whatever name or names the board may be designated, in trust to take and receive the rents, issues, and profits arising from the same, pay all expenses necessary to the maintenance and proper care of such premises, and the net income arising therefrom to invest in books or other school properties, or otherwise for and on behalf of the schools or any school in the district, and for the use and benefit of the pupils thereof, such real estate may be sold under the circumstances hereinafter enumerated and in the manner hereinafter prescribed.

Source: R.S. 18:5-31, amended 1953, c. 18, s. 3.

18A:20-12. Proceedings to sell; when authorized. If any building upon the property so devised is or becomes old, dilapidated and greatly in need of extraordinary repairs, or if any such building is not well adapted or becomes not well adapted for business or other purposes for which it was built, or cannot be repaired or modernized so as to yield a good income without extraordinary expense, or when a fair rental, considering the value of the property, cannot be obtained for the same, or when the premises consist in whole or in part of vacant lots which cannot be rented for a fair price or at all, and when if sold the proceeds arising from the sale of the real estate could be invested and in that way yield a larger income than could be obtained by the renting or other use of the premises, then the board of education may institute a civil action in the superior court to direct such lands and other premises to be sold in fee simple absolute. The court may proceed in the action in a summary manner or otherwise.

Source: R.S. 18:5-31, amended 1953, c. 18, s. 3.

18A:20-13. Sale of real estate charged with private bequest. When any such testator shall make a charge on any real estate so devised to any board of education, of any legacy or bequest to any other person in trust or otherwise, then no direction for the sale thereof shall be made by the court unless the beneficiary under the legacy or bequest is made a party defendant to the action; nor shall the sale be made unless it shall appear to the court that the rights and interests of the beneficiary under such legacy or bequest will not be prejudiced thereby and if a sale is directed the court shall make all necessary orders for the conservation of such legacy or bequest with respect to the investment of moneys arising from the sale.

Source: R.S. 18:5-32, amended 1953, c. 18, s. 4.

18A:20-14. Sale; when ordered. If it shall be made to appear to the court by any person or persons whom it may concern that such sale may be had without prejudice to the public welfare and the best interests of the school or schools for whose benefit the devise was made, and that it is advisable and best for the beneficiaries of the trust, and that their interests would be promoted by the sale, the court may direct the lands and other premises to be sold in fee either at public or private sale, and

with such limitations as to price and as to credit for purchase money as it may deem proper to direct.

Source: R.S. 18:5-31, amended 1953, c. 18, s. 3.

18A:20-15. Conveyance; title of purchaser. A deed given pursuant to such directions and made by such person as may be designated by the court shall convey to the purchaser an estate in fee simple absolute, freely and fully discharged from the trust and any charge thereon created by the will of the testator.

Source: R.S. 18:5-31, amended 1953, c. 18, s. 3.

18A:20-16. Investment of proceeds under direction of superior court. The moneys arising from any such sale shall be invested, under the direction of the superior court, by and in the name of the board of education to whom the real estate so sold shall have been devised and shall be held by it in trust for the uses and purposes set forth in the will. The court may from time to time make such further orders and directions in the premises as shall conserve the purposes of the trust and be deemed necessary to carry out the will of the testator.

Source: R.S. 18:5-33, amended 1953, c. 18, s. 5.

B. Public Playgrounds and Recreation Places.

18A:20-17. Equipping and establishing playgrounds, etc., funds. The board of education of any district may establish public playgrounds and recreation places of such size and dimensions and in such locations within or without the district as it shall deem suitable, and may lease, purchase or condemn, or acquire by gift or otherwise, the lands necessary therefor, and any moneys required in payment or for erecting or repairing buildings thereon or otherwise improving the same and providing equipment therefor shall be raised by, or furnished to, the board of education in the same manner as moneys are raised by, or furnished to, the board for school purposes.

Source: R.S. 18:5-43, amended 1949, c. 208, s. 1; 1950, c. 209.

18A:20-18. Transfer by municipality to board of education. Whenever the governing body of a municipality, in which any public playground and recreation place has been established, shall determine by resolution that it is advisable that it be relieved of the maintenance, control, and management thereof, the governing body may, without consideration, convey the same to the board of education of the school district in the municipality, for use for public playgrounds and recreation places if said board shall by resolution consent to accept, maintain, control and manage the same. The real estate so transferred and conveyed shall be under the control of and shall be maintained and managed by the board of education.

Source: R.S. 18:5-41; 18:5-42.

18A:20-19. Funds for maintenance of playgrounds and recreation places. Whenever any board of education has established any public playground or recreation place, or has assumed the maintenance, control, and management of a public playground or recreation place, it shall include in its annual budget an itemized statement of the amount of money estimated to be necessary for the cost of maintenance and management of such playground and recreation place for the ensuing year.

Source: R.S. 18:5-44, amended 1949, c. 208, s. 2.

18A:20-20. Control and regulation of playgrounds and recreation places. The board of education shall have full control over all lands, public playgrounds, and recreation places acquired or leased by it, pursuant to law, and may adopt suitable rules for the use thereof, and the conduct of all persons while on or using the same.

Source: R.S. 18:5-45.

18A:20-21. Supervisors and other employees. The board shall appoint such supervisors, instructors, teachers, custodians, and employees as it shall think necessary for the proper maintenance, control, and management of such public playgrounds and recreation places, and shall fix their compensation and terms of employment.

Source: R.S. 18:5-45.

18A:20-22. School districts joining with municipality or county in equipment and operation. The board of education of any district may join with the governing body of any municipality, or the board of chosen freeholders of the county in which the district is located, in acquiring, improving, equipping, operating and maintaining playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor and may pay over to the said body or board such money as may be so appropriated to be disbursed for any of such joint purposes.

Source: R.S. 18:5-46, amended 1948, c. 62.

Article 3. Use and Preservation of District Property.

A. In General.

18A:20-23. Local improvement assessments; payment of. The board of education of any type II district may, in its discretion, pay assessments made against any of its real estate on account of special benefits conferred by any local improvement made by any municipality in which the district is located.

Source: R.S. 18:5-21; C. 18:7-76.1 (1948, c. 150).

18A:20-24. Funds; how raised. The money with which to pay the assessments may be raised by the issuance of bonds or any other means authorized by law for raising of money for school purposes.

Source: R.S. 18:5-21; C. 18:7-76.1 (1948, c. 150).

B. Insurance of Property; Use of Proceeds.

18A:20-25. Insurance of property. Every board of education shall keep all insurable property, real and personal, of the district insured against loss or damage by fire and, in its discretion, against other loss or damage.

Source: R.S. 18:6-18; 18:7-76, amended 1948, c. 162, s. 2; 1962, c. 34.

18A:20-26. Board of education of city district may insure in municipal fund. Where a municipal insurance fund is established in any city and insurance fund commissioners appointed, the board of education of the city school district may in its discretion by resolution provide that from and after the adoption of the resolution, the school buildings and school property of the district be insured in the municipal insurance fund of the city.

Source: R.S. 18:5-34.

18A:20-27. Each building and its contents insured separately. Each school building and its contents insured in such municipal insurance fund shall be insured separately and for definite and determined sums respectively, except where the insurance fund commissioners have insured the same in an insurance company as provided in this subarticle.

Source: R.S. 18:5-35.

18A:20-28. Fixing and payment of premiums. The insurance fund commissioners of such city may fix reasonable rates of premium for all insurance carried on school buildings and school property of the school district by the fund, and the board of education shall pay forthwith to the insurance fund commissioners of the city the premium for any insurance carried by the municipal insurance fund on school buildings and school property of the city school district.

Source: R.S. 18:5-36.

18A:20-29. Investment of premiums. All moneys received by the insurance fund commissioners for premiums on school buildings and school property insured in the municipal insurance fund of the city, except so much as may be necessary to pay premiums upon insurance placed upon any of such school buildings and school property with insurance companies as provided in this subarticle, shall be invested by the commissioners with the moneys of the municipal insurance fund and in the manner provided by law for the investment of such moneys.

Source: R.S. 18:5-37.

18A:20-30. Appropriations to municipal fund. The body having control of the finances of any city wherein the school buildings and other school property of the city school district are insured in the municipal insurance fund may, from time to time, if in its judgment advisable, appropriate additional sums of money to the municipal insurance fund of the city from moneys under its control not otherwise appropriated, or by raising such sums in the tax levies for the years in which they are severally appropriated.

Source: R.S. 18:5-38.

18A:20-31. Adjustment and payment of losses. In case of loss incurred by fire or other casualty insured against on any building or contents insured in the municipal insurance fund and not insured in an insurance company, if the loss be total, the commissioners shall pay the whole sum from the fund to the board of education of the district within 60 days. If the loss be partial, the sum to be paid shall be fixed and adjusted by a commission of adjustment consisting of a commissioner of the municipal insurance fund, the president of the board of education of the school district and the presiding officer of the board or body having control of the finances of the city.

Source: R.S. 18:5-39.

18A:20-32. Commissioners may insure buildings and property in insurance companies. Whenever the insurance fund commissioners of any city deem it expedient, they may place insurance on school buildings and school property, insured in the municipal insurance fund, with insurance companies authorized to do business in this state. The premiums for such insurance in excess of the rates of premium thereon fixed by the com-

missioners shall be paid forthwith to the commissioners by the board of education of the district. The policies of insurance shall provide that the loss be payable to the board of education of the school district.

Source: R.S. 18:5-40.

18A:20-33. Insurance money; use for reconstruction or repair. Whenever any of the school buildings and the furnishings thereof in any school district have been or shall have been partially or totally destroyed by fire or other casualty, the insurance moneys received by the board of education by reason thereof, whether payable from a municipal insurance fund or otherwise, may be used by the board for the repair, reconstruction, or rebuilding of the building and the purchase and repair of the furnishings and contents thereof, but the board shall not use the money for the erection of a building on a site other than that occupied by the building destroyed without the authority of the appropriating power. The board of education shall not enter into a contract for the construction of a building to cost more than the amount of insurance moneys received until the additional amount required shall have been authorized for expenditure for such purpose and regularly appropriated.

Source: R.S. 18:11-13.

C. Use of Property.

18A:20-34. Use of schoolhouse and grounds for various purposes. The board of education of any district may, pursuant to rules adopted by it, permit the use of any schoolhouse and rooms therein, and the grounds and other property of the district, when not in use for school purposes, for any of the following purposes:

a. The assembly of persons for the purpose of giving and receiving instruction in any branch of education, learning, or the arts, including the science of agriculture, horticulture, and floriculture;

b. Public library purposes or stations of public libraries;

c. The holding of such social, civic, and recreational meetings and entertainments and such other purposes as may be approved by the board;

d. Such meetings, entertainments, and occasions where admission fees are charged as may be approved by the board;

e. Polling places, holding elections, registration of voters, and holding political meetings.

Source: R.S. 18:5-22.

18A:20-35. Liability of district for use of school property. No school district shall be liable for injury to the person from the use of any public grounds, buildings or structures, any law to the contrary notwithstanding.

Source: R.S. 18:5-30.

D. Abandonment of, or Changes in, Buildings.

18A:20-36. Commissioner may order alteration or abandonment of buildings. The commissioner may direct the entire or partial abandonment of any building used for school purposes and may direct the making of such changes therein as to him may seem proper.

Source: R.S. 18:11-12.

Chapter 21. CAPITAL PROJECTS.

Article 1. In General.

18A:21-1. Capital projects; description.

Article 2. Capital Reserve Funds.

18A:21-2. Authorization; establishment of funds.
18A:21-3. Credits to capital reserve funds.
18A:21-4. Use of reserve funds.
18A:21-5. Custody and investment of funds.

Article 1. In General.

18A:21-1. Capital projects; description. The capital projects which may be undertaken by a board of education, for any lawful purposes, the cost whereof may be provided for from taxes, or by the issuance of bonds, as provided by this chapter, are as follows:

1. The acquisition by purchase or condemnation of lands;

2. The grading, draining and landscaping of lands owned or to be acquired by the board and the improvement thereof in any like manner;

3. The acquisition, construction, reconstruction, remodeling, alteration, enlargement or major repair of buildings; and

4. The purchase of the original furniture, equipment and apparatus, or of major renewals of furniture, equipment and apparatus, for any building used or to be used for such purposes.

Source: R.S. 18:7-78.

Article 2. Capital Reserve Funds.

18A:21-2. Authorization; establishment of funds. The board of school estimate of any district having such a board and the board of education of any other district may establish a capital reserve fund pursuant to this article which may be maintained and used as in this article provided.

Source: C. 18:5-83.1 (1956, c. 9, s. 1).

18A:21-3. Credits to capital reserve funds. Such fund shall be established by resolution of the board of school estimate or the board of education, as the case may be, in such form as shall be prescribed by the commissioner, a true copy of which shall be filed with the department. The fund shall consist of (a) such sums, not exceeding $45.00 per pupil in resident enrollment (including the amount of state building aid as well as funds to be raised locally), as shall annually be appropriated for that purpose; and (b) the earnings attributable to the investment of the assets of the fund, as determined by the state treasurer.

Source: C. 18:5-83.2 (1956, c. 9, s. 2).

18A:21-4. Use of reserve funds. A board of education may in any school year draw against its capital reserve fund, up to the amount of the

balance therein, to the extent that such withdrawal is anticipated as a revenue in the school budget for the then current school year; provided, that such budget anticipation and withdrawal may not be greater than the amount by which capital outlay and debt service included in such budget exceeds state school building aid applicable thereto, as determined pursuant to the state school building aid law.

Source: C. 18:5-83.4 (1956, c. 9, s. 4).

18A:21-5. Custody and investment of funds. The capital reserve fund of each district shall be kept in the custody of the state treasurer for investment and reinvestment without segregation of assets as between the funds of the several school districts. It shall also be credited with the amount of state school building aid and other moneys which the district is entitled or required pursuant to law to have credited to its capital reserve fund; and shall be debited with the amount of annual withdrawals made by the district, pursuant to law.

Source: C. 18:5-83.3 (1956, c. 9, s. 3, amended 1956, c. 124, s. 2).

Chapter 22. BUDGETS AND APPROPRIATIONS.

Article 1. Boards of School Estimate.

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18A:22-1. Number of members; appointments; vacancies.
18A:22-2. Secretary.

B. Type II Districts.

18A:22-3. Application of subarticle.
18A:22-4. Membership; terms; vacancies.
18A:22-5. Majority of all members.
18A:22-6. Secretary.

Article 2. Budgets.

18A:22-7. Preparation of budgets.
18A:22-8. Contents of budget.
18A:22-9. Categories of expenditures; fixing.
18A:22-10. Fixing date, etc., for public hearing.
18A:22-11. Notice of public hearing.
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Article 3. Appropriations.

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18A:22-14. Fixing appropriations to be made.
18A:22-15. Appropriations, how made.
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18A:22–32. Type II districts without board of school estimate; determination and certification of appropriation.
18A:22–33. Submission of budget and authorization of tax.
18A:22–34. Appropriations; how assessed, levied and raised.
18A:22–35. Resumption of school year appropriations.
18A:22–36. Resubmission at special election of budget or items thereof rejected at annual election.
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18A:22–38. Failure of municipal governing body or bodies to certify; commissioner to act; amount included in tax levy.
18A:22–39. Type II districts without board of school estimate; submission of capital projects.
18A:22–40. Raising additional sums by taxes.
18A:22–41. Submission of question to voters.
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Article 4. Moneys Transferred from Municipality to Board of Education.

18A:22–45. Moneys transferred from municipality to district; application thereof.
18A:22–46. Amounts to be used in reduction of taxes; when required.
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Article 1. Boards of School Estimate.

A. Type I Districts.

18A:22–1. Number of members; appointments; vacancies. There shall be in each type I district a board of school estimate, which shall consist of two members of the board of education appointed by it, two members of the governing body of the municipality appointed by it, and the mayor or other chief executive officer of the municipality or if there be no chief executive officer then an additional member appointed by the governing body. Appointments shall be made annually in January, and vacancies shall be filled immediately by appointment as the original appointments were made for the unexpired terms.

Source: R.S. 18:6–48.

18A:22–2. Secretary. The secretary of the board of education shall serve as secretary of the board of school estimate without additional compensation.

Source: R.S. 18:6–48.

B. Type II Districts.

18A:22–3. Application of subarticle. The provisions of this subarticle shall apply to every type II local district having within its territorial limits more than one municipality, and having a population of more than 10,000, in which there is now a board of school estimate.

Source: R.S. 18:7–107, amended 1949, c. 232; 18:7–108.

18A:22-4. Membership; terms; vacancies. The board of school estimate shall consist of the chief executive officer of the governing body of each municipality and the president of the board of education of the district ex officio, and two members of the governing body of each municipality, to be chosen by their respective governing bodies and one member of the board of education of the district, to be chosen by said board, all of whom shall be chosen during the month of January and shall serve for one year from February 1 and until their successors are chosen. Vacancies occurring in the board shall be filled in like manner for the unexpired terms.

Source: R.S. 18:7-107, amended 1949, c. 232, s. 1; 18:7-108.

18A:22-5. Majority of all members. When it is required by law that any action shall be taken by at least a majority of the full membership of the board of school estimate, such majority must include a majority of the members, representing the respective municipal governing bodies and the action shall be certified accordingly.

Source: R.S. 18:7-108.

18A:22-6. Secretary. The secretary of the board of education shall be the secretary of the board of school estimate, but shall receive no compensation as such.

Source: New.

Article 2. Budgets.

18A:22-7. Preparation of budgets. The board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before February 1 in each year, and the board of education of every other school district shall prepare a budget for the school district for the ensuing year, in districts other than regional districts, on or before the second Tuesday in January, and in regional districts on or before the first Tuesday in January, in each year.

Source: R.S. 18:6-49, amended 1943, c. 201, s. 1; 1956, c. 9, s. 5; C. 18:7-77.1 (1943, c. 201, s. 3, amended 1956, c. 9, s. 6; 1956, c. 123, s. 3); R.S. 18:7-112, amended 1943, c. 201, s. 5; 1952, c. 101, s. 1; 1956, c. 124, s. 4.

18A:22-8. Contents of budget. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. The amounts of moneys estimated to be necessary to be appropriated for such ensuing school year, indicating separately those required for—

1. Current expenses of the school including the salaries of the secretary of the board of education, the custodian of school moneys, principals, teachers, janitors, medical inspectors and truant officers; fuel, textbooks, school supplies, flags, transportation of pupils, tuition of pupils attending schools in other districts with the consent of the board, school libraries, truant schools, insurance, repairs and renewals to buildings, furniture, equipment or apparatus, and other incidental expenses of the schools,

2. Vocational evening schools and courses,

3. Industrial schools,

4. Evening schools or classes for foreign-born residents,

5. Interest and debt redemption charges, in type II districts only,

6. Appropriations to the capital reserve fund,

7. Any other major purposes including any capital project which it is desired to include in the annual budget;

b. The amount appropriated for each of said items for the current school year;

c. The anticipated revenues intended to be used for said items and purposes and the respective sources and amounts of the same;

d. The anticipated revenues for similar items and purposes for the current school year and the respective sources and amounts of the same;

e. The amount of the surplus account available at the beginning of the current school year; and

f. The amount of money which shall have been apportioned to the district by the commissioner and authorized by law to be used to meet the expenses of such district for such ensuing year.

Source: R.S. 18:6–49, amended 1943, c. 201, s. 1; 1956, c. 9, s. 5; C. 18:7–77.1 (1943, c. 201, s. 3, amended 1956, c. 9, s. 6; 1956, c. 123, s. 3); R.S. 18:7–112, amended 1943, c. 201, s. 5; 1952, c. 101, s. 1; 1956, c. 124, s. 4.

18A:22–9. Categories of expenditures; fixing. The commissioner shall, with the approval of the state board, prescribe the items of expenditure to be included in each category of appropriation mentioned in subsection a. of section 18A:22–8 in accordance with the terms thereof and may, upon request, decide in which category a proposed item of expenditure shall be included.

Source: New.

18A:22–10. Fixing date, etc., for public hearing. Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the ensuing school year and the various items and purposes for which the same are to be appropriated, which hearing in districts having a board of school estimate, shall be held before said board of school estimate between February 1 and February 15 next ensuing and in districts having no board of school estimate shall be held before the board of education between the second Tuesday in January and February 1 next ensuing, except in regional districts in which such hearing shall be held between the first Tuesday in January and January 25 next ensuing.

Source: R.S. 18:6–49, amended 1943, c. 201, s. 1; 1956, c. 9, s. 5; C. 18:7–77.1 (1943, c. 201, s. 3, amended 1956, c. 9, s. 6; 1956, c. 123, s. 3); R.S. 18:7–112, amended 1943, c. 201, s. 5; 1952, c. 101, s. 1; 1956, c. 124, s. 4.

18A:22–11. Notice of public hearing. The board of education shall cause notice of such public hearing and the statement annexed to the budget to be published at least once in at least one newspaper published in the district and if no newspaper be published therein, then in at least one newspaper circulating in said district not less than seven days prior to the date fixed for such public hearing.

Source: R.S. 18:6–49, amended 1943, c. 201, s. 1; 1956, c. 9, s. 5; C. 18:7–77.1 (1943, c. 201, s. 3, amended 1956, c. 9, s. 6; 1956, c. 123, s. 3); R.S. 18:7–112, amended 1943, c. 201, s. 5; 1952, c. 101, s. 1; 1956, c. 124, s. 4.

18A:22-12. Contents of notice. The notice shall also set forth that said budget will be on file and open to the examination of the public between reasonable hours to be fixed therein and at a place to be named therein, from the date of said publication until the date of the holding of the public hearing, that in any district having a board of school estimate the public hearing will be held before the board of school estimate and in other districts that the public hearing will be held before the board of education and that at said public hearing said budget will be on file and open to the examination of the public accordingly and will be produced for the information of those attending the same.

Source: R.S. 18:6-49, amended 1943, c. 201, s. 1; 1956, c. 9, s. 5; C. 18:7-77.1 (1943, c. 201, s. 3, amended 1956, c. 9, s. 6; 1956, c. 123, s. 3); R.S. 18:7-112, amended 1943, c. 201, s. 5; 1952, c. 101, s. 1; 1956, c. 124, s. 4.

18A:22-13. Public hearing; objections; heard, etc. On the date and at the time and place, so fixed, the board of school estimate or the board of education, as the case may be, shall hold such public hearing at which the taxpayers and other interested persons shall have an opportunity to present objections and to be heard with respect to said budget and the amounts of money necessary to be appropriated and the various items and purposes for which the same are to be appropriated for the use of the public schools in the district for the ensuing school year.

Source: R.S. 18:6-50, amended 1943, c. 201, s. 2; 1966, c. 258; C. 18:7-77.2 (1943, c. 201, s. 4); R.S. 18:7-113, amended 1943, c. 201, s. 6; 1952, c. 101, s. 2.

Article 3. Appropriations.

A. Type I Districts.

18A:22-14. Fixing appropriations to be made. At or after said public hearing but not later than on February 15, the board of school estimate of a type I district shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the commissioner, and shall make two certificates of such amount signed by at least three members of the board, one of which shall be delivered to the board of education of the district and the other to the governing body of the district.

Source: R.S. 18:6-49, amended 1943, c. 201, s. 1; 1956, c. 9, s. 5; 18:6-50, amended 1943, c. 201, s. 2; 1966, c. 258.

18A:22-15. Appropriations, how made. The governing body of each municipality comprising a type I district shall, upon the receipt of the certificate of the board of school estimate:

a. Appropriate the amount, so certified, for the use of the public schools in the district for the ensuing school year, if such appropriations in the district are not made upon a calendar year basis; or

b. Appropriate not less than one half of the amount, so certified, if such appropriations in the district are made upon a calendar year basis, and in any year except the first in which such appropriation is so made, appropriate also the unappropriated balance, if any, of the sum previously certified by the board of school estimate for the current school year.

Source: R.S. 18:6-51; 18:6-53.

18A:22–16. Resumption of school year appropriations. Nothing in this article shall prevent the resumption by the governing body of each municipality comprising such district of the method of making appropriations for the use of the public schools in the district on the school year basis and thereafter the annual appropriations for such purposes shall be budgeted, certified and made and shall be assessed, levied and raised by taxation in such manner as may be necessary to give effect to such change.

Source: R.S. 18:6–52.

18A:22–17. Assessment, levy and collection of appropriations. The governing body of the municipality shall include the amount so appropriated in its tax ordinance, and the same shall be assessed, levied and collected in the same manner as other moneys appropriated are assessed, levied and collected, but the governing body shall not be required so to appropriate any amount in excess of 1½% of the assessed valuation of the ratables of the municipality, but may do so if it so determines by resolution.

Source: R.S. 18:6–53.

18A:22–18. Capital projects; appropriations; estimation. When a board of education of a type I district shall determine by resolution that it is necessary to raise money for any capital project authorized by law, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose.

Source: R.S. 18:6–59.

18A:22–19. Capital projects; appropriations; fixing amount. The board of school estimate shall fix and determine the amount necessary for said purpose and shall certify such amount separately to the board of education and to the governing body of the municipality.

Source: R.S. 18:6–60.

18A:22–20. Capital projects; appropriations; how raised. The governing body of the municipality shall, subject to the limitations hereinafter contained:

a. Appropriate said sum and include it in its tax ordinance, and the same shall be assessed, levied and collected in the same manner as other moneys are appropriated, assessed, levied or collected; or

b. Borrow the sum or sums so appropriated, and secure repayment thereof, with interest thereon, at a rate not to exceed 6% per annum, by the authorization and issuance of bonds in the corporate name of the municipality, in accordance with law.

The governing body shall not be required so to appropriate any amount which if added to the net school debt of the district at the date of the appropriation shall exceed 1½% of the average equalized valuations of taxable property as defined in section 18A:24–1, but may do so if it so determines by resolution.

Source: R.S. 18:6-61, amended 1952, c. 252, ss. 6, 13, 14; 1954, c. 95, s. 1; 1957, c. 11, s. 1; 1964, c. 73, s. 5; 18:6–62, amended 1952, c. 252, s. 7; 1964, c. 73, ss. 6, 9.

18A:22–21. Additional appropriations; purposes; estimation. When a board of education of a type I district shall determine by resolution that it

is necessary to raise in any school year funds additional to those set forth in its annual budget for such year for:

(1) current expenses or repair or furnishing of buildings made necessary because the amount requisite therefor was underestimated in the budget; or

(2) repair or utilization of property destroyed or made unusable by accident or other unforeseen cause; or

(3) meeting emergencies arising since the making of such budget;

the board shall prepare and deliver to each member of the board of school estimate a statement of the amount of money determined to be necessary therefor.

Source: R.S. 18:6-55.

18A:22-22. Additional appropriations; fixing and certifying. The board of school estimate shall meet within a reasonable time after the delivery of the statement and fix and determine the amount necessary for such purpose or purposes and shall certify the same separately to the board of education and to the governing body of the municipality.

Source: R.S. 18:6-56.

18A:22-23. Additional appropriations; raising. Upon receipt of the certificate, the governing body of the municipality shall immediately appropriate the sum or sums for the purpose or purposes and shall raise such sum or sums in the manner provided by law for the raising of such funds by the municipality in emergencies, and the raising of the funds required by such certificate, in such a case, shall be considered an emergency. Upon raising the funds, the governing body shall cause the sum or sums to be paid forthwith to the custodian of school moneys of the district for such purpose or purposes.

Source: R.S. 18:6-57.

18A:22-24. Charter limitations on tax rate, etc., inapplicable. No limitation imposed by charter in any municipality, as to the amount or rate of taxes or as to any other matter, shall apply to the raising of money under this chapter.

Source: R.S. 18:6-54.

18A:22-25. Borrowing against appropriation on notes. The board of education may, after July 1 and before January 1, borrow a sum not exceeding one half of the amount appropriated for the current expenses of the schools and for the repair of schoolhouses under its control, and execute and deliver promissory notes therefor, and pay the amount so borrowed together with interest thereon, at a rate not exceeding 6% per annum.

Source: R.S. 18:6-58; 18:7-60.

B. Type II Districts.

18A:22-26. Type II districts with board of school estimate; determination; certification and raising of appropriations. At or after said public hearing but not later than on February 15, the board of school estimate of a type II district having a board of school estimate shall fix and determine

by a recorded roll call majority vote of its full membership the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall be apportioned to it by the commissioner for said year and shall make a certificate of such amount signed by at least a majority of all the members of such board, which shall be delivered to the board of education and a copy thereof, certified under oath to be correct and true by the secretary of the board of school estimate, shall be delivered to the county board of taxation on or before March 1 in each year and a duplicate of such certificate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the district having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the county superintendent of schools and such amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes voted to be raised at an annual or special election of the legal voters in type II districts and shall be paid to the custodian of school moneys of the district for such purposes.

Source: R.S. 18:7–113, amended 1943, c. 201, s. 6; 1952, c. 101, s. 2; 18:7–114, amended 1943, c. 201, s. 7; 1952, c. 101, s. 3; 18:7–115; 18:7–116.

18A:22–27. Type II districts with boards of school estimate; estimate by board of education; certification of estimate. Whenever the board of education in a type II school district having a board of school estimate shall, by resolution adopted by recorded roll call affirmative vote of two thirds of its full membership, determine that it is necessary to raise money for any capital project, it shall, by such resolution, estimate the amount necessary to be raised for such project or projects, itemizing such estimate so as to make it readily understandable, and the secretary of the board of education shall certify a copy of such resolution to each member of the board of school estimate of the district.

Source: R.S. 18:7–117.

18A:22–28. Public hearing; notice. The board of education of such district shall also, upon delivery of such certificate to the members of the board of school estimate, fix a date, place and time for the holding of a public hearing by the board of school estimate with respect to the amount of money to be raised for such project or projects, which date shall be not less than 15 nor more than 30 days after the date of such delivery, and shall cause notice of such public hearing and such resolution, including a statement that said resolution will be on file and open to examination to the public between reasonable hours to be fixed and at a place to be named therein from the date of such notice until the date of said public hearing, to be published at least once and not less than seven days before such public hearing in at least one newspaper, published in each municipality comprised within the school district, and if no newspaper is published in any such municipality, then, as to such municipality, in at least one newspaper circulating in the municipality, and said board of education shall cause said resolution to be on file and open to the examination of the public accordingly and to be produced at said public hearing for the information of those attending the same.

Source: C. 18:7–117.1 (1953, c. 373, s. 1).

18A:22-29. Public hearing; holding. On the date and at the time and place so fixed for such public hearing, the board of school estimate shall grant the taxpayers and other interested persons an opportunity to present objections and to be heard with respect to said resolution and the amount of money necessary to be raised for such project or projects and with respect to the various items and projects for which the same is to be raised.

Source: C. 18:7-117.2 (1953, c. 373, s. 2).

18A:22-30. Determination and certification of amount of money necessary to be raised. At or after such hearing the board of school estimate shall fix and determine the amount of money necessary to be raised for said project or projects, and the secretary of said board shall certify said amount to the board of education of the district and to the board or body of each municipality comprised therein which has power to make appropriations of money to be raised by taxes in such municipality. The board of education of the district and the governing body of each such municipality comprising the district shall apportion the amount so to be appropriated, assessed, levied and raised in each of such municipalities, as nearly as may be, on the same basis and by the application of the same standards as are provided by law for apportionment of appropriations by county tax boards.

Source: R.S. 18:7-118.

18A:22-31. Determination of amounts by board of school estimate. In any district in which the amounts to be raised, levied and collected by taxes for school purposes are fixed and determined by a board of school estimate, the secretary of the board of education shall certify the amounts so estimated to be necessary for said purposes, itemizing the same so as to make the same readily understandable, to each member of the board of school estimate of the district and said board of school estimate shall meet within seven days after the delivery of said certificates and by a recorded roll call majority vote of its full membership, shall fix and determine the amounts necessary to be raised for said purposes, and the secretary of said board shall certify, within five days, said amounts to the board of education, to the board or body of each municipality situate within the district which has power to make appropriations of money to be raised by taxes in such municipality, to the county board of taxation and to the county superintendent of schools.

Source: C. 18:7-83.3 (1951, c. 224, s. 3).

18A:22-32. Type II districts without board of school estimate; determination and certification of appropriation. At or after the public hearing on the budget but not later than on February 1, the board of education of each type II district having no board of school estimate shall fix and determine the amount of money to be voted upon by the legal voters of the district at the annual election, which sum or sums shall be designated in the notice calling such election as required by law.

Source: C. 18:7-77.2 (1943, c. 201, s. 4).

18A:22-33. Submission of budget and authorization of tax. The board of education of each type II district not having a board of school estimate shall, at each annual school election, submit to the voters of the district,

the amounts of money fixed and determined in its budget, excluding therefrom the sum or sums stated therein to be used for interest and debt redemption charges, in the manner provided by law, to be voted upon for the use of the public schools of the district for the ensuing school year, which amounts shall be stated in the notice of the election, and the legal voters of the district shall determine at such election, by a majority vote of those voting upon the proposition, the sum or sums, not exceeding those stated in the notice of the election, to be raised by special district tax for said purposes, in the district during the ensuing school year and the secretary of the board of education shall certify the amounts so determined upon, and the sums so stated for interest and debt redemption charges, to the county board of taxation of the county on or before April 1 next succeeding and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for such purposes.

Source: R.S. 18:7-78.

18A:22-34. Appropriations; how assessed, levied and raised. The amount so certified shall be assessed, levied and raised in the municipality or municipalities composing the district, as follows:

a. In districts in which such appropriations are not made upon a calendar year basis, the full amount thereof, if the district consists of but one municipality, or the portion thereof apportioned to the municipality, if the district is composed of more than one municipality, shall be so assessed, levied and raised therein; or

b. In districts in which the appropriations for the use of the public schools are made upon a calendar year basis, not less than one half, as determined by the governing body of the municipality, of the amount so certified, if the district consists of but one municipality, or not less than one half, as determined by the governing body, of the portion thereof apportioned to the municipality, if the district is composed of more than one municipality, shall be so assessed, levied and raised therein, and in the first year in which such appropriations are made upon said basis, the amount certified to the municipality for the payment of the interest on any note or bond of the district, temporary or permanent, and any part of the principal thereof falling due between July 1 and December 31 of the current school year, or the amount thereof apportioned to the municipality, also, shall be so assessed, levied and raised, and in any year, except the first, in which the appropriations are made upon said basis, the balance, if any, of the sum previously certified to the municipality by the board of school estimate, or the portion thereof apportioned to the municipality for the current school year, and the amount required of the municipality for the payment of the interest upon any note or bond of the district or any part of the principal thereof falling due in the calendar year, shall be so assessed, levied and raised.

Source: R.S. 18:7-79.

18A:22-35. Resumption of school year appropriations. Nothing in this article shall prevent the resumption by the governing body of each municipality comprising any such school district of the method of making appropriations for the use of the public schools in the district on the

school year basis and thereafter the annual appropriations made upon such basis shall be assessed, levied and raised by special district taxes in such manner as may be necessary to give effect to such change.
Source: R.S. 18:7-80.

18A:22-36. Resubmission at special election of budget or items thereof rejected at annual election. If the voters of a district shall reject the entire budget or any item of appropriation necessary to meet the annual cost of education in the district, submitted at the district's annual school election, the board shall call a special school election, to be held within 15 days after the annual school election, and submit thereat the items so rejected in the same or lesser amounts, as determined by it, without the holding of any budget hearing thereon.
Source: R.S. 18:7-81.

18A:22-37. Determination by municipal governing body where items rejected at second election. If the voters reject any of the items submitted at the second election, the governing body of the municipality, or of each of the municipalities, included in the district shall, after consultation with the board, and within 10 days after receipt of the proposed school budget from the board, certify to the county board of taxation the amounts which said body or bodies determine to be necessary to be appropriated for each item appearing in such budget to provide a thorough and efficient system of schools in the district, the aggregate of which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.
Source: R.S. 18:7-82.

18A:22-38. Failure of municipal governing body or bodies to certify; commissioner to act; amount included in tax levy. If said governing body or bodies shall fail so to certify any amount, determined by them to be necessary for any item rejected at the second election, or in event that the governing bodies of the municipalities comprising a school district, shall certify different amounts, then the commissioner shall determine and certify to the county board of taxation the amount or amounts which he shall determine, in his judgment, to be necessary to be appropriated for each of the items appearing in the budget, submitted to such governing body or bodies, to provide a thorough and efficient system of public schools in the district, setting forth separately the sums so determined upon for interest and debt redemption charges, and the amounts so certified shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.
Source: R.S. 18:7-83.

18A:22-39. Type II districts without board of school estimate; submission of capital projects. Whenever the undertaking of any capital project or projects to be paid for from a special district tax or from the proceeds of an issue or issue of bonds is submitted to the voters of a type II district at an annual or special school election for their approval or disapproval, the board shall frame the question or questions to be submitted so that each project is submitted in a separate question, or all or any number of them are submitted in one question, which shall state the

project or projects so submitted and the amounts to be raised for each of the projects so separately submitted or for each or for all of the projects so jointly submitted, as the case may be, but any proposal for the purchase of land shall be sufficient to authorize the taking and condemning of such land.

Source: R.S. 18:7-86.

18A:22-40. Raising additional sums by taxes. Whenever a board of education shall determine that it is necessary to raise additional sums of money, over and above the amount fixed and determined in the last annual school budget, by special district taxes, for:

a. Current expenses of schools;

b. Vocational evening schools or classes;

c. Evening schools or classes for foreign-born residents;

d. Appropriations to capital reserve fund; or

e. Any capital project, the cost whereof is to be paid directly from such taxes;

it shall estimate the amounts so deemed necessary to be raised, levied and collected and, if the board shall desire to borrow upon its promissory note in anticipation of taxes to be raised, levied and collected to provide for said expenditures, it shall estimate also the amount of interest to be paid upon said notes.

Source: C. 18:7-83.1 (1951, c. 224, s. 1).

18A:22-41. Submission of question to voters. In any district in which the amounts, with any interest to be paid thereon, to be raised, levied and collected by taxes for school purposes are determined by the voters of the district, the board shall cause the question, whether or not the amounts so estimated shall be so raised, to be submitted to the legal voters of the district at a special school election, to be held on such date as shall be determined upon by the board, and if at said election the question shall be adopted, the secretary shall certify that the amount so determined upon has been authorized to be raised in said manner to the county board of taxation within five days after the date of the holding of such election.

Source: C. 18:7-83.2 (1951, c. 224, s. 2).

18A:22-42. Borrowing upon notes in anticipation of taxes. The board of education of any such district may borrow in anticipation of taxes to be raised, levied and collected to provide for said expenditures, or any part thereof, the sum or sums so authorized, upon its promissory notes bearing interest at a rate or rates not to exceed 6% per annum, maturing not later than December 31 of the year in which such taxes shall be raised, levied and collected, and the principal and interest of the notes shall be paid out of the sum so raised not later than the date of maturity of said notes.

Source: C. 18:7-83.1 (1951, c. 224, s. 1).

18A:22-43. Year in which amount certified is to be raised. In case any such certificate shall be delivered to the county board of taxation on or prior to April 1 in any year, the amount so certified shall be raised, levied and collected by taxes within that year and in case any such certificate shall

be delivered to said board after April 1 in any year, the amount so certified shall be raised, levied and collected by taxes in the next year.

Source: C. 18:7-83.4 (1951, c. 224, s. 4).

18A:22-44. Payment of amounts raised to custodian; use. The amounts so raised, levied and collected shall be paid to the custodian of school moneys for the district as other school moneys are paid and shall be used to pay the principal and interest due upon any notes which may have been issued in anticipation thereof as they severally mature and for the purposes so authorized.

Source: C. 18:7-83.5 (1951, c. 224, s. 5).

Article 4. Moneys Transferred from Municipality to Board of Education.

18A:22-45. Moneys transferred from municipality to district; application thereof. Whenever a board of education of a district has received moneys transferred to it, by the governing body or bodies of the municipality or municipalities comprising the district, from unappropriated surplus revenue, or from unappropriated anticipated receipts, of the municipality or municipalities, the board of education shall, subject to the provisions of section 18A:22-46, apply the moneys so received, so far as the same shall be sufficient:

a. To the payment of interest on the bonded indebtedness of the district becoming due and payable during the next ensuing school fiscal year;

b. To the payment of the principal of the bonded indebtedness of the district maturing in such school fiscal year; and

c. To any of the purposes for which bonds of the district shall have been authorized but not issued to an amount not exceeding the face value of such bonds not issued; or

d. To the payment of current expenses of the district during said school fiscal year; or

said board may, subject to the provisions of said section, apply the whole or any part of said moneys, not in excess of $50,000.00 in any one year, to the retirement of bonds maturing in any year or years subsequent to said school fiscal year, with the approval of the director of the division of local finance in the department of community affairs and the commissioner of education and the consent of the bondholders.

Source: R.S. 18:7-105, amended 1941, c. 9, s. 1; 1942, c. 201, s. 1.

18A:22-46. Amounts to be used in reduction of taxes; when required. When the governing body or bodies of the municipality or municipalities have imposed a condition upon such transfer that said funds shall be credited on account of the amount of the school tax due or to become due in such municipality or municipalities in any year, the board shall give credit accordingly and the moneys so transferred shall be used as and when the moneys credited on said school tax could have been used and the secretary in certifying the amount to be raised by local tax for school purposes shall reduce the amount or amounts to be raised in such municipality or municipalities accordingly.

Source: C. 18:7-106.1 (1942, c. 222).

18A:22–47. Reduction of local taxes by sums received. The secretary of the board of education of the district shall certify to the proper taxing officials the amount of the funds so transferred which are available, and are to be used, for meeting the interest on, and the principal of,

a. The bonds of the district becoming due and payable during the next ensuing school fiscal year,

b. The bonds of the district maturing in any year or years subsequent to said school fiscal year, separately stating the amounts which will be so used for each of said years,

and the amounts to be raised by local taxes for such purposes for said next ensuing school fiscal year and for each of said years in which the bonds would otherwise have matured, as the case may be, shall be reduced accordingly notwithstanding that the local tax has been voted by the district.

Source: R.S. 18:7–106, amended 1941, c. 9, s. 2; 1942, c. 201, s. 2.

18A:22–48. Balance credited to current expense accounts. Any balance remaining of such funds when received shall be credited upon the amount recommended by the board to be voted upon, or if voted upon, upon the amount to be levied and collected, to meet the current expenses of the district during the next ensuing school fiscal year.

Source: R.S. 18:7–106, amended 1941, c. 9, s. 2; 1942, c. 201, s. 2.

Chapter 23. AUDITS AND AUDITORS.

Article 1. School Audits.

18A:23-1. Audit when and how made.
18A:23-2. Scope of audit.
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18A:23-9. Declaration of accountant.
18A:23-10. Cancellation of license; review.
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Article 1. School Audits.

18A:23-1. Audit when and how made. The board of education of every school district shall cause an annual audit of the district's accounts and financial transactions to be made by a public school accountant employed by it, which audit shall be completed not later than three months after the end of the school fiscal year.

Source: C. 18:5-65.1 (1951, c. 229, s. 1).

18A:23-2. Scope of audit. Each annual audit shall include an audit of the books, accounts and moneys, and a verification of all cash and bank balances, of the board and of any officer or employee thereof and of moneys derived from athletic events or the activities of any organization of public school pupils conducted under the auspices of the board, from the date of the last annual audit to the date of the audit in question.

Source: C. 18:5-65.1 (1951, c. 229, s. 1).

18A:23-3. Filing of audits. The report of each annual audit shall be filed, by the public school accountant making the same, with his recommendations with the board of education of the district, and such accountant shall within five days thereafter file two duplicate copies thereof certified under his signature in the office of the commissioner.

Source: C. 18:5-65.5 (1951, c. 229, s. 5).

18A:23-4. Preparation and distribution of synopsis or summary. The secretary of the board shall prepare or have prepared a synopsis or summary of the annual audit and recommendations, prior to the holding of the meeting of the board of education to take action thereon; a copy of which synopsis or summary shall be available for distribution to interested parties at the meeting.

Source: C. 18:5-65.2 (1951, c. 229, s. 2); C. 18:5-65.3 (1951, c. 229, s. 3).

18A:23-5. Meeting of board; discussion of report. Within 30 days following the receipt of the report of the annual audit the board of education of the district shall, at a regularly scheduled public meeting, cause the recommendations of the auditor to be read and to be discussed and the discussion duly noted on the minutes of said board.

Source: C. 18:5-65.2 (1951, c. 229, s. 2).

18A:23-6. Annual audit by commissioner on failure of board to make. If the board of education of any district fails to cause an annual audit to be made and completed, within the time limited therefor by this chapter, the commissioner may cause an audit to be made, by a public school accountant designated by him, which shall be taken to be the annual audit of the district, and shall be paid for from funds of the district as a liability of the district on bills rendered therefor.

Source: C. 18:5-65.4 (1951, c. 229, s. 4).

18A:23-7. Report signed by auditor, not to employ nonlicensed auditors. All reports of audit of accounts of school districts shall be signed by the auditor or accountant making the audit or in charge of the same, holding a license as herein provided, whether such audit or statement of account is made by any person employing such auditor or accountant, or otherwise, and the licensing or the revocation of the license of any such auditor shall not be construed to affect the contracting with any school district by any person employing auditors or accountants; but upon the revocation of the license of an auditor or accountant, for the purposes herein specified and authorized, such person shall not employ in such work such auditors or accountants but only such persons as may be licensed as herein required, except that the auditor or accountant whose license may have been revoked may be employed in a subordinate capacity.

If any person shall willfully employ any person not holding a license in full force and effect as auditor or accountant in school district work within the purview of this chapter, the commissioner may direct the school districts to refuse to employ such person in such work during the continuance of such violation.

Source: C. 18:5-65.11 (1951, c. 229, s. 11).

Article 2. Public School Accountants.

18A:23-8. Audit made by licensed public school accountant; fee. The auditing of the accounts of school districts, when required by law, shall be made only by a registered municipal accountant of New Jersey or a certified public accountant of New Jersey who shall hold an uncanceled registration license as a public school accountant for New Jersey. Such registration licenses shall be issued to qualified persons annually by the New Jersey state board of public accountants, who shall charge a fee of $5.00 for each license, and each such license shall state that the holder thereof has complied with the statutory requirements and is authorized to make audits of accounts of school districts of the state of New Jersey until January 1 following unless sooner canceled as herein provided. The New Jersey state board of public accountants may refuse to issue any such license for any cause authorizing a cancellation thereof as herein

provided, or for any other stated cause which it may determine to be good and sufficient.

Source: C. 18:5-65.7 (1951, c. 229, s. 7, amended 1952, c. 135).

18A:23-9. Declaration of accountant. No person shall undertake the auditing of the accounts of any school district unless he shall have qualified as a public school accountant for New Jersey upon proof that he is either a registered municipal accountant or a certified public accountant, of New Jersey, and by subscribing to the following declaration:

a. That he is fully acquainted with the laws governing the fiscal affairs of school districts of New Jersey and is a competent and experienced auditor; and

b. That he will honestly and faithfully audit the books and accounts of any school district when engaged to do so, and report any error, omission, irregularity, violation of law, discrepancy or other nonconformity to the law, together with his recommendations, to the board of education of such school district.

Source: C. 18:5-65.8 (1951, c. 229, s. 8).

18A:23-10. Cancellation of license; review. Upon proof that any public school accountant shall have knowingly omitted to report any error, omission, irregularity, violation of law or discrepancy found in the books or accounts, or shall have issued false reports of his audit of any school district; that is to say, shall have issued audits of such a nature as not to show an accurate, intelligent and complete statement of the financial condition of the school district, or of such a nature as not to comply with the requirements of the commissioner, or if such auditor or accountant shall fail to file such report and recommendations as required by section 18A:23-3, or neglect or refuse to carry out any agreement or contract for audit, his license as a public school accountant may be canceled by the state board of public accountants. Such cancellation shall not affect the accountant's right to practice as a registered municipal accountant or as a certified public accountant.

Upon cancellation or refusal of a license pursuant to this section, a person aggrieved thereby shall have the right to have the matter reviewed by a proceeding in the superior court in lieu of prerogative writ.

Source: C. 18:5-65.9 (1951, c. 229, s. 9, amended 1953, c. 18, s. 7).

18A:23-11. Audit contrary to law; penalty. Any person who shall make, or begin to make, any audit of accounts of any school district as required by this chapter contrary to the provisions hereof, or without a license therefor in full force and effect, shall be liable to a penalty of $100.00 for every audit of account so made, to be recovered in a civil action instituted by the state board of public accountants in any court of competent jurisdiction.

Source: C. 18:5-65.10 (1951, c. 229, s. 10, amended 1953, c. 18, s. 8).

Chapter 24. LOANS AND BONDS AND OTHER OBLIGATIONS.

Note: For issuance of bonds of regional districts for certain purposes, see chapter 13.

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18A:24-1. Definitions.

Article 2. Borrowing on Notes or Temporary Bonds.

18A:24–2. Borrowing on tuition due from another district.
18A:24–3. Borrowing in anticipation of issuance of bonds.
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18A:24–6. Bonds payable in installments.
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18A:24–9. Issuance of bonds in accordance with maturities approved by local finance board.
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Article 4. Authorization of Bonds.

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D. Submission to Voters; Elections.

18A:24–29. Submission to voters of ordinance for issuance of bonds.

E. Attorney General; Approval of Proceedings.

18A:24–30. Submission and approval.

Article 5. Form and Execution of Bonds.

18A:24–31. Form; type I districts.
18A:24–32. Form and execution; type II districts.
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Article 13. Limitation on Actions Relating to Bond Issues, etc.

18A:24–65. Validity of elections, etc., as to issuance of bonds; time limit for attacking.

Article 1. Definitions and General Provisions.

18A:24–1. Definitions. In this chapter unless the context otherwise indicates:

a. "Average equalized valuation of taxable property" in a district comprising one municipality means the amount stated in the supplemental debt statement required to be filed prior to the authorization of the bonds of the district, as the average of the last three preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as

stated in the annual debt statement of the municipality or revision thereof last filed, and in a district comprising more than one municipality means the sum of all such amounts so stated in the supplemental debt statements so required to be filed;

b. "Borrowing margin" of a municipality means the excess, if any, of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to authorization of bonds of a district, as the average of the last three preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, over the net debt of the municipality as stated in such supplemental debt statement after adjustment of such net debt so as to disregard the proposed authorization of bonds of the district;

c. "District or school district" means a local district, a district composed of two or more municipalities or a regional district and also, in the case of any district other than a type I district, when required by the context, the board of education of such district;

d. "Equalized valuation" of a municipality means the sum total of

(1) The aggregate equalized valuation of real property (together with improvements) as certified in the table of equalized valuations by the director of the division of taxation in the department of the treasury, on October 1 of each year, pursuant to chapter 86 of the laws of 1954, and

(2) The assessed valuation of class II railroad property as set forth in the table of equalized valuations referred to in (1) above;

e. "Net debt" of a municipality means the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of bonds of a district as the net debt of the municipality;

f. "Net school debt" of a municipality or of a district means the amount of school bonds, for the payment of the principal and interest of which, such municipality or district is liable less the amount of any sinking fund held for the payment of same;

g. "School bonds" means promissory notes and bonds authorized for school purposes, whether issued or unissued, for the payment of the principal and interest of which, a municipality or district is liable; and

h. "Supplemental debt statement" means the statement of the debt condition of a municipality provided for in section 40A:2–42 of the local bond law (N. J. S. 40A:2–1 et seq.), and prepared, made and filed as in said law directed.

Source: R.S. 18:5–88, amended 1946, c. 260, s. 5; 1952, c. 252, s. 5; 1964, c. 73, s. 4.

Article 2. Borrowing on Notes or Temporary Bonds.

18A:24–2. Borrowing on tuition due from another district. Any board of education may borrow upon its promissory note or notes bearing interest at not to exceed 6% per annum such sum or sums not exceeding 80% of the amount due it for tuition from any school district and upon assignment, as collateral, of the delinquent tuition and the tuition so assigned shall, when and as received, be applied to the repayment of the amount borrowed, with the interest, until the same has been fully repaid.

Source: R.S. 18:14–7.2.

18A:24-3. Borrowing in anticipation of issuance of bonds. Whenever an issue of bonds has been authorized pursuant to this chapter, the governing body of a municipality comprising a type I school district, or the board of education of a type II school district, may, in anticipation of the issuance of permanent bonds, by resolution, authorize the issuance of temporary notes or loan bonds of the municipality or district, as the case may be, as money is required by the board of education of the district for the projects for which the permanent bonds are authorized, in such principal sums (not exceeding in the aggregate the total principal amount of the permanent bonds), at such rates of interest and having such maturities (not exceeding one year and renewable, for not more than one year periods each, from time to time for not exceeding three years from the date of the original temporary notes or loan bonds) and upon such other terms and conditions as shall be fixed in the respective resolutions authorizing the issuance of such temporary notes or loan bonds, in which resolutions may be set forth any other matters relating to the issuance thereof which may be requisite.

Source: R.S. 18:6-73, amended 1952, c. 252, s. 9; 18:6-74, amended 1952, c. 252, s. 10; 1957, c. 11, s. 2; 18:6-75; 18:7-100, amended 1947, c. 148, s. 18; 1955, c. 159, s. 19; 1957, c. 12, s. 2; 18:7-101.

18A:24-4. Payment of principal of temporary bonds from proceeds of permanent bonds. The principal of any temporary notes or loan bonds shall be paid from the proceeds of the permanent bonds, in anticipation of the issuance of which they were issued, or from funds from time to time appropriated for such payments, and the interest upon such temporary notes or loan bonds shall be paid in the same manner as interest is paid upon permanent bonds.

Source: R.S. 18:6-74, amended 1952, c. 252, s. 10; 1957, c. 11, s. 2; 18:7-102, amended 1955, c. 159, s. 20.

18A:24-4.1. Borrowing funds for transportation of pupils to and from school saved. Chapter 75 of the laws of 1967 is saved from repeal. [This act authorizes boards of education to borrow, in anticipation of taxes, additional sums of money over the fixed annual school budget for the 1967-1968 fiscal year, upon its promissory notes for purposes of transporting pupils to and from school and provides for reimbursement by the state of the interest paid on said notes in the fiscal year in which said interest is paid.]

Source: P. L. 1967, c. 75.

Article 3. Purposes and Maturities of Bonds.

18A:24-5. Purposes and maturities for which bonds may be issued. The projects for which bonds may be issued under this chapter and the periods of maturity thereof, shall be as follows:

a. The acquisition or construction of buildings for any lawful purposes and the improvement of the sites thereof, with or without the original furniture, equipment and apparatus required therefor, if such buildings be of—

1. Type A—frame construction—that is, a building or structure of which the structural members, exterior walls, or a portion thereof,

are constructed of wood, or other combustible material, or a building sheathed with combustible material and partially or entirely covered with four inches or less masonry or other noncombustible material, at maturities of or within 20 years;

2. Type B—noncombustible construction—that is, a building or structure of which the outer walls, columns, piers, beams, lintels, girders and interior bearing partitions are of noncombustible materials (laminated wood beams, columns or trusses of not less than six inches by 10 inches nominal dimensions shall be permitted), at maturities of or within 30 years;

3. Type C—fire resistive construction—that is, a building or structure of which all structural members including walls, partitions, columns, piers, beams, lintels, girders, trusses and floors are of noncombustible materials, and in which the floors, stair towers and all places of assembly are built entirely of noncombustible materials, and in which no woodwork, supporting material or other combustible material is used in any of the partitions, floorings or ceilings; but this definition shall include a building in which there is used, elsewhere than in the stair towers and corridors, wooden floorings and sleepers laid directly on top of a fire resistive floor, or having wooden doors, window sash, wooden jambs, frames, casing or trim in other than stair towers, corridors and exit passages, or wooden rafters, at maturities of or within 40 years;

b. The reconstruction, remodeling, alteration, enlargement, or additions to or major repair of buildings for any lawful purposes and the improvement of the sites thereof, with or without the furniture, equipment and apparatus required therefor, if the original building or buildings are of—

1. Type A construction—at maturities of or within 15 years;
2. Type B construction—at maturities of or within 20 years;
3. Type C construction—at maturities of or within 30 years.

c. The acquisition by purchase or condemnation of lands for school purposes and the grading, draining and landscaping or the improvement in any like manner thereof, at maturities of or within 40 years;

d. The purchase of furniture, equipment and apparatus for any building used or to be used for school purposes, or any major renewal of furniture, equipment and apparatus for such use, except such as may be included in an issue of bonds for the purposes described in subsections a. and b. of this section, at maturities of or within 10 years.

When bonds are issued for more than one of such projects, they shall mature within such a period not exceeding the average of the different periods hereinbefore assigned to the several projects for which they are to be issued, as shall be determined by the governing body of the municipality, by which the bonds are to be issued or the board of education of the district, by taking into consideration the amount of bonds to be issued on account of each, and such determination shall be conclusive in any action or proceeding involving the validity of the bonds.

Source: R.S. 18:6-59; 18:6-66, amended 1966, c. 102, s. 1; 18:6-67; 18:7-85; 18:7-91, amended 1966, c. 102, s. 2; 18:7-92.

18A:24-6. Bonds payable in installments. All bonds issued under this chapter shall be payable in annual installments commencing not more than two years from their date, and no installment shall be more than 50% in excess of the amount of the smallest prior installment.

Source: R.S. 18:6-65; 18:7-90, amended 1941, c. 305, s. 1; 1955, c. 159, s. 18; 1957, c. 12, s. 1.

18A:24-7. Change of maturities; application to local finance board. If the governing body of any municipality comprising a type I school district or the board of education of a type II school district shall determine that the limits of maturities or amounts of annual installments, or both, applicable according to law to any bonds proposed to be authorized or theretofore authorized but remaining unissued, would adversely affect the financial position of such municipality or school district, it may make application in writing to the local finance board in the division of local finance in the department of community affairs setting forth such determination and the grounds therefor and requesting approval of a schedule of maturities and annual installments for such bonds.

Source: C. 18:6-67.1 (1954, c. 95, s. 2); C. 18:7-92.2 (1954, c. 20, s. 2).

18A:24-8. Change of maturities; approval or disapproval by local finance board. If the local finance board, after consultation with the commissioner, shall be satisfied and shall find by resolution that the issuance of bonds described in such application at the maturities prescribed by law would, and that the issuance thereof at the maturities described in such schedule will not, materially impair the credit of the municipality or school district or substantially reduce its ability during the ensung 10 years to pay punctually the principal and interest of its debts and to supply essential public improvements and services, said board shall, within 60 days after the receipt of the application, cause its approval to be endorsed upon said application; otherwise, it shall cause its disapproval to be endorsed thereon.

Source: C. 18:6-67.2 (1954, c. 95, s. 3); C. 18:7-92.3 (1954, c. 20, s. 3).

18A:24-9. Issuance of bonds in accordance with maturities approved by local finance board. If such application shall be so approved such bonds shall thereafter be issued only at the maturities and in the annual installments set forth in said schedule, and the same shall be valid notwithstanding any limitations on maturities or annual installments set forth in this chapter or in any proposal, ordinance, resolution, certificate, proposition or other proceeding for the authorization of such bonds theretofore adopted, made, or taken.

Source: C. 18:6-67.2 (1954, c. 95, s. 3); C. 18:7-92.3 (1954, c. 20, s. 3).

18A:24-9.1. Inclusion of redemption provisions in temporary loan notes or bonds and school bonds. Any obligation issued pursuant to this chapter, may be issued subject to redemption prior to maturity with or without premium at such redemption price or prices and under such terms and conditions as shall be fixed by resolution of the governing body of the municipality, or of the board of education of the district, issuing the same, which price or prices shall not exceed the principal amount of such obligations plus interest accrued to the date of redemption unless the local finance board in the division of local finance in the department of community affairs, after consultation with the commissioner and after considera-

tion of the redemption price or prices, including any redemption premium applicable thereto, the time or times of the proposed issuance thereof, the rate or maximum rate of interest borne or to be borne thereby, the maturity or maturities thereof and the earliest date of redemption thereof, shall by resolution, find that such redemption price or prices and such redemption premium, if any, are not unreasonable or exorbitant, and shall assent to the issuance of such obligations, subject to redemption at such redemption price or prices and at such redemption premium, if any.

Source: R.S. 18:6-61, amended 1952, c. 252, s. 6; 1954, c. 95, s. 1; 1957, c. 11, s. 1; 1964, c. 73, s. 5; 18:6-74, amended 1952, c. 252, s. 10; 1957, c. 11, s. 2; 18:7-90, amended 1941, c. 305, s. 1; 1955, c. 159, s. 18; 1957, c. 12, s. 1; 18:7-100, amended 1947, c. 148, s. 18; 1955, c. 159, s. 19; 1957, c. 12, s. 2.

Article 4. Authorization of Bonds.

A. Authorization in General.

18A:24-10. School bonds, when deemed to be authorized. School bonds are deemed to be authorized by the fact, and at the time, that

a. an ordinance is finally adopted by the governing body of a municipality comprised within a type I district, or

b. a proposal is finally adopted by resolution by the board of education of a type II district having a board of school estimate, or

c. a proposal is adopted by resolution by the board of education, and is also adopted by the legal voters, of any other type II district, including a regional district,

authorizing the issuance of such bonds by the municipality or the district, as the case may be, as provided in this article, except that if such issuance of bonds is not permissible under this article without the adoption of a proposition confirming such ordinance, or a proposal authorizing the issuance of such bonds, by the qualified voters of the municipality comprised within the type I district or the qualified voters of the district, as the case may be, then by the fact, and at the time, such proposition or proposal is so adopted by the voters.

Source: R.S. 18:5-88, amended 1946, c. 260, s. 5; 1952, c. 252, s. 5; 1964, c. 73, s. 4.

18A:24-11. Type I districts; authorization of bonds; appropriations and borrowings; procedure to be followed. School bonds shall be authorized and may be issued, for the purposes of any type I district, pursuant to ordinance, adopted by the governing body of the municipality comprised within the district, authorizing the issuance thereof in the principal amount certified to said governing body by the board of school estimate of the district, in accordance with sections 18A:22-18 to 18A:22-20, but no such bonds shall be authorized or issued if the principal sum thereof shall exceed the limits prescribed in section 18A:24-19, except upon compliance with the provisions of this article applicable thereto.

In the authorization of any bonds for the purposes of a type I district pursuant to this chapter and in making any appropriation or borrowing any moneys in connection therewith, it shall not be necessary for the governing body of the municipality comprised within the district to comply with any procedure other than that applicable to such municipality contained

in this title and in chapter 49 of Title 40, Municipalities and Counties, of the Revised Statutes, except that this section shall not be construed to make unnecessary any procedure required by chapter 27 of Title 52, State Government, Departments and Officers, of the Revised Statutes relating to the municipal finance commission.

Source: R.S. 18:5–84, amended 1938, c. 335; 1946, c. 260, s. 1; 1952, c. 252, s. 1; 1954, c. 134; 1955, c. 159, s. 15; 1964, c. 73, s. 1; 18:6–60; 18:6–61, amended 1952, c. 252, s. 6; 1954, c. 95, s. 1; 1957, c. 11, s. 1; 1964, c. 73, s. 5; 18:6–63, amended 1952, c. 252, s. 8; 1953, c. 18, s. 12; 18:6–72.1, amended 1939, c. 89; 1941, c. 425.

18A:24–12. Type II districts; authorization of bonds. School bonds shall be authorized and may be issued:

a. by a type II district having a board of school estimate whenever the board of school estimate shall fix and determine the amount of money necessary to be raised for any capital project or projects and shall certify said amount pursuant to section 18A:22–30, the board of education may, by resolution, authorize the issuance of bonds to an amount not exceeding the amount so certified for such purpose or purposes; or

b. by a type II district not having a board of school estimate pursuant to a proposal adopted by resolution by the board of education of the district in a principal sum determined therein and upon approval of the proposal contained in such resolution, by the legally qualified voters of the district, upon its submission to them for their approval or rejection at an annual school election, held after the date of the adoption of said resolution by the board of education, or at a special school election held for that purpose,

but no such bonds shall be authorized or issued if the principal sum thereof shall exceed the limitations prescribed in section 18A:24–19 except upon compliance with the provisions of this article applicable thereto.

Source: R.S. 18:5–84, amended 1938, c. 335; 1946, c. 260, s. 1; 1952, c. 252, s. 1; 1954, c. 134; 1955, c. 159, s. 15; 1964, c. 73, s. 1; 18:7–85; 18:7–86; 18:7–119.

18A:24–13. Combining issues of bonds. Bonds authorized in any district to be issued to finance separate projects may be combined, sold and issued as one issue.

Source: R.S. 18:7–86.

18A:24–14. Blank.

18A:24–15. Blank.

B. Supplementary Debt Statements and School Debt Statements.

18A:24–16. Supplemental and school debt statements; necessity for and contents. No school bonds shall be authorized unless, prior to passage on first reading of the ordinance, or final adoption by the board of education of the resolution, authorizing such bonds, there shall be prepared and filed in accordance with section 18A:24–17 a supplemental debt statement in the form provided by law, and a school debt statement setting forth the amounts of all bonds and notes of the district issued and outstanding, or authorized but not issued, and determining the net school debt of the municipality comprising the district and of the district, which statements shall be prepared as of a date subsequent to the last day of the month

next preceding the date of a request made therefor pursuant to said section and giving effect to the proposed authorization of bonds in the principal amount stated in such request.

Source: R.S. 18:5-87, amended 1946, c. 260, ss. 4, 9; 1952, c. 252, s. 4; 1953, c. 18, s. 9.

18A:24-17. Supplemental and school debt statements; preparation and filing. Such supplemental debt statement shall be prepared for a municipality comprising a type I district, and for each municipality comprised within a type II district, by a chief financial officer thereof, and shall be filed in the office of the clerk of the municipality and of the director of the division of local finance in the department of community affairs and also, in the case of a type II district, in the office of the secretary of the board of education thereof, within five days after written request therefor made of such chief financial officer by the governing body of the municipality comprising such type I district or by the board of education of such type II district, and such school debt statement shall be prepared and sworn to by the secretary of the board of education of the district and filed in his office within five days after written request therefor made of him by the board of education of the district.

Source: R.S. 18:5-87, amended 1946, c. 260, ss. 4, 9; 1952, c. 252, ss. 4, 13, 14; 1953, c. 18, s. 9.

18A:24-18. Presumption of correctness of statements. Every such supplemental debt statement and school debt statement shall be conclusively presumed to be accurate and correct as the basis for the issuance of any bond or other obligation, authorized, within the principal amount of bonds to which effect is given therein, by an ordinance or resolution adopted within 60 days after the filing thereof, and shall not be rebutted, and the correctness and sufficiency of such debt statements shall not be contested or questioned in any action or proceeding relating to any such bond or other obligation or the levy or collection of taxes for the payment of the same.

Source: R.S. 18:5-87, amended 1946, c. 260, s. 4; 1952, c. 252, s. 4; 1953, c. 18, s. 9.

C. Limitations of Principal Amount of Bonds.

18A:24-19. Limitations on amount of bonds authorized. Except as otherwise provided in sections 18A:24-20 to 18A:24-27, no bonds shall be authorized for the purposes of any school district if the principal amount thereof shall, when added to the net school debt of the district exceed the percentage of the average equalized valuation of taxable property in such district as herein provided:

(1) From kindergarten grade (or grade 1) through grade 6 ..... 2½%
(2) From kindergarten grade (or grade 1) through grade 8 ..... 3 %
(3) From kindergarten grade (or grade 1) through grade 9 ..... 3½%
(4) From kindergarten grade (or grade 1) through grade 12 ..... 4 %
(5) From grade 7 through grade 9 ..... 1½%
(6) From grade 10 through grade 12 ..... 2 %
(7) From grade 9 through grade 12 ..... 3 %
(8) From grade 7 through grade 12 ..... 3½%

Each school district prior to the issuance of bonds shall secure from the state commissioner of education a certificate of the grade levels of instruction provided or to be provided by said school district.

Source: R.S. 18:5–84, amended 1938, c. 335; 1946, c. 260, s. 1; 1952, c. 252, s. 1; 1954, c. 134; 1955, c. 159, s. 15; 1964, c. 73, s. 1.

18A:24–20. Authorization of bonds in excess of limits prescribed in section 18A:24–19. School bonds may be authorized and issued in the manner prescribed in section 18A:24–21, notwithstanding the provisions of section 18A:24–19, by, or for the purposes of, any district other than a limited purpose regional district, within the limitations and upon compliance with the provisions of this article to the extent that the percentage of net debt as stated in a supplemental debt statement required to be filed as to such authorization, and prior thereto, shall not exceed 3½%.

Source: R.S. 18:5–85, amended 1946, c. 260, s. 2; 1952, c. 252, s. 2; 1955, c. 159, s. 16; 1964, c. 73, s. 2.

18A:24–21. Manner of authorization of bonds in excess of certain limitations. Such bonds shall be authorized and may be issued:

a. for the purposes of a type I district, when—

(1) an ordinance authorizing the issuance of said bonds which shall conform with the provisions of section 18A:24–22, shall be adopted by the recorded roll call affirmative vote of two thirds of the full membership of the governing body of the municipality comprised within the district; or

(2) such ordinance shall be adopted by a recorded roll call affirmative majority vote of the full membership, of such governing body, of less than a two-thirds affirmative vote of such full membership and subsequently a proposition confirming said ordinance is adopted by the legally qualified voters of the municipality upon its submission to them, for their approval or rejection in the form prescribed in section 18A:24–22 at a municipal or general election or at a special election held for the purpose pursuant to section 18A:24–29; or

b. by a type II district, when a proposal authorizing the issuance of said bonds which conforms with the provisions of section 18A:24–22, shall be adopted by resolution of the board of education of the district, and shall be approved by the legally qualified voters of the district, upon its submission to them for their approval or rejection in the form conforming with the provisions of section 18A:24–22, at a regular school election or a special election held for the purpose.

Source: R.S. 18:5–85, amended 1946, c. 260, s. 2; 1952, c. 252, s. 2; 1955, c. 159, s. 16; 1964, c. 73, s. 2; 18:6–63, amended 1952, c. 252, s. 8; 1953, c. 18, s. 12.

18A:24–22. Form of ordinance, proposition for confirmation of ordinance or proposal for issuance of bonds under sections 18A:24–20 and 18A:24–21. Every ordinance, and every proposition confirming an ordinance, and every proposal, authorizing the issuance of bonds under sections 18A:24–20 and 18A:24–21 shall after stating any matters or things authorized or required by law, disclose the effect of such proposal, ordinance or resolution on the borrowing margin of every municipality comprised within the district and such disclosure shall show the amount of such borrowing

margin before adoption of the proposal, ordinance or resolution and the amount thereof which would be used up by such final adoption and shall be sufficient if in substantially the following form with appropriate figures inserted:

a. In the case of an ordinance—

The authorization of the $.....(insert amount of bonds to be issued) bonds provided for by this ordinance uses up $.....(insert amount of borrowing margin to be used) of the $.....(insert amount of borrowing margin before adoption of ordinance) borrowing margin of the .....(insert name of municipality) previously available for other improvements;

b. In the case of a proposition confirming an ordinance—

Shall the ordinance of the ..... (insert name of municipality) adopted on .....(insert date of adoption) authorizing the issuance of $.....(insert amount of bonds to be issued) bonds for school purposes and using up $.....(insert amount of borrowing margin to be used) of the $.....(insert amount of borrowing margin before adoption of ordinance) borrowing margin of the.....(insert name of municipality) previously available for other improvements be approved;

c. In the case of a resolution—

Resolved that the board of education does hereby determine, subject to the approval of the legal voters of the district:

To * * * ; and

To issue bonds of the school district for said purpose (or purposes) in the principal amount of $..... (insert amount of bonds to be issued), thus using up $.....(insert amount of borrowing margin to be used) of the $.....(insert amount of borrowing margin before adoption of resolution) borrowing margin of the..... (insert name of municipality) previously available for other improvements, and (if there be other municipality or municipalities comprised within such school district) $.....(insert amount of borrowing margin to be used) of the $.....(insert amount of borrowing margin before adoption of proposal) borrowing margin of the..... (insert name of municipality), et cetera, et cetera.

Source: R.S. 18:5–85, amended 1946, c. 260, s. 2; 1952, c. 252, s. 2; 1955, c. 159, s. 16; 1964, c. 73, s. 2.

18A:24–23. Authorization of bonds in excess of limitations prescribed by sections 18A:24–19, 18A:24–20 and 18A:24–21. School bonds may be authorized and issued notwithstanding the provisions of section 18A:24–19:

a. for the purposes of a type I district, when an ordinance, authorizing the issuance of such bonds and conforming with the provisions of section 18A:24–24, has been finally adopted by the governing body of the municipality comprised within the district, by the recorded affirmative vote of a majority of all the members thereof, upon a copy of which there shall have been endorsed, prior to such adoption, the consents of the commissioner and the local finance board, provided for in sections 18A:24–25, 18A:24–26 and 18A:24–27, and by the adoption

subsequently of a proposition confirming such ordinance, conforming with the provisions of section 18A:24–24, by the qualified voters of such municipality by a majority of the legal votes cast thereon upon its submission to them for their approval or rejection; or

b. by a type II district, when a proposal authorizing the board of education to issue such bonds, conforming with the provisions of section 18A:24–24, has been adopted by resolution by the board of education of the district and such proposal has been adopted by the legal voters of the district by a majority of the legal votes cast thereon upon its submission to them for their approval or rejection after there has been endorsed upon a copy thereof the consents of the commissioner and the local finance board, as provided in sections 18A:24–25, 18A:24–26 and 18A:24–27.

Source: R.S. 18:5–86, amended 1946, c. 260, s. 3; 1947, c. 153; 1952, c. 252, s. 3; 1954, c. 136; 1955, c. 159, s. 17; 1964, c. 73, s. 3.

18A:24–24. Form of ordinance, proposition for confirmation of ordinance or proposal for issuance of bonds under section 18A:24–23. Every ordinance, and every proposition confirming an ordinance, and every proposal, authorizing the issuance of bonds under section 18A:24–23, except such a proposal authorizing the issuance of bonds of a limited purpose regional school district shall, after stating any other matters or things required by law, disclose the effect of such ordinance or proposal contained in such resolution on the borrowing margin of every municipality comprised within the school district, and such disclosure shall include and state the amount, if any, of such borrowing margin before final approval of the ordinance or proposal and the amount of such borrowing margin, if any, which would be used up by final approval thereof and the amount, if any, of net debt, in excess of the measure of such borrowing margin, which would result after the final approval of the ordinance or resolution, and such disclosure shall be sufficient if in substantially the following form with appropriate figures inserted:

a. In the case of an ordinance—

The authorization of the $.....(insert amount of bonds to be issued) bonds provided for by this ordinance uses up all of the $..... (insert amount of borrowing margin before adoption or ordinance), or, in an appropriate case, increases the existing deficit in the borrowing margin of the.....(insert name of municipality) previously available for other improvements and raises its net debt to $.....(insert amount, after adoption of ordinance, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the three last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin;

b. In the case of a proposition confirming such an ordinance—

Shall the ordinance of the.....(insert name of municipality) adopted on.....(insert date of adoption) authorizing the issuance of $.....(insert amount of bonds to be

issued) bonds for school purposes and using up all of the $..... (insert amount or borrowing margin before adoption of ordinance), or, in an appropriate case, increasing the existing deficit in the borrowing margin of the.....(insert name of municipality) previously available for other improvements and raising its net debt to $.....(insert amount, after adoption of ordinance, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the three last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin, be approved;

c. In the case of a proposal contained in a resolution—

Resolved that the board of education does hereby determine, subject to the approval of the legal voters of the district:

To * * *; and

To issue bonds of the school district for said purpose (or purposes) in the principal amount of $.....(insert amount of bonds to be issued), thus using up all of the $.....(insert amount of borrowing margin before adoption of resolution), or in an appropriate case, increasing the existing deficit in the borrowing margin of the..... (insert name of municipality) previously available for other improvements and raising its net debt to $.....(insert amount, after adoption of resolution, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the three last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin, and (if there be other municipality or municipalities comprised within such school district) using up all (or, in an appropriate case, an amount) of the $.....(insert amount of borrowing margin before adoption of resolution), or, in an appropriate case, increasing the existing deficit in the borrowing margin of the..... (insert name of municipality) previously available for other improvements and (in every case where all borrowing margin is used) raising its net debt to $.....(insert amount, after adoption of proposal, of net debt of the municipality in excess of 3½% of the amount stated in the supplemental debt statement required by this article to be filed prior to the authorization of the bonds to be issued as the average of the three last preceding equalized valuations of the taxable real estate (together with improvements) of the municipality, as stated in the annual debt statement of the municipality or revision thereof last filed) beyond such borrowing margin, et cetera, et cetera.

Source: R.S. 18:5-86, amended 1946, c. 260, ss. 3, 9; 1947, c. 153; 1952, c. 252, s. 3; 1954, c. 136; 1955, c. 159, s. 17; 1964, c. 73, s. 3.

18A:24-25. Submission to commissioner and local finance board; limiting conditions. A copy of any ordinance or proposal authorizing the issuance of any school bonds under section 18A:24-23 shall be submitted

to the commissioner and the local finance board, for their consideration, and the commissioner or the local finance board, in considering the copy of any ordinance or proposal submitted to them as required by section 18A:24–23, and before endorsing his or their consent thereon, may require the governing body, or the board of education, submitting such copy to adopt resolutions restricting or limiting any future proceedings therein or other matters or things deemed by the commissioner or local finance board to affect any estimate made or to be made by him or them in accordance with sections 18A:24–26 and 18A:24–27, and every such resolution so adopted shall constitute a valid and binding obligation of the municipality or the school district, as the case may be, running to and enforceable and releasable by the commissioner or the local finance board, as the case may be.

Source: R.S. 18:5–86, amended 1946, c. 260, s. 3; 1947, c. 153; 1952, c. 252, s. 3; 1954, c. 136; 1955, c. 159, s. 17; 1964, c. 73, s. 3.

18A:24–26. Approval or disapproval by commissioner. Within 60 days after such submission to him, the commissioner shall endorse his consent upon such copy, if he shall be satisfied, and shall record in writing his estimates, that existing educational facilities in the district are, or within five years will be, less than 80% adequate, that the new educational facilities to be financed pursuant to such ordinance or proposal are, or within 10 years will be, fully utilized and that under existing statutes there is no more economical alternative method of providing such new educational facilities, but if the commissioner is not so satisfied he shall endorse his disapproval on such copy within said period of 60 days.

Source: R.S. 18:5–86, amended 1946, c. 260, s. 3; 1947, c. 153; 1952, c. 252, s. 3; 1954, c. 136; 1955, c. 159, s. 17; 1964, c. 73, s. 3.

18A:24–27. Approval or disapproval by local finance board. Within 60 days after such submission to it, the local finance board shall cause its consent to be endorsed upon such copy, if it shall be satisfied, and shall record by resolution, its estimates that the amounts to be expended for the new educational facilities to be financed pursuant to such ordinance or proposal are not unreasonable or exorbitant, and that issuance of the bonds, proposed to be authorized by such ordinance or proposal, will not materially impair the credit of any municipality comprised within the district or substantially reduce its ability, during the ensuing 10 years, to pay punctually the principal and interest of its debts and supply essential public improvements and services and that said issue of bonds cannot lawfully be authorized in compliance with the provisions of sections 18A:24–19 and 18A:24–21, and that, taking into consideration trends in population, in value and uses of property, and in needs for educational facilities, the net school debt of such district will, at some date within 20 years, as stated in the supplemental debt statements which might be filed on such date, be less than the percentage of equalized valuation of taxable property in such district as provided in section 18A:24–19, but if the local finance board is not so satisfied it shall cause its disapproval to be endorsed on such copy within said period of 60 days.

Source: R.S. 18:5–86, amended 1946, c. 260, s. 3; 1947, c. 153; 1952, c. 252, s. 3; 1954, c. 136; 1955, c. 159, s. 17; 1964, c. 73, s. 3.

18A:24–27.1. Authorization to commissioner to certify required grade levels of instruction. For any purpose under the provisions of this title,

or of the local bond law, the commissioner is authorized and empowered to certify, or to cause to be certified, the grade level of instruction then being provided, or to be thereafter provided, by the school facilities of any school district, or the amount of bonds authorized or issued, or to be authorized or issued, by any school district for the purpose of providing school facilities to provide any higher grade level of instruction than being provided by such school district.

Source: C. 18:5-84.1 (1964, c. 73, s. 7).

18A:24-28. Charter limitations on indebtedness inapplicable. If the charter of any municipality shall limit the amount of indebtedness in such municipality, or by its terms prevent the carrying out of the provisions of this chapter, the charter provisions shall be held not to apply to the issuing of bonds under the provisions of this chapter.

Source: R.S. 18:6-64.

18A:24-28.1. Certain bonds, etc., issued to June 22, 1964 saved. P. L. 1964, c. 73, s. 8 (C. 18:5-84.2) is saved from repeal.

[This section provides that any proceedings for the authorization of bonds by any school district initiated prior to June 22, 1964 by:

(a) adoption of a resolution of the board of education of a school district calling a special school district election; or

(b) endorsement of a bonding proposal by the commissioner; or

(c) passage on first reading of an ordinance of any municipality authorizing bonds for school purposes pursuant to section 18:6-61 of the Revised Statutes;

may in each instance proceed to the completion of the authorization of such bonds in accordance with the provisions of Title 18, Education, of the Revised Statutes, as if chapter 73 of the Laws of 1964 had not taken effect and any such bonds, promissory notes or temporary loan bonds issued in anticipation of such bonds so authorized prior to said date shall be valid and in full effect.]

Source: C. 18:5-84.2 (1964, c. 73, s. 8).

D. Submission to Voters; Elections.

18A:24-29. Submission to voters of ordinance for issuance of bonds. A proposal for the confirmation of any ordinance, required by this article to be approved by the qualified voters of the municipality comprised within a district, shall be submitted to such voters at a general, special or municipal election to be held therein, whenever the governing body of the municipality shall have, by resolution or ordinance, directed that the same be so submitted and, in the case of a special election, specified the day, which shall be not less than 41 days after the passage of such ordinance, and the time thereof, the place or places thereof and the polling districts therefor by reference to the general election districts established and used in the municipality, and the hours (which need include only four consecutive hours) during which the polls at such election shall be open. It shall be the duty of the clerk of the municipality to give notice of any such election, setting

forth the proposition to be submitted and the day and time and place or places thereof and the polling districts therefor and the hours during which the polls at such election will be open. At least seven days before the date thereof, the clerk shall post not less than seven copies of such notice, one on each schoolhouse within the municipality and the others at such other public places in the municipality as he may select, and shall publish said notice in a newspaper published in the municipality if there be one or, if there be no such newspaper, in a newspaper published in the county and circulating in the municipality. No other or different notice of said election shall be required to be posted, published, delivered or otherwise given in any manner, except those required to be given by section 18A:14-25. Such election shall be held and the result of the balloting on such question ascertained and determined in accordance with the provisions of Title 19, Elections, of the Revised Statutes, which are not inconsistent with this section and are applicable to the holding in such municipality of a general, special or municipal election, as the case may be, but any notice or demand therein required to be given to or made upon any person or body for the performance of an official duty with regard to such election shall be sufficient, if given or made at least 10 days before the date of such election, except as otherwise required by this section.

Source: R.S. 18:6-63, amended 1952, c. 252, s. 8; 1953, c. 18, s. 12.

E. Attorney General; Approval of Proceedings.

18A:24-30. Submission and approval. Whenever bonds are authorized to be issued by a type II school district under this chapter, the secretary of the board of education of the district shall transmit certified copies of the record of the proceedings authorizing such issuance to the attorney general for his approval of the legality of the proceedings and shall file with the commissioner duplicate copies of the record so approved.

Source: R.S. 18:7-87.

Article 5. Form and Execution of Bonds.

18A:24-31. Form; type I districts. All bonds of a type I school district, issued in accordance with this chapter, shall be designated "school bonds" and shall be in either registered or coupon form, or both, and of such denomination as the governing body of the municipality, comprising the district, shall determine, and such bonds, within the limitations and provisions of this chapter, shall mature and be payable in such years and amounts as said governing body shall determine in the ordinance authorizing issuance of the bonds or by subsequent resolution.

Source: R.S. 18:6-61, amended 1952, c. 252, s. 6; 1954, c. 95, s. 1; 1957, c. 11, s. 1; 1964, c. 73, s. 5.

18A:24-32. Form and execution; type II districts. All obligations of a type II school district, issued in accordance with this chapter, shall be issued in the corporate name of the district and shall be signed by the president of the board of education of the district and attested by the secretary thereof and shall bear the seal of the district, and any bonds so issued shall be numbered and a proper registry thereof shall be kept by said secretary and if such bonds are in coupon form they shall have coupons

attached for current payment of interest which shall be signed by the secretary and numbered to correspond to the several bonds to which they are severally attached.

Source: R.S. 18:7-90, amended 1941, c. 305, s. 1; 1955, c. 159, s. 18; 1957, c. 12, s. 1; 18:7-119.

18A:24-33. Coupon and registered bonds; conversion, etc. Bonds, other than temporary loan bonds, of a type II school district, issued in accordance with this chapter, may be in either registered or coupon form and if in coupon form may contain provision for registration as to principal only or provision for registration as to both principal and interest, or may contain both such provisions and bonds issued in fully registered form may contain provision for conversion into bonds in coupon form, and bonds issued in coupon form, with provision for registration as to both principal and interest, may contain provision for reconversion when fully registered into coupon form, at the request and expense of the registered owner or his duly authorized attorney or legal representative.

Source: R.S. 18:7-90, amended 1941, c. 305, s. 1; 1955, c. 159, s. 18; 1957, c. 12, s. 1.

18A:24-34. Conversion or reconversion of unmatured bonds; lost, defaced or destroyed bonds; reissuance. The provisions of this section shall apply to all unmatured bonds (other than temporary loan bonds) heretofore or hereafter issued by the board of education of any school district, under this title or any other law.

a. Bonds containing provisions for registration or conversion or reconversion shall from time to time be registered or converted or reconverted in accordance with such provisions.

b. Bonds issued in coupon form without provision for registration as to both principal and interest shall be converted at the request of the holder into bonds registered as to both principal and interest, by removing and cancelling all the unmatured coupons and by executing conversion certificates written or stamped on the back of the bonds.

c. Bonds issued in coupon form and subsequently converted into bonds registered as to both principal and interest shall be reconverted into bonds in coupon form at the written request of the registered owner or his authorized attorney or legal representative, who shall pay the reasonable costs of such reconversion. Such reconversion shall be effected by the preparation and substitution of new bonds bearing the same rate of interest and being otherwise of the same tenor as the original bonds, or shall be effected by attaching to such bonds, when registered to bearer, new coupons for the unmatured interest of the same form and tenor as those originally authorized.

Bonds reconverted as herein provided may again be converted into fully registered bonds and when so converted may again be reconverted into bonds in coupon form, from time to time, in the manner hereinabove provided.

d. Bonds originally issued in fully registered form without the privilege of conversion into coupon form shall at the written request of the registered owner or his authorized attorney or legal representative be

converted into bonds in coupon form of the same or different denominations, by the preparation and substitution of new bonds with all privileges of registration, conversion and reconversion and bearing the same rate of interest and being otherwise of the same tenor as the original bonds.

e. If lost or completely destroyed, bonds shall be reissued in the form and tenor of the lost or destroyed bonds upon the owner furnishing, to the satisfaction of the board of education, (1) proof of ownership, (2) proof of loss or destruction, (3) an adequate surety bond, and (4) payment of the cost of preparing the new bonds.

f. If defaced or partially destroyed, bonds shall be reissued in the form and tenor of the defaced or partially destroyed bonds, to the bearer (or, if registered, to the registered owner) on surrender of the defaced or partially destroyed bonds and upon proof of ownership and payment of the cost of preparing the new bonds.

g. In the case of conversion or reconversion pursuant to subsection c. or d. of this section, the resolution of the board of education providing for the conversion or reconversion shall set forth the written request of the registered owner or his authorized attorney or legal representative, and the date, maturities, interest rate, denomination and numbers of the old and the new bonds. In the case of the issuance of bonds in substitution for lost, defaced or destroyed bonds, pursuant to subsection e. or f. of this section, the resolution of the board of education, providing for the reissuance, shall set forth the name of the holder or owner, and the date, maturities, interest rate, denomination and numbers of the old and the new bonds, the amounts and terms of the surety bonds, and any other conditions imposed by the board of education. The new bonds shall be signed by the president of the board of education and attested by the secretary in office at the time of such conversion, reconversion or reissuance, and the new coupons shall be authenticated by the facsimile signature of such secretary. Upon effecting such conversion, reconversion or reissuance, the officer effecting the same shall execute a certificate identifying the bonds and coupons, and shall file such certificate in the office of the secretary or other officer having custody of the minutes of the board of education.

Source: R.S. 18:7-90.1, amended 1941, c. 305, s. 2.

Article 6. Sale of Bonds.

18A:24-35. Type I districts. Bonds of a type I school district, authorized and issued in accordance with this chapter, shall be sold in the same manner as other municipal bonds are sold, as provided in chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes.

Source: New.

18A:24-36. Type II districts; public sale; exception; publication. All bonds authorized and issued by type II school districts in accordance with this chapter, except bonds of authorized issues of $10,000.00 or less, shall be sold at public sale upon sealed proposals after at least seven days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of state and municipal bonds, published in New York City or New Jersey, and

at least seven days' notice published at least once in a newspaper published in the county and having a substantial circulation in the school district. Bonds of authorized issues of $10,000.00 or less may be sold at private sale without previous public offering.

Source: R.S. 18:7-93.

18A:24-37. Contents of notice; interest rate or rates. Such notice of sale shall describe the bonds and set forth in substance the terms and conditions of sale. As to interest to be borne by the bonds, it shall specify a rate or rates or maximum rate, which rate or the maximum rate shall in no event exceed 6% per annum. If proposals are invited at more than one interest rate, the notice shall also state that no proposals will be considered for bonds of a rate higher than the lowest rate at which a legally acceptable proposal is received.

Source: R.S. 18:7-93.

18A:24-38. Contents of notice when proposals are the same. Such notice of sale shall state in substance that as between proposals at the same interest rate, the bonds will be sold to the bidder offering to pay a sum equal to the par value of the bonds offered and to accept therefor the least amount of bonds, the bonds to be accepted being those first maturing, and that if two or more bidders offer to accept the same least amount, then to the bidder or bidders offering to pay therefor the highest additional price.

Source: R.S. 18:7-93.

18A:24-39. Special provisions for two or more issues. In case of a sale of more than one issue such notice of sale may, after describing the separate issues, provide in substance for one of the following methods of sale, namely:

a. The notice may state the combined maturities of all of said issues and request bids only for such combined maturities as if such combined maturities constituted a single issue, in which event the provisions of sections 18A:24-36 to 18A:24-46 shall apply as though the combined maturities constituted a single issue; or

b. The notice may state that bidders may name a single rate, or different rates, of interest for the different issues of bonds included in such sale, but if different rates are permitted, the notice may require a single rate for all the bonds of one issue, and that all issues will be awarded to the bidder on whose bid the total loan may be made at the lowest net cost to the school district. Such net cost shall be computed, as to each bid, by adding to the total principal amount of the bonds which the bidder offers to accept, the total interest which will be paid under the terms of the bid, after deducting from such interest the amount of cash premium which shall not exceed $1,000.00 as to any one issue.

Source: R.S. 18:7-93.

18A:24-40. Cash premium not to exceed $1,000.00. The price for which bonds of any one issue of a type II district shall be sold shall not exceed by more than $1,000.00 the par value of the bonds of such issue offered for sale. In order that the amount bid at such sale shall not exceed

such price, a sufficient number of the last maturing bonds shall be of the denomination of $1,000.00 or less.

Source: R.S. 18:7-93.

18A:24-41. Deposit by bidders. The notice of sale shall require all bidders to deposit a certified or cashier's or treasurer's check for 2% of the amount of bonds, drawn upon a bank or trust company for said amount, partially to secure the school district from any loss resulting from the failure of the bidder to comply with the terms of his bid, or as liquidated damages for such failure.

Source: R.S. 18:7-93.

18A:24-42. Proposals opened publicly. All proposals shall be opened publicly at the time and place stated in such notice of sale, and not before, and shall be publicly announced.

Source: R.S. 18:7-93.

18A:24-43. Rejection of proposals. All bids received may be rejected, and any bid not complying with the terms of such notice may be rejected.

Source: R.S. 18:7-93.

18A:24-44. Sale or delivery in installments. An issue of a type II district may be sold at one time or in installments at different times. In the case of bonds sold in installments the maturities offered for sale, combined with maturities, if any, previously sold, shall be such as to comply with the requirements of this chapter in accordance with which the maturities of the entire issue were determined. Any unsold part of an issue or installment may be reoffered, or may be offered, and sold, notwithstanding the fact that the maturities, when considered alone, do not comply with the provisions of this chapter.

Source: New.

18A:24-45. Private sale if no bids at public sale. If no legally acceptable bid is received for the bonds of a type II district advertised to be sold at public sale, said bonds or any of them may be sold without further advertisement at private sale within 30 days after the advertised date for public bidding; provided, however, that—

a. Said bonds shall not bear interest at a rate which is higher than the rate or maximum rate specified in the notice of sale, nor contain substantially different provisions from those specified in said notice;

b. Each block of bonds sold shall, considered together with any previous blocks sold, comply with the same provisions of law restricting maturities as apply to the entire issue; and

c. Any such sale or sales shall be made or confirmed within said 30 days by resolution of the board of education of the district adopted by the recorded roll call affirmative vote of two thirds of its full membership.

Such resolution shall set forth the date, maturities, interest rate and price of the bonds, and the name of the purchaser. Unless said bonds shall be sold to a board or other public body as provided in section 18A:24-46, the

purchaser of bonds at private sale shall be required to deposit, with his bid, a certified or cashier's or treasurer's check, drawn upon a bank or trust company in an amount equal to 5% of the amount of bonds bid for, to be applied in accordance with the provisions of section 18A:24–41.

Source: R.S. 18:7–93.

18A:24–46. Private sale to public agencies. Notwithstanding any provisions of this or any other law any such bonds of a type II school district may be sold at not less than their par value and accrued interest, without any previous public offering, to, and be purchased by, the trustees of the school fund, the board of trustees of the teachers' pension and annuity fund or to any board, body or official of the state, authorized to purchase such bonds.

Source: R.S. 18:7–93.

Article 7. Proceeds of Bonds.

18A:24–47. Payment to custodian; application. The proceeds of any bonds authorized and issued under this chapter shall be paid to the custodian of school moneys of the district, who shall, in no event, disburse them except to pay the expenses of issuing and selling the bonds and for the purpose or purposes for which the bonds were issued and for temporary investment as and in the manner prescribed by law, pending the carrying out of the purpose or purposes for which the bonds were issued and for such other purpose or purposes as are prescribed in this article.

Source: R.S. 18:6–71, amended 1959, c. 79, s. 1; 18:7–94, amended 1942, c. 319; 1950, c. 32, s. 1; 1959, c. 79, s. 2; 1960, c. 118.

18A:24–48. Application of proceeds to new purpose; in districts having boards of school estimate; certification by boards of education. If the board of education of any school district having a board of school estimate shall determine, by resolution, that all or any part of the proceeds of bonds issued for school purposes of the district are not necessary for the purpose or purposes for which the bonds were issued and that such proceeds are required for any other purpose or purposes for which bonds could be issued pursuant to this chapter, it shall prepare and deliver to each member of the board of school estimate of the district a statement of such other purpose or purposes out of the amount of such proceeds estimated to be necessary for such other purpose or purposes, itemizing the same so as to make it readily understandable. No such statement shall be delivered to the members of, or be acted upon by, the board of school estimate of a type II district unless the proceeds of said bonds have been on hand not less than one year and not more than six years after the time of issuance or sale of such bonds, nor shall such a statement be so delivered if any of such bonds mature beyond the periods prescribed by section 18A:24–5 with respect to such other purpose or purposes (computed from the date of the submission of such certificate) unless prior thereto the commissioner shall endorse upon a certified copy thereof his consent to the issuance of such statement, based upon his written estimate made pursuant to the provisions of section 18A:24–52.

Source: New.

18A:24-49. Application of proceeds to new purpose in type I district; determination by board of school estimate. The board of school estimate of a type I school district, upon receipt of such statement, shall fix and determine the amount of such proceeds necessary for such other purpose or purposes and shall certify the same to the board of education of the district and to the governing body of the municipality comprising the district, whereupon such proceeds, to the amount so fixed and determined by the board of school estimate, may be used for such other purpose or purposes.

Source: New.

18A:24-50. New purpose; determination by board of school estimate in type II districts. The board of education of a type II school district having a board of school estimate shall, upon certification of such statement, fix a date, place and time for the holding of a public hearing by the board of school estimate with respect to the amount of such proceeds to be used for such other purpose or purposes, which date shall be fixed and notice thereof published and which hearing by the board of school estimate shall be held in the manner provided in sections 18A:22-28 and 18A:22-29 with respect to the amount of money to be raised by the issuance of bonds, and the board of school estimate shall, at or after said hearing, fix and determine the amount of such proceeds to be used for such other purpose or purposes and shall certify the same to the board of education of the district and to the governing body of each municipality comprised within the district, whereupon such proceeds to the amount so fixed and determined by the board of school estimate, may be used for such other purpose or purposes.

Source: New.

18A:24-51. New purpose; submission to voters in type II districts having no boards of school estimate. If the board of education shall determine, by resolution, that all or any part of the proceeds of school bonds, issued for a type II school district not having a board of school estimate, on hand one year or longer after the time of issuance or sale of such bonds, are not necessary for the purpose or purposes for which the bonds were issued and that such proceeds are required for any other purpose or purposes for which bonds could be issued pursuant to this chapter, said board shall frame a question to be submitted to the legal voters of the district which shall state such other purpose or purposes, the amount of such proceeds to be expended for such other purpose or purposes and the source of such proceeds and such question shall be submitted to the legal voters of the district at an annual or special school election held not more than six years after the time of issuance or sale of such bonds, which election shall be called and held, and the result thereof ascertained, recorded and made known in the manner provided with respect to authorization of the issuance of school bonds of the district, but if any of such bonds mature beyond the period prescribed by section 18A:24-5 with respect to such other purpose or purposes (computed from the date of such annual or special election), such question shall not be submitted to the legal voters unless prior thereto the commissioner shall endorse, upon a certified copy thereof, his consent to the submission thereof as prescribed in this article.

Source: R.S. 18:7-94, amended 1942, c. 319; 1950, c. 32, s. 1; 1959, c. 79, s. 2; 1960, c. 118.

18A:24-52. Approval of submission by commissioner. The commissioner shall so endorse his consent to the submission of such question to the legal voters of the district, if he shall determine in writing his estimate: (a) either that application of such proceeds to the purpose or purposes for which the bonds were issued will not satisfactorily carry out said purpose or purposes or that such purpose or purposes have been carried out; and, if such bonds were issued pursuant to a resolution upon which the commissioner endorsed his consent in accordance with section 18A:24-23, that (b) the carrying out of such other purpose or purposes is necessary in order to provide educational facilities in the district which are, or, within five years, will be, needed in the district. If the commissioner shall not so determine, he shall endorse his disapproval on such certified copy.

Source: R.S. 18:7-94, amended 1942, c. 319; 1950, c. 32, s. 1; 1959, c. 79, s. 2; 1960, c. 118.

18A:24-53. Approval by voters. If at such election the question shall be adopted by the legal voters of the district, such proceeds may be used for such other purpose or purposes.

Source: R.S. 18:7-94, amended 1942, c. 319; 1950, c. 32, s. 1; 1959, c. 79, s. 2; 1960, c. 118.

18A:24-54. Transfer of proceeds to capital outlay or debt service account. If all or any part of the proceeds of any bonds authorized and issued under this chapter for any school district are not applied to or necessary for the purpose or purposes for which the bonds were issued or for any other purpose or purposes authorized pursuant to this article, the board of education of the district may transfer the balance remaining unapplied to the capital outlay account or the debt service account of the district.

Source: R.S. 18:6-71, amended 1959, c. 79, s. 1; 18:7-94, amended 1942, c. 319; 1950, c. 32, s. 1; 1959, c. 79, s. 2; 1960, c. 118.

Article 8. Contracts in Anticipation of Sale of Bonds.

18A:24-55. Contracting before sale of bonds. After school bonds have been authorized in accordance with this chapter and, in the case of a type II district, the attorney general has approved the legality of the proceedings authorizing the issuance thereof, the board of education may, within the amount and for the purposes of such authorization, make contracts notwithstanding that the moneys to be raised therefor by the issuance of such bonds, or notes or temporary loan bonds in anticipation thereof, are not in hand.

Source: R.S. 18:6-74, amended 1952, c. 252, s. 10; 1957, c. 11, s. 2; 18:7-104, amended 1951, c. 40.

Article 9. Lien and Payment of Bonds and Notes.

18A:24-56. Lien of bonds of type II district. Obligations of a type II school district, issued pursuant to this chapter, shall be a lien upon the real estate situate in the district, the personal estates of the inhabitants of the district and the property of the district, and such estates and property shall be liable for the payment thereof.

Source: R.S. 18:7-95.

18A:24-57. Payment of interest and principal from taxes. The amount of interest upon any obligation issued for school purposes, and of any part of the principal thereof not provided to be paid in any other manner, falling due in any one year shall be:

1. Certified to the governing body of each municipality comprising a type I district by the clerk of the municipality for inclusion in the budget of the municipality and shall be included in the annual tax levy and shall be raised by taxation in the municipality; or

2. Included in the budget of each type II district for such year and shall be separately certified by the secretary of the board of education to the county board of taxation of the county and in each district consisting of but one municipality, the whole amount thereof shall be raised by special tax in the district and in each district composed of more than one municipality, the amount apportioned to such municipality according to law shall be raised by special tax in the municipality.

Source: R.S. 18:6-72; 18:6-74, amended 1952, c. 252, s. 10; 1957, c. 11, s. 2; 18:7-96; 18:7-102, amended 1955, c. 159, s. 20; 18:7-103.

18A:24-58. Borrowing to pay principal and interest. If funds are not available to pay the principal or interest falling due on any obligation of a type II district, in full or in part, for the reason that no such certified statement or an incorrect statement was transmitted to the county board of taxation, the board of education of the district shall execute and deliver promissory notes for the amount thereof not so certified and pay the amount so borrowed together with interest thereon at a rate not exceeding 6% per annum, and any such amount so borrowed together with interest shall be included in the next ensuing certified statement to the county board of taxation.

Source: C. 18:7-96.1 (1950, c. 120, s. 1).

18A:24-59. Disposition of funds for payment of principal and interest on obligations. All moneys received for payment of principal and interest of obligations of a type II school district payable in any year shall be paid to the custodian of school moneys of the district, who shall deposit them in such bank as shall be determined by resolution by the board, in order to provide for the payment thereof.

Source: C. 18:7-96.2 (1950, c. 120, s. 2); 18:7-103.

18A:24-60. Cancellation and deposit of paid obligations. On the taking up or payment of outstanding obligations of a type II district the board of education of the district shall cancel the same and deposit them in the office of the commissioner.

Source: R.S. 18:7-97.

Article 10. Renewal and Refunding of Bonds.

18A:24-61. Renewal or refunding of obligations prohibited; exceptions. No obligations issued after July 1, 1917 for school purposes shall be renewed or refunded, except such as are authorized by law to be renewed or refunded and except temporary loan bonds issued or to be issued in

anticipation of the sale of permanent bonds pursuant to this chapter or to Title 18 of the Revised Statutes but this section shall not invalidate any bonds heretofore renewed or refunded pursuant to law.

Source: R.S. 18:6-68; 18:7-98.

18A:24-62. Authorization of issuance of certain refunding bonds saved. Section 18:7-84 of the Revised Statutes is saved from repeal. [This section authorized issuance of bonds to refund notes issued and sold for certain purposes.]

Source: R.S. 18:7-84.

Article 11. Bonds Authorized and Unissued.

18A:24-63. Bonds authorized prior to change in method of government of school district. If any municipality, while within or comprising a type I school district, shall have, by ordinance, authorized the issuance of school bonds of said municipality in accordance with this title and thereafter shall have accepted the provisions of section 18A:9-3 of this title and there remain, unissued, bonds of said issue on the date of the acceptance by said municipality of said section 18A:9-3 of this title, or if any municipality has, while being within or comprising a school district governed by the provisions of chapter 6 of Title 18 of the Revised Statutes, by ordinance, authorized the issuance of school bonds of the municipality in accordance with chapter 5 or 6 of said Title 18, which remain unissued on the date this title shall become effective, such ordinance shall, thereafter, be authority for the issuance of bonds of the school district to the amount and for the purpose or purposes set forth therein, and shall be deemed to constitute a resolution duly approved at said date by the legal voters of the school district, authorizing the board of education to issue bonds of the district for the purpose or purposes and in the amount or amounts set forth in such ordinance. The bonds so issued shall be dated and sold and be made payable in accordance with the provisions of this title relating to the issuance and sale of bonds of type II school districts and any provisions of such ordinance with respect to the dates and maturities of such bonds shall not affect the powers of the board of education with respect to such dating and maturities. The board of education of the school district shall assume and pay any notes and other obligations, other than permanent bonds, theretofore duly issued or incurred by the municipality pursuant to said ordinance.

Source: C. 18:7-92.1 (1954, c. 20, s. 1, amended 1954, c. 99).

Article 12. Bonds Authorized Prior to Effective Date of Title.

18A:24-64. Issuance of bonds authorized prior to effective date of this title. Any school bonds, the proceedings for the authorization of which, by the introduction of an ordinance in the governing body of the municipality or of a resolution in the board of education of the district, as the case may

be, were commenced prior to the effective date of this title may be authorized, issued and sold and the proceeds thereof disposed of in the manner provided by law at the time said proceedings were begun, as if this title had not been enacted.

Source: R.S. 18:5–89.

Article 13. Limitation on Actions Relating to Bond Issues, etc.

18A:24–65. Validity of elections, etc., as to issuance of bonds; time limit for attacking. No action to contest the validity of any proceeding or election authorizing the issuance of any bonds, held in connection with any such authorization, or the application of the proceeds of any such issue to a purpose other than those for which the bonds were issued, shall be commenced after the expiration of 15 days from the date of the institution of such proceedings or the holding of such election or the action in connection therewith forming the subject matter of such contest.

Source: R.S. 18:6–63, amended 1952, c. 252, s. 8; 1953, c. 18, s. 12; 18:7–89, amended 1950, c. 32, s. 2; 1953, c. 18, s. 16; 1958, c. 113, s. 3.

Subtitle 6. CONDUCT OF SCHOOLS.

Part 1. OFFICERS AND EMPLOYEES PERFORMING EDUCATIONAL FUNCTIONS.

Chapter 25. IN GENERAL.

18A:25–1. Transfer of teaching staff members.
18A:25–2. Authority over pupils.
18A:25–3. Teaching, etc., on holidays not required.
18A:25–4. School register; keeping.
18A:25–5. Annual report; filing and penalty for failure to file.
18A:25–6. Suspension of assistant superintendents, principals and teachers.

18A:25–1. Transfer of teaching staff members. No teaching staff member shall be transferred, except by a recorded roll call majority vote of the full membership of the board of education by which he is employed.
Source: R.S. 18:6–20; 18:7–58.

18A:25–2. Authority over pupils. A teacher or other person in authority over such pupil shall hold every pupil accountable for disorderly conduct in school and during recess and on the playgrounds of the school and on the way to and from school.
Source: R.S. 18:13–116.

18A:25–3. Teaching, etc., on holidays not required. No teaching staff member shall be required to perform his duties on any day declared by law to be a public holiday and no deduction shall be made from such member's salary by reason of the fact that such a public holiday happens to be a school day and any term of any contract made with any such member which is in violation of this section shall be void.
Source: R.S. 18:13–115.

18A:25–4. School register; keeping. Each teacher or person required by the board of education of any district or of any county vocational school to keep a school register shall keep the same in the manner provided therefor and his final salary installment for the school year shall not be paid to him until the superintendent, secretary, principal or other person designated by the board, has examined the register, found it to have been kept according to law and certified the same thereon.
Source: R.S. 18:13–113, amended 1953, c. 123.

18A:25–5. Annual report; filing and penalty for failure to file. The teacher in any school in which but one teacher is employed and the principal in every other school shall file with the superintendent of schools of the district, if there be one, otherwise with the county superintendent, at the time of the closing of the school for the summer vacation or of leaving school before the end of the school year, an annual report on blanks furnished for that purpose by the commissioner. Unless such report

is filed at said time the last installment of salary due the teacher or principal for the school year shall not be paid to him until the secretary of the board of education shall have received written notice from the superintendent of the district or the county superintendent, as the case may be, that such report has been filed.

Source: R.S. 18:13-114.

18A:25-6. Suspension of assistant superintendents, principals and teachers. The superintendent of schools may, with the approval of the president or presidents of the board or boards employing him, suspend any assistant superintendent, principal or teacher, and shall report such a suspension to the board or boards forthwith. The board or boards, each by a recorded roll call majority vote of its membership, shall take such action for the restoration or removal of such person as it shall deem proper, subject to the provisions of chapter 6 and chapter 28 of this title.

Source: R.S. 18:6-42, amended 1952, c. 236, s. 8; C. 18:7-70.2 (1952, c. 236, s. 17).

Chapter 26. QUALIFICATIONS; CERTIFICATES.

18A:26–1. Citizenship of teachers, etc.
18A:26–1.1. Residence requirements prohibited.
18A:26–2. Certificates required.
18A:26–3. City school district examiners.
18A:26–4. Qualifications of city district examiners.
18A:26–5. Certificates granted by city district examiners.
18A:26–6. Certificates required for employment of teaching staff members in districts having city district examiners.
18A:26–7. Certificate fee.
18A:26–8. Examination of teachers as to alcohol and narcotics.
18A:26–8.1. Certificates, issuance to noncitizens, revocation.
18A:26–9. Oath of allegiance and office; executed, etc., prerequisite to issuance of certificate.
18A:26–10. Suspension of certificate for wrongful cessation of performance of duties.

18A:26–1. Citizenship of teachers, etc. Every permanent teaching staff member employed in any of the free public schools for nine months or more, in any year shall be a citizen of the United States, except that any citizen of any other country, who has declared his intention of becoming a United States citizen and to whom there has been issued a teaching certificate in accordance with law, may be employed as a teacher so long as he holds a valid teacher's certificate and a teacher of foreign languages who has been a resident of the United States for less than 10 years and who is not a citizen of the United States may be employed in such capacity.

Source: R.S. 18:13–4.1 (1956, c. 158, s. 1); 18:13–4.2 (1956, c. 158, s. 2); 18:13–9.

18A:26–1.1. Residence requirements prohibited. No board of education of any school district shall require any teaching staff member to reside within the school district within which he is employed.

Source: C. 18:5–49.3 (1960, c. 167).

18A:26–2. Certificates required. No teaching staff member shall be employed in the public schools by any board of education unless he is the holder of a valid certificate to teach, administer, direct or supervise the teaching, instruction, or educational guidance of, or to render or administer, direct or supervise the rendering of nursing service to, pupils in such public schools and of such other certificate, if any, as may be required by law.

Source: C. 18:14–56.1 (1947, c. 133, s. 1).

18A:26–3. City school district examiners. In each city school district there may be established by the board of education a district board of examiners consisting of the commissioner, ex officio, the superintendent of schools of the district, if there be one, and such persons having the necessary qualifications as the board of education shall appoint.

Source: R.S. 18:13–2; 18:13–3.

18A:26-4. Qualifications of city district examiners. No person shall be appointed to a district board of examiners unless he holds a state certificate or the highest grade certificate issued in the district or is a graduate of a college or university.

Source: R.S. 18:13-2.

18A:26-5. Certificates granted by city district examiners. A district board of examiners shall, under such rules as the state board shall prescribe, and under such additional rules as may be prescribed by the board of education of the district, issue certificates to teach, which shall be valid for all schools of the district.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:13-2.

18A:26-6. Certificates required for employment of teaching staff members in districts having city district examiners. No teaching staff member shall be employed in any of the schools of a district having a district board of examiners unless he shall be issued a certificate by said board and holds an appropriate certificate issued by the state board of examiners or the county superintendent of schools of the county.

Source: R.S. 18:13-2.

18A:26-7. Certificate fee. A fee of such sum as shall be fixed by the state board, but not less than $5.00, shall be paid for the issuance of each certificate.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1.

18A:26-8. Examination of teachers as to alcohol and narcotics. No certificate to teach in the public schools shall be issued to any teaching staff member who has not passed a satisfactory examination in physiology and hygiene with special reference to the nature of alcoholic drinks and narcotics and their effects upon the human system, except the persons applying for special certificates to teach music, drawing, manual training or other subjects not included in the usual school curriculum.

Source: R.S. 18:13-4.

18A:26-8.1. Certificates, issuance to noncitizens, revocation. The state board of examiners may, with the approval of the commissioner, issue a teacher's certificate to teach in the public schools to any citizen of any other country who has declared his intention of becoming a United States citizen and who is otherwise qualified, but any such certificate may be revoked by the state board of examiners if the board is satisfied that the holder thereof has abandoned his efforts to become a United States citizen, or has become disqualified for citizenship, or shall not have become a United States citizen, within five years of the date of its issuance.

Source: C. 18:13-4.1 (1956, c. 158, s. 1).

18A:26-9. Oath of allegiance and office; executed, etc., prerequisite to issuance of certificate. No certificate to teach or supervise in any of the public schools of this state, and no renewal of any such certificate, shall be issued to any applicant unless such applicant shall have first subscribed in duplicate to the oath of allegiance and office prescribed in section 41:1-3 of the Revised Statutes before an officer authorized by law to administer

oaths or before a county superintendent or the president or secretary of a board of education of this state and until one copy thereof shall have been filed with the county superintendent and by him transmitted to the commissioner. The other copy of such oath shall be delivered to the applicant and by him to the board, body or person employing such applicant within this state.

Source: R.S. 18:13-9.1, amended 1949, c. 23, s. 1.

18A:26-10. Suspension of certificate for wrongful cessation of performance of duties. Any teaching staff member employed by a board of education, who shall, without the consent of the board, cease to perform his duties before the expiration of the term of his employment, shall be deemed guilty of unprofessional conduct, and the commissioner may, upon receiving notice thereof, suspend his certificate for a period not exceeding one year.

Source: R.S. 18:13-12.

Chapter 27. EMPLOYMENT AND CONTRACTS.

Article 1. IN GENERAL.

18A:27-1. Appointment of teaching staff members; vote required.
18A:27-2. Employment without certificate prohibited.
18A:27-3. Employment for school year.

Article 2. Employment in District Governed by Rules for Employment.

18A:27-4. Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder.

Article 3. Employment in District not Governed by Rules for Employment.

18A:27-5. Written contracts of employment required.
18A:27-6. Contents of contracts.
18A:27-7. Contract forms.
18A:27-8. Filing of contracts.

Article 4. Service After Notice of Termination of Contract.

18A:27-9. Teaching after notice of termination of contract.

Article 1. In General.

18A:27-1. Appointment of teaching staff members; vote required. No teaching staff member shall be appointed, except by a recorded roll call majority vote of the full membership of the board of education appointing him.

Source: R.S. 18:6-20; 18:7-58.

18A:27-2. Employment without certificate prohibited. Any contract or engagement of any teaching staff member, shall cease and determine whenever the employing board of education shall ascertain by written notice received from the county or city superintendent of schools, or in any other manner, that such person is not, or has ceased to be, the holder of an appropriate certificate required by this title for such employment, notwithstanding that the term of such employment shall not then have expired.

Source: R.S. 18:13-8, amended 1952, c. 236, s. 11.

18A:27-3. Employment for school year. Teaching staff members may be employed and their salaries fixed and determined, under contracts, by a board of education for the period from July 1 of the year in which such board shall organize to the succeeding June 30, notwithstanding that the fiscal year of the district or of the municipality in which it is located is the calendar year.

Source: R.S. 18:13-6.

Article 2. Employment in District Governed by Rules for Employment.

18A:27-4. Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder. Each board of education may make rules, not inconsistent with the provisions of this title, governing the employment, terms and tenure of employment, promotion and dismissal, and salaries and time and mode of payment thereof of teaching staff members for the district, and may from time to time change, amend or repeal the same, and the employment of any person in any such capacity and his rights and duties with respect to such employment shall be dependent upon and governed by the rules in force with reference thereto.

Source: R.S. 18:13-5.

Article 3. Employment in District not Governed by Rules for Employment.

18A:27-5. Written contracts of employment required. Every contract between a board of education which has not made rules governing such employment and any teaching staff member shall be in writing, in triplicate, signed by the president and secretary of the board of education and by such person.

Source: R.S. 18:13-7, amended 1951, c. 194.

18A:27-6. Contents of contracts. Each such contract shall specify:

1. The date when the person shall begin such employment;

2. The kind and grade of certificate held by him and the date upon which the certificate will expire;

3. The salary at which he is employed, which shall be payable in equal semimonthly or monthly installments, as the board shall determine, not later than five days after the first and fifteenth day of each month in case of semimonthly installments and not later than five days after the close of the month in the case of monthly installments while the school is in session, a month being construed, unless otherwise specified in the contract, to be 20 school days or four weeks of five school days each; and

4. Such other matters as may be necessary to a full and complete understanding of the contract.

Source: R.S. 18:13-7, amended 1951, c. 194.

18A:27-7. Contract forms. The commissioner shall prepare and distribute blank forms for such contracts.

Source: R.S. 18:13-7, amended 1951, c. 194.

18A:27-8. Filing of contracts. One copy of each such contract so entered into shall be filed with the board, one copy with the person employed thereunder and one copy with the superintendent of schools if there be one, otherwise with the county superintendent.

Source: R.S. 18:13-7, amended 1951, c. 194.

Article 4. Service After Notice of Termination of Contract.

18A:27-9. Teaching after notice of termination of contract. If the employment of a teaching staff member is terminated on notice, pursuant to a contract entered into with the board of education, it shall be optional with the board whether or not the member shall continue to perform his duties during the period between the giving of the notice and the date of termination of employment thereunder.

Source: C. 18:13-11.1 (1954, c. 80, s. 10).

Chapter 28. TENURE.

Note: For tenure of officers and employees performing administrative duties, see chapter 17.

Article 1. Acquisition and Effect of Tenure.

18A:28–1. Definition of "position."
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Article 3. Effect of Reduction of Force upon Persons under Tenure.

18A:28–9. Reduction of force; power to reduce and reasons for reduction.
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18A:28–11. Seniority; board to determine; notice and advisory opinion.
18A:28–12. Dismissal of persons having tenure on reduction; reemployment.
18A:28–13. Establishment of standards of seniority by commissioner.
18A:28–14. Teaching staff members not certified; not protected; exception.

Article 4. Effects of Change of Government.

18A:28–15. Effect of change of government of district on tenure.

Article 1. Acquisition and Effect of Tenure.

18A:28–1. Definition of "position." As used in this chapter the word "position" includes any office, position or employment.

Source: New.

18A:28–2. Civil service employees not affected. No person, who is in the classified service of the civil service of the state pursuant to Title 11, Civil Service, of the Revised Statutes, shall be affected by any provisions of this chapter.

Source: C. 18:14–64.1e (1957, c. 181, s. 5).

18A:28–3. No tenure for noncitizens. No teaching staff member shall acquire tenure unless he is, or until he shall become, a citizen of the United States.

Source: C. 18:13–4.3 (1956, c. 158, s. 3).

18A:28–4. Teaching staff members not certified, not to obtain tenure; exception. No teaching staff member shall acquire tenure in any position in the public schools in any school district or under any board of education, who is not the holder of an appropriate certificate for such position, issued by the state board of examiners, in full force and effect, except that no board of education shall terminate the employment or refuse to continue the employment or reemployment of any school nurse appointed prior to May 9, 1947 for the reason that such nurse is not the holder of such a certificate and the state board of examiners shall make no rule or regulation which will affect adversely the rights of any such nurse under any certificate issued prior to said date.

Source: R.S. 18:13–16, amended 1940, c. 43; 1952, c. 236, s. 12; 1962, c. 231, s. 1, C. 18:14–56.3 (1947, c. 133, s. 3); C. 18:14–64.1a (1957, c. 181, s. 1); C. 18:14–64.1b (1957, c. 181, s. 2, amended 1960, c. 137, s. 7).

18A:28–5. Tenure of teaching staff members. The services of all teaching staff members including all teachers, principals, assistant principals, vice principals, superintendents, assistant superintendents, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services and such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education, excepting those who are not the holders of proper certificates in full force and effect, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title, after employment in such district or by such board for:

(a) three consecutive calendar years, or any shorter period which may be fixed by the employing board for such purpose; or

(b) three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or

(c) the equivalent of more than three academic years within a period of any four consecutive academic years;

provided that the time in which such teaching staff member has been employed as such in the district in which he was employed at the end of the academic year immediately preceding July 1, 1962, shall be counted in determining such period or periods of employment in that district or under that board but no such teaching staff member shall obtain tenure prior to July 1, 1964 in any position in any district or under any board of education other than as a teacher, principal, assistant superintendent or superintendent, or as a school nurse, school nurse supervisor, head school nurse, chief school nurse, school nurse coordinator, or as the holder of any position under which nursing services are performed in the public schools.

Source: R.S. 18:13–16, amended 1940, c. 43; 1952, c. 236, s. 12; 1962, c. 231, s. 1; 18:13–17, amended 1952, c. 236, s. 13; 1960, c. 137, s. 5; 1962, c. 231, s. 2; C. 18:14–64.1a (1957, c. 181, s. 1); C. 18:14–64.1b (1957, c. 181, s. 2, amended 1960, c. 137, s. 7).

18A:28–6. Tenure upon transfer or promotion. Any such teaching staff member under tenure or eligible to obtain tenure under this chapter, who is transferred or promoted with his consent to another position covered by this chapter on or after July 1, 1962, shall not obtain tenure in the new position until after:

(a) the expiration of a period of employment of two consecutive calendar years in the new position unless a shorter period is fixed by the employing board for such purpose; or

(b) employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or

(c) employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;

provided that the period of employment in such new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member, and in the event the employment in such new position is terminated before tenure is obtained therein, if he then has tenure in the district or under said board of education, such teaching staff member shall be returned to his former position at the salary which he would have received had the transfer or promotion not occurred together with any increase to which he would have been entitled during the period of such transfer or promotion.

Source: R.S. 18:13–16, amended 1940, c. 43; 1952, c. 236, s. 12; 1962, c. 231, s. 1.

18A:28–6.1. Tenure upon discontinuance of school. Whenever, heretofore or hereafter, any board of education in any school district in this state shall discontinue any high school, junior high school, elementary school or any one or more of the grades from kindergarten through grade 12 in the district and shall, by agreement with another board of education, send the pupils in such schools or grades to such other district, all teaching staff members who are assigned for a majority of their time in such school, grade or grades and who have tenure of office at the time such schools or grades are discontinued shall be employed by the board of education of such other district in the same or nearest equivalent position; provided that any such teaching staff member may elect to remain in the employ of the former district in any position to which he may be entitled by virtue of his tenure and seniority rights by giving notice of said election to the boards of education in each of the school districts at least three months prior to the date on which such school, grade, or grades are to be discontinued. Teaching staff members so employed in such other district shall have their rights to tenure, seniority, pension and accumulated leave of absence, accorded under the laws of this state, recognized and preserved by the board of education of that district. Any periods of prior employment in such sending district shall count toward the acquisition of tenure in the other district to the same extent as if all such prior employment had been in such other district.

Source: C. 18:13–16.3 (1967, c. 31, s. 1); C. 18:13–16.4 (1967, c. 31, s. 2).

18A:28-7. Certain tenure of service and tenure of service rights saved. Section 4 of "An act concerning education, relating to tenure and seniority of school nurses, and repealing section 18:14-64.1 of the Revised Statutes," approved August 15, 1957 (P. L. 1957, c. 181) is saved from repeal. [This section repeals section 18:14-64.1 of the Revised Statutes and provides that the repeal of said section shall not in any manner affect any tenure of service or tenure of service rights held thereunder on the effective date of the act.]

Source: C. 18:14-64.1d (1957, c. 181, s. 4).

Article 2. Termination of Employment.

18A:28-8. Notice of intention to resign required. Any teaching staff member, under tenure of service, desiring to relinquish his position shall give the employing board of education at least 60 days written notice of his intention, unless the board shall approve of a release on shorter notice and if he fails to give such notice he shall be deemed guilty of unprofessional conduct and the commissioner may suspend his certificate for not more than one year.

Source: R.S. 18:13-20, amended 1952, c. 236, s. 15; 1962, c. 231, s. 4.

Article 3. Effect of Reduction of Force upon Persons under Tenure.

18A:28-9. Reduction of force; power to reduce and reasons for reduction. Nothing in this title or any other law relating to tenure of service shall be held to limit the right of any board of education to reduce the number of teaching staff members, employed in the district whenever, in the judgment of the board, it is advisable to abolish any such positions for reasons of economy or because of reduction in the number of pupils or of change in the administrative or supervisory organization of the district or for other good cause upon compliance with the provisions of this article.

Source: R.S. 18:13-19, amended 1942, c. 269; 1951, c. 292; 1952, c. 236, s. 14; 1962, c. 231, s. 3; C. 18:14-64.1c (1957, c. 181, s. 3).

18A:28-10. Reasons for dismissals of persons under tenure on account of reduction. Dismissals resulting from any such reduction shall not be made by reason of residence, age, sex, marriage, race, religion or political affiliation but shall be made on the basis of seniority according to standards to be established by the commissioner with the approval of the state board.

Source: R.S. 18:13-19, amended 1942, c. 269; 1951, c. 292; 1952, c. 236, s. 14; 1962, c. 231, s. 3; C. 18:14-64.1c (1957, c. 181, s. 3).

18A:28-11. Seniority; board to determine; notice and advisory opinion. In the case of any such reduction the board of education shall determine the seniority of the persons affected according to such standards and shall notify each such person as to his seniority status, and the board may request the commissioner for an advisory opinion with respect to the applicability of the standards to particular situations, which request shall be referred to a panel consisting of the county superintendent of the county, the secretary of the state board of examiners and an assistant commissioner of education designated by the commissioner and an advisory opinion shall be furnished by said panel. No determination of such panel shall

be binding upon the board of education or any other party in interest or upon the commissioner or the state board if any controversy or dispute arises as a result of such determination and an appeal is taken therefrom pursuant to the provisions of this title.

Source: R.S. 18:13–19, amended 1942, c. 269; 1951, c. 292; 1952, c. 236, s. 14; 1962, c. 231, s. 3; C. 18:14–64.1c (1957, c. 181, s. 3).

18A:28–12. Dismissal of persons having tenure on reduction; reemployment. If any teaching staff member shall be dismissed as a result of such reduction, such person shall be and remain upon a preferred eligible list in the order of seniority for reemployment whenever a vacancy occurs in a position for which such person shall be qualified and he shall be reemployed by the body causing dismissal, if and when such vacancy occurs and in determining seniority, and in computing length of service for reemployment, full recognition shall be given to previous years of service, and the time of service by any such person in or with the military or naval forces of the United States or of this state, subsequent to September 1, 1940 shall be credited to him as though he had been regularly employed in such a position within the district during the time of such military or naval service.

Source: R.S. 18:13–19, amended 1942, c. 269; 1951, c. 292; 1952, c. 236, s. 14; 1962, c. 231, s. 3; C. 18:14–64.1c (1957, c. 181, s. 3).

18A:28–13. Establishment of standards of seniority by commissioner. The commissioner in establishing such standards shall classify insofar as practicable the fields or categories of administrative, supervisory, teaching or other educational services and the fields or categories of school nursing services which are being performed in the school districts of this state and may, in his discretion, determine seniority upon the basis of years of service and experience within such fields or categories of service as well as in the school system as a whole, or both.

Source: R.S. 18:13–19, amended 1942, c. 269; 1951, c. 292; 1952, c. 236, s. 14; 1962, c. 231, s. 3; C. 18:14–64.1c (1957, c. 181, s. 3).

18A:28–14. Teaching staff members not certified; not protected; exception. The services of any teaching staff member who is not the holder of an appropriate certificate, in full force and effect, issued by the state board of examiners under rules and regulations prescribed by the state board of education may be terminated without charge or trial, except that any school nurse appointed prior to May 9, 1947 shall be protected in her position as is provided in section 18A:28–4 of this title.

Source: C. 18:14–64.1c (1957, c. 181, s. 3).

Article 4. Effects of Change of Government.

18A:28–15. Effect of change of government of district on tenure. No teaching staff member in the public schools shall be in any manner affected, in relation to his tenure of service or tenure of service rights, heretofore obtained or hereafter to be obtained, under this or any other law, because of any change in the method of government of the school district or school districts by which he was employed on the date of such change, or by reason of any change of name or title of the position, so held by him on

said date, resulting from any such change of government, but he shall continue in said position by its original or changed name or title, as the case may be, with the same tenure of service and the same tenure of service rights which he would have had if such change in the method of government had not occurred.

Source: C. 18:13–16.2 (1952, c. 236, ss. 20, 22).

Chapter 29. COMPENSATION.

Article 1. General Provisions.

18A:29–1. Uncertified teacher denied salary.
18A:29–2. Equality of compensation for male and female teachers.
18A:29–3. Summer payment plan.
18A:29–4. Withholding salary for failure to perform duties.
18A:29–4.1. Salary policy and schedule for teaching staff members; adoption, etc.

Article 2. Salaries.

A. Minimum Salaries.

18A:29–5. Minimum salaries; teachers.

B. Salary Schedule.

18A:29–6. Definitions.
18A:29–7. Salary schedule.
18A:29–8. Yearly increments.
18A:29–9. Agreement as to initial salaries.
18A:29–10. Salaries adjusted in accordance with schedule.
18A:29–11. Credit for military services.
18A:29–12. Minimums prescribed.
18A:29–13. Increase of salaries or increments.
18A:29–14. Withholding increments; causes; notice of appeals.
18A:29–15. Salary schedules in force.
18A:29–16. Emergency certificates; day-by-day basis substitute.

Article 1. General Provisions.

18A:29–1. Uncertified teacher denied salary. No teaching staff member shall be entitled to any salary unless he is the holder of an appropriate certificate.

Source: R.S. 18:13–14.

18A:29–2. Equality of compensation for male and female teachers. Female teaching staff members in the public schools shall be paid compensation equal to that paid to male members holding similar positions and employments and having similar training and terms of service.

Source: C. 18:13–10.1 (1942, c. 256, s. 1, amended 1945, c. 42).

18A:29–3. Summer payment plan. Whenever persons employed for an academic year by a board of education shall indicate in writing their desire to participate in a summer payment plan, and such board of education approves such participation, then, and thereupon, the proper disbursing officer of the board of education, under such rules as may be promulgated by the commissioner with the approval of the state board, is hereby empowered and directed to deduct and withhold an amount equal to 10% of

each semimonthly or monthly salary installment, from the payments of the salaries made to such employees as shall participate in such plan and the accumulated deductions for any academic year shall be paid to the employee or his estate under such rules as may be established by the board of education in one of the following ways: (1) at the end of the academic year; (2) in one or more installments after the end of the academic year but prior to September 1; (3) upon death or termination of employment if earlier.

Source: C. 18:5-50.19 (1956, c. 90).

18A:29-4. Withholding salary for failure to perform duties. The commissioner shall direct the custodian of school moneys of any district to withhold the salary of any teaching staff member of the district who shall neglect or refuse to perform any duty imposed upon him by law or by the rules of the state board until the receipt of notice from the commissioner that such teacher has performed the duty.

Source: R.S. 18:13-15.

18A:29-4.1. Salary policy and schedule for teaching staff members; adoption, etc. A board of education of any district may adopt a salary policy, including salary schedules for all full-time teaching staff members which shall not be less than those required by law. Such policy and schedules shall be binding upon the adopting board and upon all future boards in the same district for a period of two years from the effective date of such policy but shall not prohibit the payment of salaries higher than those required by such policy or schedules nor the subsequent adoption of policies or schedules providing for higher salaries, increments or adjustments. Every school budget adopted, certified or approved by the board, the voters of the district, the board of school estimate, the governing body of the municipality or municipalities, or the commissioner, as the case may be, shall contain such amounts as may be necessary to fully implement such policy and schedules for that budget year.

Source: C. 18:13-5.1 (1965, c. 236, s. 1); C. 18:13-5.2 (1965, c. 236, s. 2).

Article 2. Salaries.

Note: For reduction in salaries for purchase of annuities, see chapter 66, article 3.

A. Minimum Salaries.

18A:29-5. Minimum salaries; teachers. The minimum salary of a teaching staff member, in any school district, not employed as a substitute on a day-to-day basis, and who is not covered by the salary schedule set forth in this article, shall be $2,500.00 for an academic year, that is to say, the period between the time the school opens in the district after the general summer vacation and the next summer vacation, and a proportionate amount for less than an academic year.

Source: R.S. 18:13-13, amended 1941, c. 284; 1944, c. 180; 1947, c. 131, s. 1; 1948, c. 176; 1949, c. 48; 1951, c. 55.

B. Salary Schedule.

18A:29-6. Definitions. As used in this subarticle the following words shall have the following meaning:

"Member" shall mean a full-time teaching staff member as defined in this title except one who is the holder of an emergency certificate;

"Salary schedule" shall mean a schedule of minimum salaries fixed according to years of employment;

"Full time" shall mean the number of days of employment in each week and the period of time in each day required by the state board of education, under rules and regulations prescribed for the purposes of this article, to qualify any person as a full-time member;

"Year of employment" shall mean employment by a member for one academic year in any publicly owned and operated college, school or other institution of learning for one academic year in this or any other state or territory of the United States;

"Academic year" shall mean the period between the opening day of school in the district after the general summer vacation, or 10 days thereafter, and the next succeeding summer vacation;

"Employment increment" shall mean an annual increase of $250.00 granted to a member for one "year of employment";

"Adjustment increment" shall mean, in addition to an "employment increment," an increase of $150.00 granted annually as long as shall be necessary to bring a member, lawfully below his place on the salary schedule according to years of employment, to his place on the salary schedule according to years of employment; provided, that a fraction of an "adjustment increment" may be granted when such amount is sufficient to bring such member to his place on the schedule according to years of employment;

"Bachelor's degree or the equivalent" shall mean a bachelor's degree conferred by a college or university whose courses for such degree are acceptable to the state board of examiners for certification purposes or proof of the satisfactory completion of 128 semester hours in courses in any college or university, or colleges or universities, whose courses for the bachelor's degree are acceptable to the state board of examiners for certification purposes;

"Master's degree or the equivalent" shall mean a master's degree conferred by a college or university whose courses for such degree are acceptable to the state board of examiners for certification purposes or proof of the satisfactory completion of 30 additional semester hours in graduate courses beyond the course requirements for the bachelor's degree in any college or university, or colleges or universities, whose graduate courses for the master's degree are acceptable to the state board of examiners for certification purposes;

"Six years of training" shall mean a master's degree plus proof of the satisfactory completion of 30 additional semester hours in graduate courses in any college or university, or colleges or universities, whose graduate courses for the master's degree are acceptable to the state board of examiners for certification purposes;

"Doctor's degree" shall mean a doctor's degree conferred by a college or university whose courses for such degree are acceptable to the state board of examiners for certification purposes.

Source: C. 18:13-13.1 (1954, c. 249, s. 1, amended 1957, c. 153, s. 1; 1963, c. 164, s. 1).

18A:29–7. Salary schedule. Except as hereinafter provided, the salary schedule for an academic year in this state:

1. For a member who does not hold a bachelor's degree or its equivalent and who is employed as a school nurse shall be as provided in column A below;

2. For a member who does not hold a bachelor's degree or its equivalent and is not employed as a school nurse shall be as provided in column B below;

3. For a member who holds a bachelor's degree or its equivalent shall be as provided in column C below;

4. For a member who holds a master's degree or its equivalent shall be as provided in column D below; and

5. For a member who has six years of training or who holds a doctor's degree shall be as provided in column E below:

Years of Employment	SALARY A	B	C	D	E	Employment Increment
1	$4,400 00	$4,400 00	$4,700 00	$5,000 00	$5,300 00	.....
2	4,650 00	4,650 00	4,950 00	5,250 00	5,550 00	$250 00
3	4,900 00	4,900 00	5,200 00	5,500 00	5,800 00	250 00
4	5,150 00	5,150 00	5,450 00	5,750 00	6,050 00	250 00
5	5,400 00	5,400 00	5,700 00	6,000 00	6,300 00	250 00
6	5,650 00	5,650 00	5,950 00	6,250 00	6,550 00	250 00
7	5,900 00	5,900 00	6,200 00	6,500 00	6,800 00	250 00
8	6,150 00	6,150 00	6,450 00	6,750 00	7,050 00	250 00
9	6,400 00	6,400 00	6,700 00	7,000 00	7,300 00	250 00
10	6,650 00	6,650 00	6,950 00	7,250 00	7,550 00	250 00
11	6,900 00	6,900 00	7,200 00	7,500 00	7,800 00	250 00
12	.....	.....	7,450 00	7,750 00	8,050 00	250 00
13	.....	.....	.....	8,000 00	8,300 00	250 00
14	.....	.....	.....	.....	8,550 00	250 00

Source: C. 18:13–13.2 (1954, c. 249, s. 2, amended 1957, c. 153, ss. 2, 6; 1963, c. 164, ss. 2, 3).

18A:29–8. Yearly increments. Any member holding office, position or employment in any school district of this state, shall be entitled annually to an employment increment until he shall have reached the maximum salary provided in the appropriate training level column in the preceding section.

Source: C. 18:13–13.3 (1954, c. 249, s. 3, amended 1957, c. 153, s. 3).

18A:29–9. Agreement as to initial salaries. Whenever a person shall hereafter accept office, position or employment as a member in any school district of this state, his initial place on the salary schedule shall be at such point as may be agreed upon by the member and the employing board of education.

Source: C. 18:13–13.4 (1954, c. 249, s. 4).

18A:29–10. Salaries adjusted in accordance with schedule. Any member covered by this subarticle who is below his place on the salary schedule according to the appropriate training level column and years of employment shall receive on September 1 of each year an adjustment increment

until he shall have attained his place on the schedule according to his appropriate training level column and years of employment but any such member who is under contract for any year of employment at a salary of less than the amount provided for the first year of employment in the appropriate training level column of section 18A:29–7 shall receive an increase in his salary to the amount provided for the first year of employment in the appropriate training level column in lieu of his adjustment increment unless such adjustment increment is greater.

Source: C. 18:13–13.5 (1954, c. 249, s. 5, amended 1957, c. 153, s. 4).

18A:29–11. Credit for military services. Every member who, after July 1, 1940, has served or hereafter shall serve, in the active military or naval service of the United States or of this state, including active service in the women's army corps, the women's reserve of the naval reserve, or any similar organization authorized by the United States to serve with the army or navy, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service, shall be entitled to receive equivalent years of employment credit for such service as if he had been employed for the same period of time in some publicly owned and operated college, school or institution of learning in this or any other state or territory of the United States, except that the period of such service shall not be credited toward more than four employment or adjustment increments.

Nothing contained in this section shall be construed to reduce the number of employment or adjustment increments to which any member may be entitled under the terms of any law, or regulation, or action of any employing board or officer, of this state, relating to leaves of absence.

Source: C. 18:13–13.6 (1954, c. 249, s. 6, amended 1957, c. 153, s. 5).

18A:29–12. Minimums prescribed. The schedule set forth in this article is intended to prescribe a minimum salary at each step, and any increment prescribed shall also be considered a minimum.

Source: C. 18:13–13.7 (1954, c. 249, s. 7).

18A:29–13. Increase of salaries or increments. Boards of education shall have the power to increase for any member or classification of members included in any schedule, the initial salary or the amount of any increment or the number of increments.

Source: C. 18:13–13.7 (1954, c. 249, s. 7).

18A:29–14. Withholding increments; causes; notice of appeals. Any board of education may withhold, for inefficiency or other good cause, the employment increment, or the adjustment increment, or both, of any member in any year by a majority vote of all the members of the board of education. It shall be the duty of the board of education, within 10 days, to give written notice of such action, together with the reasons therefor, to the member concerned. The member may appeal from such action to the commissioner under rules prescribed by him. The commissioner shall consider such appeal and shall either affirm the action of the board of education or direct that the increment or increments be paid. The commissioner may designate an assistant commissioner of education to act for him in his

place and with his powers on such appeals. It shall not be mandatory upon the board of education to pay any such denied increment in any future year as an adjustment increment.

Source: C. 18:13-13.7 (1954, c. 249, s. 7).

18A:29-15. Salary schedules in force. Nothing contained in this article shall be construed to interfere with or discontinue any salary schedule now in force; provided, such schedule shall meet the requirements of this article, nor to prevent the adoption of any salary schedule which shall meet its minimum requirements, nor to prevent the payment of extra compensation for additional service, nor to prevent the payment of any bonus pursuant to law, but no bonus payment may be made in lieu of an employment or adjustment increment.

Source: C. 18:13-13.8 (1954, c. 249, s. 8).

18A:29-16. Emergency certificates; day-by-day basis substitute. The provisions of this subarticle B shall not apply to any person whose appropriate certificate, valid for his office, position, or employment is an emergency certificate and to any person employed as a substitute on a day-by-day basis.

Source: C. 18:13-13.9 (1954, c. 249, s. 9).

Chapter 30. LEAVES OF ABSENCE.

Article 1. Sick Leave.

18A:30–1. Definition of sick leave.
18A:30–2. Sick leave allowable.
18A:30–2.1. Payment of sick leave for service connected disability.
18A:30–3. Accumulated sick leave.
18A:30–3.1. Accumulated sick leave rights preserved.
18A:30–3.2. Credited with unused sick leave.
18A:30–3.3. Certificate issued showing unused sick leave.
18A:30–3.4. Accumulation of sick leave credited; use; accumulation; leave irrevocable.
18A:30–4. Physician's certificate required for sick leave.
18A:30–5. Commissioner to enforce chapter.
18A:30–6. Prolonged absence beyond sick leave period.

Article 2. Additional Sick Leave or Other Leaves of Absence.

18A:30–7. Power of boards of education to pay salaries.

Article 1. Sick Leave.

18A:30–1. Definition of sick leave. Sick leave is hereby defined to mean the absence from his or her post of duty, of any person because of personal disability due to illness or injury, or because he or she has been excluded from school by the school district's medical authorities on account of a contagious disease or of being quarantined for such a disease in his or her immediate household.

Source: C. 18:13–23.10 (1954, c. 188, s. 3).

18A:30–2. Sick leave allowable. All persons holding any office, position, or employment in all local school districts, regional school districts or county vocational schools of the state who are steadily employed by the board of education or who are protected by tenure in their office, position, or employment under the provisions of this or any other law, except persons in the classified service of the civil service under Title 11, Civil Service, of the Revised Statutes, shall be allowed sick leave with full pay for a minimum of 10 school days in any school year.

Source: C. 18:13–23.8 (1954, c. 188, s. 1, amended 1956, c. 58, s. 1); C. 18:13–23.15 (1954, c. 188, s. 8).

18A:30–2.1. Payment of sick leave for service connected disability. Whenever any employee, entitled to sick leave under this chapter, is absent from his post of duty as a result of a personal injury caused by an accident arising out of and in the course of his employment, his employer shall pay to such employee the full salary or wages for the period of such absence for up to one calendar year without having such absence charged to the annual sick leave or the accumulated sick leave provided in sections

18A:30–2 and 18A:30–3. Salary or wage payments provided in this section shall be made for absence during the waiting period and during the period the employee received or was eligible to receive a temporary disability benefit under chapter 15 of Title 34, Labor and Workmen's Compensation, of the Revised Statutes. Any amount of salary or wages paid or payable to the employee pursuant to this section shall be reduced by the amount of any workmen's compensation award made for temporary disability.

Source: C. 18:13–23.17 (1959, c. 175, amended 1967, c. 168).

18A:30–3. Accumulated sick leave. If any such person requires in any school year less than the specified number of days of sick leave with pay allowed, all days of such minimum sick leave not utilized that year shall be accumulative to be used for additional sick leave as needed in subsequent years.

Source: C. 18:13–23.8 (1954, c. 188, s. 1, amended 1956, c. 58, s. 1).

18A:30–3.1. Accumulated sick leave rights preserved. The accumulative sick leave rights of the employees in any high school or junior high school or other school terminated by the creation of a regional district shall be recognized and preserved by the regional board of education whenever said former employees of the uniting districts shall be employed, or have been employed, by the regional board of education.

Source: C. 18:8–25 (1960, c. 53).

18A:30–3.2. Credited with unused sick leave. Whenever a board of education employs any person who has an unused accumulation of sick leave days from another school district in New Jersey, the employing board may grant, not later than the end of the first year of employment, part or full credit therefor. The amount of any such credit shall be fixed by resolution of the board uniformly applicable to all employees and subject to the provisions of this chapter.

Source: C. 18:13–23.18 (1961, c. 34, s. 1, amended 1967, c. 177).

18A:30–3.3. Certificate issued showing unused sick leave. Upon termination of employment of any employee from any school district, the board shall issue, at the request of the employee, a certificate stating such employee's unused accumulation of sick leave days as of the date of such termination. Such certificate shall be filed with the new employer within one year of the date of such new employment.

Source: C. 18:13–23.19 (1961, c. 34, s. 2).

18A:30–3.4. Accumulation of sick leave credited; use; accumulation; leave irrevocable. The accumulation of sick leave days from another district, when granted in accordance with this chapter, shall be credited upon receipt of the certificate of the prior employer. The days of sick leave so credited may be used immediately or if not so used shall be accumulative for additional leave thereafter as may be needed. The number of such days when granted shall be irrevocable by the board of education of the district.

Source: C. 18:13–23.20 (1961, c. 34, s. 3).

18A:30–4. Physician's certificate required for sick leave. In case of sick leave claimed, a board of education may require a physician's certificate to be filed with the secretary of the board of education in order to obtain sick leave.

Source: C. 18:13–23.9 (1954, c. 188, s. 2).

18A:30–5. Commissioner to enforce chapter. The commissioner shall enforce the provisions of this chapter to the extent of withholding state school moneys from school districts violating any of the provisions of this chapter.

Source: C. 18:13–23.13 (1954, c. 188, s. 6).

18A:30–6. Prolonged absence beyond sick leave period. When absence, under the circumstances described in section 18A:30–1 of this article, exceeds the annual sick leave and the accumulated sick leave, the board of education may pay any such person each day's salary less the pay of a substitute, if a substitute is employed or the estimated cost of the employment of a substitute if none is employed, for such length of time as may be determined by the board of education in each individual case. A day's salary is defined as 1/200 of the annual salary.

Source: C. 18:13–23.11 (1954, c. 188, s. 4).

Article 2. Additional Sick Leave or Other Leaves of Absence.

18A:30–7. Power of boards of education to pay salaries. Nothing in this chapter shall affect the right of the board of education to fix either by rule or by individual consideration, the payment of salary in cases of absence not constituting sick leave, or to grant sick leave over and above the minimum sick leave as defined in this chapter or allowing days to accumulate over and above those provided for in section 18A:30–2, except that no person shall be allowed to increase his total accumulation by more than 15 days in any one year.

Source: C. 18:13–23.12 (1954, c. 188, s. 5, amended 1956, c. 58, s. 2; 1958, c. 150).

Chapter 31. CONVENTIONS, INSTITUTES AND MEETINGS.

18A:31–1. Teachers' institutes and meetings, when held, etc.
18A:31–2. Attendance at conventions of New Jersey Education Association.

18A:31–1. Teachers' institutes and meetings, when held, etc. Teachers' institutes, and teachers' meetings called by the commissioner, shall be held pursuant to rules prescribed by the state board.

Source: R.S. 18:2–4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:13–117.

18A:31–2. Attendance at conventions of New Jersey Education Association. Whenever any full-time teaching staff member of any board of education of any local school district or regional school district or of a county vocational school or any secretary, or office clerk applies to the board of education by which he is employed for permission to attend the annual convention of the New Jersey Education Association, such permission shall be granted for a period of not more than two days in any one year and he shall receive his whole salary for the days of actual attendance upon the sessions of such convention upon filing with the secretary of the board a certificate of such attendance signed by the executive secretary of the association.

Source: R.S. 18:13–118, amended 1953, c. 120; 1955, c. 39.

Chapter 32. COUNTY TEACHERS' LIBRARIES.

18A:32–1. Appropriation for establishment and maintenance.
18A:32–2. Committee to select books and manage library.

18A:32–1. Appropriation for establishment and maintenance. Whenever in any county there shall have been raised by subscription a sum of money not less than $100.00 for the establishment of a library of pedagogical books for the use of the teachers of the public schools, the director of the treasury shall, upon the order of the commissioner, draw his warrant on the state treasurer in favor of the county superintendent of the county for the sum of $100.00 for the benefit of such library. Annually thereafter there shall be paid on a like order a sum not less than $50.00 nor more than $100.00 upon condition that there shall have been raised by subscription a like sum for the maintenance of the library for the year.

Source: R.S. 18:13–120.

18A:32–2. Committee to select books and manage library. The county superintendent and three teachers of public schools in the county appointed by him shall constitute a committee to select and purchase books and apparatus for the library, and to make rules for the management, use, and safekeeping thereof.

Source: R.S. 18:13–121.

Part 2. FACILITIES AND CONDUCT OF SCHOOLS.

Chapter 33. FACILITIES IN GENERAL.

18A:33-1. District to furnish suitable facilities; adoption of courses of study.

18A:33-2. Penalty for failure to provide proper facilities.

18A:33-2.1. Closing high school; contracting with another district; referendum.

18A:33-3. Cafeterias for pupils.

18A:33-1. District to furnish suitable facilities; adoption of courses of study. Each school district shall provide, for all children who reside in the district and are required to attend the public schools therein and those who reside therein or elsewhere and are entitled or permitted to attend the schools of the district pursuant to law, suitable educational facilities including proper school buildings and furniture and equipment, convenience of access thereto, and courses of study suited to the ages and attainments of all pupils between the ages of five and 20 years, either in schools within the district convenient of access to the pupils, or as provided by article 2 of chapter 38 of this title, but no course of study shall be adopted or altered except by the recorded roll call majority vote of the full membership of the board of education of the district.

Source: R.S. 18:6-20; 18:7-58; 18:11-1; 18:11-3; 18:11-4; 18:11-5.

18A:33-2. Penalty for failure to provide proper facilities. When any school district shall fail to provide such facilities and courses of study, the county superintendent shall, by order in writing, approved in writing by the commissioner and transmitted to the custodian of school moneys of the district, direct such custodian to withhold further payments, for the account of the district, of any moneys theretofore and thereafter received from state aid until such suitable facilities and courses of study shall be provided, which order shall be effective upon the date stated by the commissioner in his approval thereof. The county superintendent shall notify the board of education of the district of his action with the reasons therefor forthwith.

Source: R.S. 18:11-2, amended 1946, c. 88, s. 7.

18A:33-2.1. Closing high school; contracting with another district; referendum. No board of education of a school district providing high school education in its own high school shall propose to close its high school and to contract with another district or districts to provide high school education for pupils of the district, unless and until a public question as to whether or not the board may enter into such a contract or contracts shall be submitted to and approved by a majority of the voters of the district voting thereon at an annual or special school election.

Source: C. 18:14-7.7 (1967, c. 46, s. 1).

18A:33-3. Cafeterias for pupils. A board of education of any district may, itself or under contract, install, equip, supply and operate cafeterias or other agencies for dispensing food to public school pupils without profit to the district and may purchase food supplies therefor subject to the provisions of section 18A:18-5.1 and pursuant to rules and regulations of the state board, without advertisement for bids.

Source: R.S. 18:6-25, amended 1949, c. 150; 1957, c. 174, s. 1; 1964, c. 159, s. 1; 1964, c. 193, s. 1; 18:11-14, amended 1947, c. 148, s. 19; 1957, c. 51; 1964, c. 193, s. 3.

Chapter 34. TEXTBOOKS, ETC.

18A:34–1. Textbooks; selection; furnished free with supplies; appropriations.
18A:34–2. Care and keeping of textbooks and accounting.

18A:34–1. Textbooks; selection; furnished free with supplies; appropriations. Textbooks shall be selected by the recorded roll call majority vote of the full membership of the board of education of the district and they and other school supplies shall be furnished free of cost for use by all pupils in the public schools and money therefor shall be appropriated and raised annually in each school district in the same manner as other school moneys are appropriated and raised in the district.

Source: R.S. 18:6–20; 18:7–58; 18:12–1.

18A:34–2. Care and keeping of textbooks and accounting. Every board of education shall make rules for the safekeeping and proper care of textbooks, and shall keep an account of all moneys expended by it for textbooks and supplies, in accordance with bookkeeping directions prescribed by the state board.

Source: R.S. 18:12–2.

Chapter 35. CURRICULUM AND COURSES.

Note: For general provisions as to courses of study and textbooks, see chapters 33 and 34.

Article 1. Curriculum.

18A:35–1. Course in history of the United States in high school.
18A:35–2. Nature and purpose of United States history course.
18A:35–3. Course in civics, geography and history of New Jersey.
18A:35–4. Course in nature and effect of alcoholic drinks and narcotics.
18A:35–4.1. Course of study in principles of humanity.

Article 2. Physical and Military Training Courses.

18A:35–5. Maintenance of physical training courses; features.
18A:35–6. Supervision of instruction.
18A:35–7. Course required.
18A:35–8. Time devoted to course.
18A:35–9. Qualifications of teachers; instruction of college pupils.
18A:35–10. Military training course; when required; preparation.
18A:35–11. Military training; referendum.
18A:35–12. Result of election; establishment of course.
18A:35–13. Expenses of maintaining military training.
18A:35–14. Instructors in military training; qualifications; salary.

Article 1. Curriculum.

18A:35–1. Course in history of the United States in high school. The superintendent of schools in each school district shall prepare and recommend to the board of education of the district, and the board of education shall adopt a suitable two-year course of study in the history of the United States to be given to each student during the last four years of high school.

Source: C. 18:14–85.1 (1945, c. 261, s. 1, amended 1952, c. 238).

18A:35–2. Nature and purpose of United States history course. Such course of study shall include instruction in

(1) The principles and ideals of the American form of representative government as expressed in the Declaration of Independence and the constitution of the United States and particularly in the Bill of Rights; and

(2) The history of the origin and growth of the social, economic and cultural development of the United States, of American family life and of the high standard of living and other privileges enjoyed by the citizens of the United States; and

(3) Such other events in the history of the United States as will tend to instill, into every girl and boy, a determination to preserve these principles and ideals as those of citizens of the United States and an appreciation of their solemn duty and obligation to exercise the privilege of the ballot, upon their reaching voting age, to the end that said principles and ideals may be so preserved.

Source: C. 18:14–85.2 (1945, c. 261, s. 2).

18A:35-3. Course in civics, geography and history of New Jersey. Each board of education shall adopt a course of study in community civics, the geography, history and civics of New Jersey, and the privileges and responsibilities of citizenship as they relate to community and national welfare, which course shall be taken by all pupils in the public elementary schools in the grade or grades in which it is given, with the object of producing the highest type of patriotic citizenship.

Source: C. 18:14-83.1 (1954, c. 81, s. 6).

18A:35-4. Course in nature and effect of alcoholic drinks and narcotics. The nature of alcoholic drinks and narcotics and their effects upon the human system shall be taught in all schools supported wholly or in part by public moneys in such manner as may be adapted to the age and understanding of the pupils and shall be emphasized in appropriate places of the curriculum sufficiently for a full and adequate treatment of the subject.

Source: R.S. 18:14-86, amended 1954, c. 81, s. 7.

18A:35-4.1. Course of study in principles of humanity. Each board of education may teach, by special courses or by emphasis in appropriate places of the curriculum, in a manner adapted to the ages and capabilities of the pupils in the several grades and departments, the principles of humanity as the same apply to kindness and avoidance of cruelty to animals and birds, both wild and domesticated.

Source: C. 18:14-85.3 (1957, c. 226, s. 1).

Article 2. Physical and Military Training Courses.

18A:35-5. Maintenance of physical training courses; features. Each board of education shall conduct as a part of the instruction in the public schools courses in health, safety and physical education, which courses shall be adapted to the ages and capabilities of the pupils in the several grades and departments. To promote the aims of these courses any additional requirements or rules as to medical inspection of school children may be imposed.

Source: R.S. 18:14-93, amended 1954, c. 81, s. 8.

18A:35-6. Supervision of instruction. Such courses, and the instruction therein, shall be subject to the general supervision and direction of the commissioner, who shall appoint, with the approval of the state board, such expert assistants as in the opinion of the state board shall from time to time be necessary to carry out the purposes of such courses.

Source: R.S. 18:14-95.

18A:35-7. Course required. Every pupil, except kindergarten pupils, attending the public schools, insofar as he is physically fit and capable of doing so, as determined by the medical inspector, shall take such courses, which shall be a part of the curriculum prescribed for the several grades, and the conduct and attainment of the pupils shall be marked as in other courses or subjects, and the standing of the pupil in connection therewith shall form a part of the requirements for promotion or graduation.

Source: R.S. 18:14-96.

18A:35–8. Time devoted to course. The time devoted to such courses shall aggregate at least two and one-half hours in each school week, or proportionately less when holidays fall within the week.

Source: R.S. 18:14–97.

18A:35–9. Qualifications of teachers; instruction of college pupils. The state board shall adopt rules fixing the necessary qualifications of teachers in such courses in the public school system and all students at the state colleges shall be required to receive thorough instruction in such courses.

Source: R.S. 18:14–98, amended 1954, c. 80, s. 11.

18A:35–10. Military training course; when required; preparation. If the state board shall determine that the courses in health, safety and physical education, as prescribed for male pupils in the high school, shall include a course in military training, such course in military training shall be prepared by the commissioner and the chief of staff of the department of defense and be a part of the courses in health, safety, and physical education for male pupils, and all male pupils in the high school shall be required to take the same except those who are physically unfit, as determined by the medical inspector, or whose parents have conscientious scruples against military training.

Source: R.S. 18:14–99.

18A:35–11. Military training; referendum. If the state board does not require the course in military training to be included in courses in health, safety and physical training, the question of the inclusion thereof, in such courses to be given in any district, shall be submitted to the legal voters of the district by referendum when the board of education of the district so determines by resolution or when a petition signed by at least 10% of the legal voters of the district requests the question to be so submitted.

In districts in which annual school elections are held the petition shall be filed with the secretary of the board of education and the question shall be submitted at the next ensuing annual, or at a special school election following the nineteenth day after the filing of the petition and in all other districts the petition shall be filed with the clerk of the municipality and the question shall be submitted at the next ensuing general election following the thirty-fourth day after the filing of the petition.

Source: R.S. 18:14–100.

18A:35–12. Result of election; establishment of course. If, at such election, the number of votes cast in favor of the adoption of the question shall exceed the number of votes cast against the adoption of the question, military training shall be included in the courses in health, safety and physical education for male pupils in the high school of the district, within 60 days after the election.

Source: R.S. 18:14–101; 18:14–102.

18A:35–13. Expenses of maintaining military training. The funds required to furnish the necessary equipment for such course in military training and to meet the expenses incident thereto shall be provided in

the same manner as funds for other equipment and expenses in public schools are provided.

Source: R.S. 18:14–103; 18:14–105.

18A:35–14. Instructors in military training; qualifications; salary. Every instructor of such course in military training shall hold at all times a certificate as to his qualifications as an instructor in military training from the chief of staff of the department of defense, and the salary of each such instructor shall be paid by the district obtaining his services.

Source: R.S. 18:14–104.

Chapter 36. CONDUCT OF SCHOOLS IN GENERAL.

18A:36–1. School year.
18A:36–2. Time when schools are open; determination.
18A:36–3. Display of and salute to flag; pledge of allegiance.
18A:36–4. Blank.
18A:36–5. Blank.
18A:36–6. Observance of flag day.
18A:36–7. Designation of Arbor Day.
18A:36–8. Issuance of circulars as to Arbor Day.
18A:36–9. Observance of Arbor Day.
18A:36–10. Designation of Commodore Barry Day.
18A:36–11. Observance of Commodore Barry Day.
18A:36–12. Exercises on Commodore Barry Day.
18A:36–13. Patriotic exercises preceding holidays.
18A:36–14. Religious holidays; absence of pupils on; effect.
18A:36–15. Absence because of religious holidays as excused absence.
18A:36–16. Rules regarding religious holidays.
18A:36–17. Credit of seniors in active military and naval service, etc.
18A:36–18. Books containing organic laws at graduation.
18A:36–19. Pupil records; inspection, etc.

18A:36–1. School year. The school year for all schools in the public school system shall begin on July 1 and end on June 30.

Source: R.S. 18:14–76; 18:15–45; C. 18:15–58.7 (1941, c. 287, s. 5).

18A:36–2. Time when schools are open; determination. The board of education shall determine annually the dates, between which the schools of the district shall be open, in accordance with law.

Source: New.

18A:36–3. Display of and salute to flag; pledge of allegiance. Every board of education shall:

(a) Procure a United States flag, flagstaff and necessary appliances therefor for each school in the district and display such flag upon or near the public school building during school hours;

(b) Procure a United States flag, flagstaff and necessary appliances or standard therefor for each assembly room and each classroom in each school, and display such flag in the assembly room and each classroom during school hours and at such other time as the board of education may deem proper; and

(c) Require the pupils in each school in the district on every school day to salute the United States flag and repeat the following pledge of allegiance to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all," which salute and pledge of allegiance shall be rendered with the right hand over the heart, except that pupils who have conscientious scruples against such pledge or salute,

or are children of accredited representatives of foreign governments to whom the United States government extends diplomatic immunity, shall not be required to render such salute and pledge but shall be required to show full respect to the flag while the pledge is being given merely by standing at attention, the boys removing the headdress.

Source: R.S. 18:14–80, amended 1944, c. 212; 1954, c. 83.

18A:36–4. Blank.

18A:36–5. Blank.

18A:36–6. Observance of flag day. The principals and teachers in the public schools shall make suitable arrangements for the celebration, by appropriate exercises among the pupils in the schools, of June 14 in each year, as the day of the adoption of the American flag by the Continental congress.

Source: R.S. 18:14–81.

18A:36–7. Designation of Arbor Day. For the purpose of encouraging the planting of shade and forest trees and the designation of a uniform day throughout the nation, the last Friday of April in each year is hereby designated as a day for the general observance of that purpose, and shall be known as Arbor Day.

Source: R.S. 18:14–87, amended 1949, c. 30.

18A:36–8. Issuance of circulars as to Arbor Day. The commissioner, from time to time, shall prepare and issue to schools such circulars of information, advice, and instruction with reference to Arbor Day as he may deem necessary.

Source: R.S. 18:14–88.

18A:36–9. Observance of Arbor Day. Appropriate exercises for the observance of Arbor Day shall be held in all of the public schools, and the several county superintendents and superintendents of schools shall prepare programs of exercises for the schools in their respective jurisdictions.

Source: R.S. 18:14–89, amended 1952, c. 236, s. 16.

18A:36–10. Designation of Commodore Barry Day. September 13 in each year shall be known as Commodore John Barry Day, except when such day shall fall on Saturday, then the day preceding, or on Sunday, then the day following.

Source: C. 18:14–89.1 (1947, c. 109, s. 1).

18A:36–11. Observance of Commodore Barry Day. It shall be the duty of the authorities of every public school in this state to assemble the pupils in their charge on such day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct such exercises or instructions as shall tend to (1) acquaint such pupils with the achievements of Commodore John Barry, "father of the American navy," and (2) honor the memory of Commodore Barry.

Source: C. 18:14–89.2 (1947, c. 109, s. 2).

18A:36–12. Exercises on Commodore Barry Day. The commissioner shall prescribe a course of exercises or instructions which shall be adopted and observed by public school authorities on Commodore John Barry Day.

Source: C. 18:14–89.3 (1947, c. 109, s. 3).

18A:36–13. Patriotic exercises preceding holidays. Appropriate exercises for the development of a higher spirit of patriotism shall be held in all public schools on the last school day preceding Lincoln's Birthday, Washington's Birthday, Decoration or Memorial Day, Columbus Day, Veterans Day, and Thanksgiving Day, and on such other patriotic holidays as shall be established by law.

Source: R.S. 18:14–79.

18A:36–14. Religious holidays; absence of pupils on; effect. No pupil of any public school, who shall be absent, by reason of observance of a religious holiday, from such school at any time when the same is in session, shall by reason of such absence be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if a written excuse signed by a parent of, or person standing in loco parentis to, the pupil be presented to the proper school authority.

Source: C. 18:14–92.2 (1951, c. 322, s. 1).

18A:36–15. Absence because of religious holidays as excused absence. Any absence because of religious holidays shall be recorded as excused absence on the pupil's attendance record or on that of any group or class of which he is a member, and any transcript or application or employment form or any similar form on which information concerning a pupil's attendance record is requested shall show, with respect to absences, only absences other than absences excused because of religious holidays.

Source: C. 18:14–92.3 (1951, c. 322, s. 2).

18A:36–16. Rules regarding religious holidays. The commissioner, with the approval of the state board, shall prescribe rules relative to absences for religious holidays including, but not limited to, a list of holidays on which it shall be mandatory to excuse a pupil, but nothing herein contained shall be construed to limit the right of any board of education, at its discretion, to excuse absence on any other day by reason of the observance of a religious holiday.

Source: C. 18:14–92.4 (1951, c. 322, s. 3).

18A:36–17. Credit of seniors in active military and naval service, etc. Any pupil or student who has completed or shall complete the work of the junior year in any of the public high schools or educational institutions and who heretofore and subsequent to July 1, 1940, entered, or hereafter in time of war, shall enter the active military or naval service of the United States or the active service of the United States merchant marine or the active service of the women's army corps, the women's reserve of the naval reserve or any similar organization authorized by the United States to serve with the army or navy, or the active military or naval service of the Dominion of Canada, or who in time of emergency heretofore entered or hereafter shall serve on active duty with the armed forces of the United States, and who continued or shall continue to attend the regular sessions in any of the public high schools or educational institutions until 21 days prior to such entry and whose school work has been satisfactory until 21 days prior to such entry, shall be given credit for the work of the complete senior year without examination, and shall be entitled to and receive

the diploma, certificate, degree, or other credentials or standings awarded to those pupils or students of the school or institution who have satisfactorily completed the work of the said senior year.

As used in this section the term "in time of emergency" shall mean and include any time after June 23, 1950, and prior to the termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the president of the United States on December 16, 1950, or termination of the existence of such national emergency by appropriate action of the president or congress of the United States.

Source: R.S. 18:14–82, amended 1943, c. 212; 1944, c. 107; 1951, c. 81.

18A:36–18. Books containing organic laws at graduation. The board of education of every school district shall have printed and suitably bound in book form, copies of the Declaration of Independence, the constitution of the United States and the amendments thereto, and the constitution of the state of New Jersey and the amendments thereto, and a copy of such book shall be presented to each pupil upon his graduation from any elementary school.

Source: R.S. 18:14–91.

18A:36–19. Pupil records; inspection, etc. Public inspection of pupil records may be permitted and any other information relating to the pupils or former pupils of any school district may be furnished in accordance with rules prescribed by the state board, and no liability shall attach to any member, officer or employee of any board of education permitting or furnishing the same accordingly.

Source: C. 18:2–4.1 (1944, c. 217).

Chapter 37. DISCIPLINE OF PUPILS.

18A:37-1. Submission of pupils to authority.
18A:37-2. Causes for suspension or expulsion of pupils.
18A:37-3. Liability of parents of pupils for damage to property.
18A:37-4. Suspension of pupils by teacher or principal.
18A:37-5. Continuation of suspension; reinstatement or expulsion.

18A:37-1. Submission of pupils to authority. Pupils in the public schools shall comply with the rules established in pursuance of law for the government of such schools, pursue the prescribed course of study and submit to the authority of the teachers and others in authority over them.

Source: R.S. 18:14-50.

18A:37-2. Causes for suspension or expulsion of pupils. Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school.

Source: R.S. 18:14-50; 18:14-51.

18A:37-3. Liability of parents of pupils for damage to property. The parents or guardian of any pupil who shall injure any school property shall be liable for damages for the amount of the injury to be collected by the board of education of the district in any court of competent jurisdiction, together with costs of suit.

Source: R.S. 18:14-51.

18A:37-4. Suspension of pupils by teacher or principal. The teacher in a school having but one teacher or the principal in all other cases may suspend any pupil from school for good cause but such suspension shall be reported forthwith by the teacher or principal so doing to the superintendent of schools of the district if there be one. The superintendent to whom a suspension is reported or if there be no superintendent in the district, the teacher or principal suspending the pupil may reinstate the pupil prior to the second regular meeting of the board of education of the district held after such suspension, otherwise such superintendent, principal or teacher, as the case may be, shall report the suspension to the board at such meeting.

Source: R.S. 18:13-116.

18A:37-5. Continuation of suspension; reinstatement or expulsion. No suspension of a pupil by a teacher or a principal shall be continued longer than the second regular meeting of the board of education of the district after such suspension unless the same is continued by action of the board, and the power to reinstate, continue any suspension reported to it or expel a pupil shall be vested in each board.

Source: New.

Chapter 38. ATTENDANCE AT SCHOOL.

Article 1. Persons Who May Attend School.

18A:38-1. Attendance at school free of charge.
18A:38-2. Free attendance at school by nonresidents placed in district under court order.
18A:38-2.1. Special state aid for added pupils.
18A:38-3. Attendance at school by nonresidents.
18A:38-4. Free attendance to persons over age.
18A:38-5. Admission of pupils under age.
18A:38-5.1. No child to be excluded from school because of race, etc.
18A:38-6. Time of admission of pupils; first school year.
18A:38-7. Pupils receiving free education subject to provisions of chapter.

Article 2. Attendance at School Without District.

18A:38-8. Duty to receive pupils from other districts.
18A:38-9. Attendance in adjoining district because of remoteness from school.
18A:38-10. Attendance outside of state.
18A:38-11. Designation of high school of another district for attendance by pupils.
18A:38-12. Allocation and apportionment of pupils among two or more high schools.
18A:38-13. Change of designation or allocation and apportionment of pupils to high schools.
18A:38-14. Appeal from determination of commissioner.
18A:38-15. Attendance at special high school courses of study in another district.
18A:38-16. Attendance at evening high school in another district.
18A:38-17. Attendance outside district for instruction beyond twelfth grade.
18A:38-18. High school education in another district; tuition.
18A:38-19. Tuition of pupils attending schools in another district.
18A:38-20. Additional school facilities; agreement as to tuition.
18A:38-21. Termination of agreement concerning tuition as to pupils.
18A:38-22. Hearing on application for termination of agreement.
18A:38-23. Pupils not excluded for nonpayment of tuition; withdrawal of pupils.
18A:38-24. Attendance of pupils at demonstration schools.

Article 3. Compulsory Education.

A. Attendance Required.

18A:38-25. Attendance required of children between six and 16; exceptions.
18A:38-26. Days when attendance required; exceptions.

B. Compelling Attendance at School.

18A:38-27. Truancy and juvenile delinquency defined.
18A:38-28. Truants; return to parents or school.
18A:38-29. Warning and arrest of vagrants or habitual truants.
18A:38-30. Assistance of sheriffs, police officers, etc.
18A:38-31. Violations of article by parents or guardians; penalties.

C. Attendance Officers.

18A:38-32. District and county vocational school attendance officers.
18A:38-33. Tenure of attendance officers in city districts.
18A:38-34. Attendance officers in counties other than counties of first class; duties; terms; salaries.
18A:38-35. Salaries and expenses of county attendance officers.

D. Employment Certificates.

18A:38-36. Employment certificates to part-time pupils; revocation.

Article 1. Persons Who May Attend School.

18A:38-1. Attendance at school free of charge. Public schools shall be free to the following persons over five and under 20 years of age:

(a) Any person who is domiciled within the school district;

(b) Any person who is kept in the home of another person domiciled within the school district and is supported by such other person gratis as if he were such other person's own child, upon filing by such other person with the secretary of the board of education of the district, if so required by the board, a sworn statement that he is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he intends so to keep and support the child gratuitously for a longer time than merely through the school term;

(c) Any person whose parent or guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all-year-around dwelling place within the district for one year or longer shall be deemed to be domiciled within the district for the purposes of this section;

(d) Any person for whom the bureau of childrens services in the department of institutions and agencies is acting as guardian and who is placed in the district by said bureau.

Source: R.S. 18:14-1, amended 1942, c. 211; 1947, c. 138; 1961, c. 85, s. 1.

18A:38-2. Free attendance at school by nonresidents placed in district under court order. Public schools shall be free to any person over five and under 20 years of age nonresident in a school district who is placed in the home of another person, who is resident in the district, by order of a court of competent jurisdiction of this state or by any society, agency or institution incorporated and located in this state having for its object the care and welfare of indigent, neglected or abandoned children, or children in danger of becoming delinquent, or any person who is a resident in any

institution operated, by any such society, agency or corporation, on a nonprofit basis, whether or not such other person, society, agency or institution is compensated for keeping such person; but no district shall be required to take an unreasonable number of persons under this section except upon the order of the commissioner issued in accordance with rules established by the state board.

Source: R.S. 18:14–1, amended 1942, c. 211; 1947, c. 138; 1961, c. 85, s. 1.

18A:38–2.1. Special state aid for added pupils. Whenever the commissioner shall determine, upon application of a board of education made in accordance with rules established by the state board, that there are in a school district an unreasonable number of persons, described in subsection d. of section 18A:38–1 or section 18A:38–2, applying for admission to the schools of the district, he may order the district to accept such pupils, in which case he shall approve and grant to the district special state aid in such amount as he shall determine in accordance with rules adopted by the state board.

Source: C. 18:14–1.1a (1961, c. 85, s. 2).

18A:38–3. Attendance at school by nonresidents. Any person not resident in a school district, if eligible except for residence, may be admitted to the schools of the district with the consent of the board of education upon such terms, and with or without payment of tuition, as the board may prescribe.

Source: R.S. 18:14–1, amended 1942, c. 211; 1947, c. 138; 1961, c. 85, s. 1.

18A:38–4. Free attendance to persons over age. The public schools of any district shall be free also to such persons, over the age of 20 years, who, except for age, would be entitled to free education in the district, as the board of education of the district shall determine.

Source: R.S. 18:14–1, amended 1942, c. 211; 1947, c. 138; 1961, c. 85, s. 1.

18A:38–5. Admission of pupils under age. No child under the age of five years shall be admitted to any public school, except such as may be provided pursuant to law for children of his age.

No board of education shall be required to accept by transfer from public or private school any pupil who was not eligible by reason of age for admission on October 1 of that school year, but the board may in its discretion admit any such pupil if he or she meets such entrance requirements as may be established by rules or regulations of the board.

Source: C. 18:14–3.1 (1967, c. 249); R.S. 18:15–1.

18A:38–5.1. No child to be excluded from school because of race, etc. No child between the ages of four and 20 years shall be excluded from any public school on account of his race, creed, color, national origin, or ancestry. A member of any board of education who shall vote to exclude from any public school any child, on account of his race, creed, color, national origin, or ancestry shall be guilty of a misdemeanor, and punished by a fine of not less than $50.00 nor more than $250.00, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offense has been committed, for not less than 30 days nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Source: R.S. 18:14–2, amended 1945, c. 172.

18A:38-6. Time of admission of pupils; first school year. Pupils who have never attended any public or private school may be admitted to a public school on or before October 1 following the opening of the school for the fall term, and at no other time except by a majority vote of all the members of the board of education of the district in which the school is situated.

Source: R.S. 18:14-3, amended 1965, c. 233.

18A:38-7. Pupils receiving free education subject to provisions of chapter. Any person entitled to or receiving free education pursuant to this article shall be subject to all of the provisions of this chapter.

Source: R.S. 18:14-1, amended 1942, c. 211; 1947, c. 138; 1961, c. 85, s. 1.

Article 2. Attendance at School Without District.

18A:38-8. Duty to receive pupils from other districts. The board of education of any school district having the necessary accommodations may receive, or may be required to receive by order of the state board, pupils from another district not having sufficient accommodations, at rates of tuition fixed as in this article provided.

Source: R.S. 18:2-4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1.

18A:38-9. Attendance in adjoining district because of remoteness from school. Any child living remote from any public school in the district in which he resides shall be allowed to attend a public school in an adjoining district, with the written consent of the county superintendent or county superintendents of each county in which the districts are situate. One copy of such written consent shall be filed with the secretary of the board of education of the district in which the child resides and one copy thereof shall be filed with the secretary of the board of education of the district in which such child shall attend school.

Source: R.S. 18:14-5.

18A:38-10. Attendance outside of state. Any board of education of a district may arrange for the attendance of any or all of the pupils of the district in the public school or schools of an adjacent school district outside of the state, if it shall determine that it is advisable so to do in order to secure better school facilities for the pupils or for reasons of economy or other good cause and that it is inadvisable for said pupils to attend public schools in another school district within the state because of the distance to be traveled, the topography of the intervening country, the condition of the roads or the likelihood of unusual hazardous traveling conditions during certain seasons of the year, and if the commissioner shall concur in the determination of the board and give his consent thereto, but the commissioner may withdraw such consent upon reasonable notice whenever the reason or reasons for giving his consent shall cease to exist.

Source: C. 18:14-5.1 (1950, c. 158, s. 1); C. 18:14-5.2 (1950, c. 158, s. 2).

18A:38-11. Designation of high school of another district for attendance by pupils. The board of education of every school district which lacks high school facilities within the district and has not designated a high

school or high schools outside of the district for its high school pupils to attend shall designate a high school or high schools of this state for the attendance of such pupils.
Source: R.S. 18:14–7, amended 1944, c. 210; 1956, c. 68.

18A:38–12. Allocation and apportionment of pupils among two or more high schools. Whenever the board of education of a district shall designate two or more high schools without the district for the attendance of its high school pupils it shall, by resolution, allocate and apportion such pupils among the designated high schools and if no such allocation and apportionment has been made prior to the academic year 1943-1944, the actual allocation and apportionment of pupils among said high schools in effect in said academic year shall be effective as such allocation and apportionment but if any board of education of any district which is not now sending pupils to a high school or high schools without the district shall hereafter so designate two or more high schools for said purpose and shall fail to allocate and apportion them by resolution among said high schools, the actual allocation and apportionment of high school pupils made in the first academic year of the designation shall be effective as the allocation and apportionment of such pupils.
Source: R.S. 18:14–7, amended 1944, c. 210; 1956, c. 68.

18A:38–13. Change of designation or allocation and apportionment of pupils to high schools. No such designation of a high school or high schools and no such allocation or apportionment of pupils thereto, heretofore or hereafter made pursuant to law shall be changed or withdrawn, nor shall a district having such a designated high school refuse to continue to receive high school pupils from such sending district except for good and sufficient reason upon application made to and approved by the commissioner, who shall make equitable determinations upon any such applications.
Source: R.S. 18:14–7, amended 1944, c. 210; 1956, c. 68.

18A:38–14. Appeal from determination of commissioner. The determination of the commissioner upon any such application may be appealed by the applying board of education or by the board of education of any school district affected thereby to the state board, which may in its discretion affirm, reverse, revise or modify the determination appealed from.
Source: R.S. 18:14–7, amended 1944, c. 210; 1956, c. 68.

18A:38–15. Attendance at special high school courses of study in another district. Any board of education not furnishing instruction in a particular high school course of study, which any pupil resident in the district and who has completed the elementary course of study provided therein may desire to pursue, may, in its discretion, pay the tuition of such pupil for instruction in such course of study in a high school of another district.
Source: R.S. 18:14–6.

18A:38–16. Attendance at evening high school in another district. Any board of education not furnishing instruction in approved evening high school courses, which any pupil in the district may desire to pursue, may, in its discretion, pay the tuition of such pupil in an approved evening high school in another district.
Source: C. 18:14–6.1 (1946, c. 213).

18A:38–17. Attendance outside district for instruction beyond twelfth grade. Any board of education not furnishing instruction beyond the twelfth grade which any pupil, resident in the district, may desire to pursue, may arrange for the attendance of such pupil in any district where instruction beyond the twelfth grade, under rules prescribed by the commissioner and approved by the state board, is offered to residents and nonresidents of the district.

Source: C. 18:14–1.3 (1946, c. 296).

18A:38–18. High school education in another district; tuition. Any board of education offering instruction, to residents and nonresidents of the district beyond the twelfth grade, under rules, approved by the commissioner and the state board, may charge tuition for such instruction and any board of education, not furnishing such instruction, may arrange for the attendance, and pay the tuition fees, in whole or in part, of pupils, resident in its district, who desire to obtain such instruction.

Source: C. 18:14–1.3 (1946, c. 296).

18A:38–19. Tuition of pupils attending schools in another district. Whenever the pupils of any school district are attending public school in another district, within or without the state, pursuant to this article, the board of education of the receiving district shall determine a tuition rate to be paid by the board of education of the sending district to an amount not in excess of the actual cost per pupil as determined under rules prescribed by the commissioner and approved by the state board, and such tuition shall be paid by the custodian of school moneys of the sending district out of any moneys in his hands available for current expenses of the district upon order issued by the board of education of the sending district, signed by its president and secretary, in favor of the custodian of school moneys of the receiving district.

Source: R.S. 18:2–4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; C. 18:14–5.3 (1950, c. 158, s. 3); R.S. 18:14–7, amended 1944, c. 210; 1956, c. 68.

18A:38–20. Additional school facilities; agreement as to tuition. Whenever a board of education, now or hereafter furnishing elementary and high school education or either thereof for the pupils of another school district, finds it necessary to provide additional facilities for the furnishing of education to such pupils, it may, as a condition precedent to the provision of such additional facilities, enter into an agreement with the board of education of such other district for a term not exceeding 10 years whereby it agrees to provide such education to the pupils of such other district during the term of such agreement, in consideration of the agreement by the board of education of such other district that it will not withdraw its pupils and provide school facilities for them in its own or another district during the term of said agreement except as provided in this article, and that the sending district will provide for the payment of tuition in accordance with section 18A:38–19.

Source: C. 18:14–7.3 (1953, c. 273, s. 1, amended 1967, c. 205, s. 2).

18A:38–21. Termination of agreement concerning tuition as to pupils. Any board of education which shall have entered into such an agreement may apply to the commissioner for consent to terminate the same, and to

cease providing education to the pupils of the other contracting district on the ground that it is no longer able to provide facilities for the pupils of the other district, or to withdraw its pupils from the schools of the other contracting district and provide educational facilities for them in its own or another dstrict on the ground that the board of education of the receiving district is not providing school facilities and an educational program suitable to the needs of the pupils of the sending district or that the board of education of the receiving district will not be seriously affected educationally or financially by their withdrawal.

Source: C. 18:14–7.4 (1953, c. 273, s. 2, amended 1967, c. 205, s. 3).

18A:38–22. Hearing on application for termination of agreement. Upon the making of any such application, an opportunity to be heard before the commissioner shall be given to the board of education of the other district before any determination is made by the commissioner, and if the commissioner finds that there are good grounds for the application, as provided in this article, he shall give his consent, and the applying board of education shall thereupon be entitled to terminate the agreement in accordance therewith but the commissioner's determination shall be subject to appeal to the state board.

Source: C. 18:14–7.5 (1953, c. 273, s. 3).

18A:38–23. Pupils not excluded for nonpayment of tuition; withdrawal of pupils. Whenever at the beginning of or during a school year a board of education receives pupils from another district on a tuition basis, it shall not exclude during that year any such pupils because of the nonpayment of tuition if the sending board delivers to the receiving board a school warrant in accordance with the terms of the contract or agreement between such boards. Such warrant shall bear interest at the legal rate. The board of education sending the pupils to said district shall not withdraw any such pupils during the year without the consent of the receiving board.

Source: R.S. 18:14–7.1.

18A:38–24. Attendance of pupils at demonstration schools. Any pupil may with the consent of the board of education of the district in which he resides and of the commissioner be admitted to any demonstration school maintained in connection with any state college. The board of education of the district and the board of trustees of the state college, with the approval of the board of higher education, shall determine the amount to be paid for the education of the pupil, and the board of education of the district shall pay the amount so determined to the treasurer of the college out of any money available for the current expenses of the district. Pupils attending such demonstration schools for whom tuition is paid by the sending district shall be counted in the determination of state aid for the school district in the same manner as pupils attending schools in any school district other than the sending district.

Source: R.S. 18:14–4, amended 1954, c. 66; C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–20 (1966, c. 302, s. 20).

Article 3. Compulsory Education.

A. Attendance Required.

18A:38–25. Attendance required of children between six and 16; exceptions. Every parent, guardian or other person having custody and

control of a child between the ages of six and 16 years shall cause such child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school.

Source: R.S. 18:14-14, amended 1940, c. 154, s. 1; 1954, c. 180, s. 2; 1965, c. 151, s. 1.

18A:38-26. Days when attendance required; exceptions. Such regular attendance shall be during all the days and hours that the public schools are in session in the district, unless it is shown to the satisfaction of the board of education of the district that the mental condition of the child is such that he cannot benefit from instruction in the school or that the bodily condition of the child is such as to prevent his attendance at school, but nothing herein shall be construed as permitting the temporary or permanent exclusion from school by the board of education of any district of any child between the ages of five and 20, except as explicitly otherwise provided by law.

Source: R.S. 18:14-14, amended 1940, c. 154, s. 1; 1954, c. 180, s. 2; 1965, c. 151, s. 1.

B. Compelling Attendance at School.

18A:38-27. Truancy and juvenile delinquency defined. Any child between the ages of six and 16 years who shall repeatedly be absent from school, and any child of such age found away from school during school hours whose parent, guardian or other person having charge and control of the child is unable to cause him to attend school and any pupil who is incorrigible, actually vagrant, vicious, or immoral in conduct, shall be deemed to be a juvenile delinquent and shall be proceeded against as such.

Source: R.S. 18:14-34, amended 1940, c. 154, s. 2; 1965, c. 151, s. 2.

18A:38-28. Truants; return to parents or school. Any attendance officer who shall find any child between six and 16 years of age who is a truant from school, shall take the child and deliver him to the parent, guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend.

Source: R.S. 18:14-35, amended 1940, c. 154, s. 3; 1965, c. 151, s. 3.

18A:38-29. Warning and arrest of vagrants or habitual truants. The attendance officer shall examine into all violations of this article, shall warn any child violating any of the provisions of this article and the parent, guardian or other person having charge and control of the child of the consequences of the violation if persisted in, and shall notify such person in writing to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school.

Source: R.S. 18:14-36.

18A:38-30. Assistance of sheriffs, police officers, etc. The sheriff and his officers and all police officers and constables shall assist attendance officers in the performance of their duties.

Source: R.S. 18:14-37.

18A:38-31. Violations of article by parents or guardians; penalties. A parent, guardian or other person having charge and control of a child between the ages of six and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than $5.00 for a first offense and not more than $25.00 for each subsequent offense, in the discretion of the court.

In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Source: R.S. 18:14-39, amended 1953, c. 18, s. 22; 1965, c. 151, s. 4.

C. Attendance Officers.

18A:38-32. District and county vocational school attendance officers. For the purpose of enforcing the provisions of this article, the board of education of each school district and the board of education of each county vocational school shall appoint a suitable number of qualified persons to be designated as attendance officers, and shall fix their compensation; except that if a county attendance officer or officers are appointed for any county, any district board of education of such county may be exempt from the appointment of a local attendance officer if such exemption is approved by the county superintendent. Each board shall make rules not inconsistent with the provisions of this article and subject to the approval of the commissioner, for the government of the attendance officers.

Source: R.S. 18:14-42, amended 1938, c. 262, s. 1.

18A:38-33. Tenure of attendance officers in city districts. The services of all attendance officers of the public schools of a city district shall, after employment in such district for one year, be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, conduct unbecoming an officer, or other just cause, and only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title.

Source: R.S. 18:14-43; 18:14-44, amended 1960, c. 137, s. 6.

18A:38-34. Attendance officers in counties other than counties of first class; duties; terms; salaries. Whenever a majority of the boards of education of any county other than counties of the first class has by resolution requested the appointment of a county attendance officer or officers and, upon investigation, the commissioner and the state board shall deem the appointment of a county attendance officer or officers to be for the best interest of the schools of that county, the commissioner shall appoint, subject to the approval of the state board, a suitable person or persons to be known as the county attendance officer or officers for the county who shall perform in all districts of the county exclusive of city school districts such duties as may be prescribed by rules of the state board. Each county attendance officer shall have the same power to enforce the compulsory school law and rules connected therewith as is conferred upon attendance officers appointed by local boards of education. If any such person so appointed a county attendance officer is in possession of a proper visiting

teacher's certificate, in full force and effect, such county attendance officer shall be designated "home and school counsellor," and such "home and school counsellor," in addition to the powers of a county attendance officer, shall have all the powers of a visiting teacher. The term of office of such county attendance officer shall be for one year and the commissioner shall fix the salary of such county attendance officer or officers with the approval of the state board.

Source: R.S. 18:14-47, amended 1938, c. 262, s. 2; 1944, c. 106.

18A:38-35. Salaries and expenses of county attendance officers. The salary of each county attendance officer shall be paid as other state salaries are paid. The director of the division of budget and accounting shall on order of the commissioner draw his warrant for such salary on the state treasurer. All claims for the expenses of a county attendance officer shall be paid after being audited by the county superintendent on orders issued by the county superintendent and drawn on the county treasurer. The expenses for each such officer shall not exceed in any one year the sum of $700.00.

Source: R.S. 18:14-48, amended 1938, c. 262, s. 3; 1946, c. 88, s. 8.

D. Employment Certificates.

18A:38-36. Employment certificates to part-time pupils; revocation. The commissioner of education and the commissioner of labor and industry may issue employment certificates to pupils over 14 years of age who study part time in elementary or high school grades or in public vocational schools, to work part time in factories, workshops, mills, and all places where the manufacture of goods is carried on designated by the board of education, which employment shall be considered as a part of the schooling of such children and shall conform to state and federal rules and regulations for the employment of youth.

The commissioner of education or the commissioner of labor may revoke the certificate at any time without assigning cause.

Source: R.S. 18:14-49, amended 1940, c. 154, s. 5.

Chapter 39. TRANSPORTATION TO AND FROM SCHOOLS.

Note: For temporary financing for transportation for year 1967-1968, see section 18A:24-4.1.

18A:39-1. Transportation of pupils remote from schools.
18A:39-1.1. Transportation of other pupils by board.
18A:39-1.2. Transportation of other pupils by municipality.
18A:39-2. Methods of providing transportation.
18A:39-3. Advertising for bids to transport pupils.
18A:39-4. Form of bid; deposit; forfeiture or return of deposit.
18A:39-5. Opening of bids; rejection, etc.
18A:39-6. Liability insurance, etc., to be furnished.
18A:39-7. Blank.
18A:39-8. Blank.
18A:39-9. Blank.
18A:39-10. Expenditures by contractor in compliance with law or rules, after contract made.
18A:39-11. Joint transportation authorized.
18A:39-12. Agreement for joint transportation.
18A:39-13. Joint transportation; laws and rules governing.
18A:39-14. Joint transportation; expenses; payment.
18A:39-15. State aid for joint transportation.
18A:39-16. Disputes; determination; appeal.
18A:39-17. Names, addresses, photographs and fingerprints of bus drivers to be filed.
18A:39-18. Names, addresses, photographs and fingerprints of bus drivers to be furnished.
18A:39-19. Character of bus drivers; reports; investigations.
18A:39-20. Approval of bus drivers; compliance with law prerequisite.
18A:39-21. Rules governing pupil transportation by state board.

18A:39-1. Transportation of pupils remote from schools. Whenever in any district there are pupils residing remote from any schoolhouse, the board of education of the district may make rules and contracts for the transportation of such pupils to and from school, including the transportation of school pupils to and from school other than a public school, except such school as is operated for profit in whole or in part.

When any school district provides any transportation for public school pupils to and from school pursuant to this section, transportation shall be supplied to school pupils residing in such school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the state not more than 20 miles from the residence of the pupil regardless of whether such transporation is along established public school routes. It shall be the obligation of the parent, guardian or other person having legal custody of the pupil attending a remote school, other than a public school, not operating for profit in whole or in part, to register said pupil with the office of the secretary of the board of education at the time and in the manner specified by rules and regulations of the state board in order to be eligible for the trans-

portation provided by this section. Whenever any regional school district provides any transportation for pupils attending schools other than public schools pursuant to this section, said regional district shall assume responsibility for the transportation of all such pupils, and the cost of such transportation for pupils below the grade level for which the regional district was organized, shall be prorated by the regional district among the constituent districts on a per pupil basis after approval of such cost by the county superintendent. This section shall not require school districts to provide any transportation to pupils attending a school other than a public school where the only transportation presently provided by said district is for school children transported pursuant to chapter 46 of this title or for pupils transported to a vocational, technical or other public school offering a specialized program. Any transportation to a school, other than a public school, shall be pursuant to the same rules and regulations promulgated by the state board as governs transportation to any public school.

Nothing in this section shall be so construed as to prohibit a board of education from making contracts for the transportation of pupils to a school in an adjoining district when such pupils are transferred to the district by order of the county superintendent, or when any pupils shall attend school in a district other than that in which they shall reside by virtue of an agreement made by the respective boards of education.

Nothing herein contained shall limit or diminish in any way any of the provisions for transportation for children pursuant to chapter 46 of this title.

Source: R.S. 18:14–8, amended 1941, c. 191; 1967, c. 74, s. 1.

18A:39–1.1. Transportation of other pupils by board. In addition to the provision of transportation for pupils living remote from any school house, and for handicapped children, the board of education of any district may provide, by contract or otherwise, in accordance with law and the rules and regulations of the state board, for the transportation of other pupils to and from school.

The cost of transporting pupils pursuant to this section shall not be included in calculating the amount of state aid for transportation of pupils.

Source: C. 18:14–8.1 (1963, c. 130, amended 1967, c. 74, s. 3).

18A:39–1.2. Transportation of other pupils by municipality. Whenever the governing body of a municipality, which is a constituent district of a regional school district, finds that for safety reasons it is desirable to provide transportation to and from a regional school for pupils living within the municipality, other than those living remote from the school or those physically handicapped or mentally retarded, the governing body and the board of education of the regional district are authorized to enter into contract under the terms of which the regional board shall provide such transportation at the expense of the municipality and the funds so required shall be appropriated by the governing body and paid to the custodian of school moneys of the regional district.

Source: C. 18:14–8.2 (1966, c. 26, s. 1); C. 18:14–8.3 (1966, c. 26, s. 2).

18A:39–2. Methods of providing transportation. Any board of education having power to provide for the transportation of school pupils in its district to and from school may provide such transportation by a bus or

busses owned by it or may enter into contract for such transportation, approved by the county superintendent, for a term not exceeding four years.

Source: R.S. 18:14–10, amended 1939, c. 86, s. 1.

18A:39–3. Advertising for bids to transport pupils. No contract for the transportation of pupils to and from school shall be made, when the amount to be paid during the school year for such transportation shall exceed $600.00, unless the board of education making such contract shall have first publicly advertised for bids therefor in a newspaper published in the district or, if no newspaper is published therein, in a newspaper circulating in the district once, at least 10 days prior to the date fixed for receiving proposals for such transportation, and shall have awarded the contract to the lowest responsible bidder.

Nothing in this chapter shall require the advertisement and letting on proposals or bids of annual extensions, approved by the county superintendent, of any contract for transportation entered into through competitive bidding when—

(a) Such annual extensions impose no additional cost upon the board of education, or

(b) The original contract was entered into prior to May 14, 1942 and the increase in the original contractual amount as a result of such extensions does not exceed 30% thereof, or

(c) The original contract was entered into on or subsequent to May 14, 1942 and the increase in the original contractual amount as a result of such extensions does not exceed 15% thereof.

Source: R.S. 18:14–11, amended 1956, c. 69; 18:14–12, amended 1939, c. 86, s. 2; 1940, c. 149; 1942, c. 229; 1951, c. 114; 1952, c. 241.

18A:39–4. Form of bid; deposit; forfeiture or return of deposit. Each transportation bid shall be accompanied by information required on a standard form of questionnaire approved by the state board and by a cashier's or certified check for 5% of the annual amount of the contract, which deposit shall be forfeited upon the refusal of a bidder to execute a contract; otherwise, checks shall be returned when the contract is executed and a bond filed.

Source: R.S. 18:14–11, amended 1956, c. 69.

18A:39–5. Opening of bids; rejection, etc. At the time and place fixed in such advertisement for the submission of proposals the board of education, or any committee thereof authorized so to do, or any officer or employee of such board designated therefor, shall receive such proposals and immediately proceed to unseal the same and publicly announce the contents in the presence of the parties bidding or their agents, if such parties choose to be then and there present. Such board shall have the right to reject any and all bids. No proposals shall be opened previous to the hour designated in the advertisement and none shall be received thereafter.

Source: R.S. 18:14–12, amended 1939, c. 86, s. 2; 1940, c. 149; 1942, c. 229; 1951, c. 114; 1952, c. 241.

18A:39–6. Liability insurance, etc., to be furnished. Liability insurance covering the operation of every bus transporting pupils to and from schools and the drivers thereof or other appropriate similar coverage shall be furnished by each contractor or, in the case of any bus owned and operated by a board of education, by the board of education, in such amounts, with such indemnity, with such coverage, and in such manner, as shall be prescribed by rule of the state board.

Source: R.S. 18:14–12, amended 1939, c. 86, s. 2; 1940, c. 149; 1942, c. 229; 1951, c. 114; 1952, c. 241.

18A:39–7. Blank.

18A:39–8. Blank.

18A:39–9. Blank.

18A:39–10. Expenditures by contractor in compliance with law or rules after contract made. Notwithstanding the terms of any contract for transportation of pupils to and from school, or renewal thereof, entered into pursuant to this chapter, any board of education, in its discretion, with the approval of the county superintendent, may compensate any transportation contractor, in whole or in part, for any necessary expenditure made to comply with the provisions of any law enacted, or any rules and regulations promulgated pursuant to any law, after said contract was entered into.

Source: C. 18:14–12.5 (1948, c. 131).

18A:39–11. Joint transportation authorized. The boards of education of two or more school districts may provide jointly for the transportation of pupils to and from any school or schools within or outside the districts.

Source: C. 18:14–12.6 (1950, c. 27, s. 1).

18A:39–12. Agreement for joint transportation. Any such joint transportation shall be provided under the terms of an agreement adopted by resolution of each of the boards of education concerned wherein shall be set forth the essential information concerning the transportation to be provided, the method of computing the proportion of the cost each party to the agreement shall assume, and the proportion of the state aid to which each district shall be entitled, and any other matters deemed necessary to carry out the purposes of the agreement.

Source: C. 18:14–12.7 (1950, c. 27, s. 2).

18A:39–13. Joint transportation; laws and rules governing. Any such joint transportation shall be subject to all the provisions of law and rules of the state board governing the transportation of school pupils.

Source: C. 18:14–12.8 (1950, c. 27, s. 3).

18A:39–14. Joint transportation; expenses; payment. Each district's proportionate share of the cost of such joint transportation shall be paid in the manner set forth in the agreement and in the same manner as other expenses of the district are paid.

Source: C. 18:14–12.9 (1950, c. 27, s. 4).

18A:39–15. State aid for joint transportation. If the county superintendent of the county in which the districts are situate shall approve the

necessity, the cost, and the method of providing such joint transportation and the agreement whereby the same is to be provided, each such board of education providing joint transportation shall be entitled to state aid in an amount equal to 75% of its proportionate share of the cost of such transportation pursuant to the terms of such agreement.

Source: C. 18:14–12.10 (1950, c. 27, s. 5).

18A:39–16. Disputes; determination; appeal. In the event that any controversy or dispute shall arise among the parties to any such agreement for joint transportation, the same shall be referred to the county superintendent of the county in which the districts are situate for determination and his determination thereon shall be binding, subject to appeal to the commissioner. In the event that the districts are in more than one county, the controversy or dispute shall be referred to the county superintendents of the counties for joint determination, and if they shall be unable to agree upon a joint determination within 30 days, the controversy or dispute shall be referred to the commissioner for determination.

Source: C. 18:14–12.11 (1950, c. 27, s. 6).

18A:39–17. Names, addresses, photographs and fingerprints of bus drivers to be filed. In each school year, prior to the assignment of any driver or substitute driver to any vehicle operated by the board of education of any district as a school bus, there shall be filed by the secretary of such board with the county superintendent the name, address, photograph and fingerprints of each such driver or substitute driver.

Source: C. 18:14–12.12 (1950, c. 159, s. 1).

18A:39–18. Names, addresses, photographs and fingerprints of bus drivers to be furnished. In each school year, prior to the beginning of transportation of school pupils under a contract awarded by a board of education, the contractor shall furnish to the county superintendent, the name, address, photograph and fingerprints of each driver or substitute driver to be assigned to any vehicle in the performance of his contract, except any such driver or substitute driver whose fingerprints shall have been filed by the contractor with the federal bureau of investigation. If, during the school year, the assignment of additional drivers or substitute drivers is to be made, the same information as to such drivers or substitute drivers, except any such drivers or substitute drivers whose fingerprints shall have been filed by the contractor with the federal bureau of investigation, shall immediately be furnished the county superintendent.

Source: C. 18:14–12.13 (1950, c. 159, s. 2).

18A:39–19. Character of bus drivers; reports; investigations. Such names, addresses, photographs and fingerprints may be forwarded by the county superintendent to the state bureau of identification with a request for a report on each individual concerned. If it appears from such report that any such individual has been convicted of a crime and the offense is of such character as to make it undesirable that he should act as a driver of a school bus, he shall be disqualified by the county superintendent. If the record is of an offense not of such character necessarily to require disqualification, the county superintendent shall notify the board of education, which board shall cause an investigation of his character to be made

through the local police or otherwise before his employment as a driver is approved.

Source: C. 18:14–12.14 (1950, c. 159, s. 3).

18A:39–20. Approval of bus drivers; compliance with law prerequisite. No board of education or contractor shall approve or assign a driver, as a driver or substitute driver of a school bus, without first complying with the provisions of this chapter, and any person violating, or failing to comply with, such provisions shall be guilty of a misdemeanor.

Source: C. 18:14–12.15 (1950, c. 159, s. 4).

18A:39–21. Rules governing pupil transportation by state board. The state board shall make rules governing the transportation of pupils to and from school to carry out the provisions of this chapter.

Source: R.S. 18:14–12, amended 1939, c. 86, s. 2; 1940, c. 149; 1942, c. 229; 1951, c. 114; 1952, c. 241.

Chapter 40. PROMOTION OF HEALTH AND PREVENTION OF DISEASE.

Article 1. Medical and Nursing Personnel.

18A:40–1. Employment of medical inspectors, optometrists and nurses; salaries; terms; rules.
18A:40–2. Appointment of county medical inspector.
18A:40–3. Lectures to teachers.
18A:40–3.1. Appointment and salary, school nurses, etc.

Article 2. Examination of Pupils.

18A:40–4. Examination of pupils; health records.
18A:40–5. Method of examination; notice to parent or guardian.

Article 3. Health Measures in General.

18A:40–6. In general.
18A:40–7. Exclusion of pupils who are ill.
18A:40–8. Exclusion of pupils whose presence is detrimental to health and cleanliness.
18A:40–9. Failure of parent to remove cause for exclusion; penalty.
18A:40–10. Exclusion of teachers and pupils exposed to disease.
18A:40–11. Exclusion of pupils having tuberculosis.
18A:40–12. Closing schools during epidemic.
18A:40–12.1. Protective eye devices required for teachers, pupils and visitors in certain cases.
18A:40–12.2. Rules prescribing kinds, types and quality of devices.

Article 4. Immunization Against, and Treatment of, Specific Diseases.

A. Diphtheria.

18A:40–13. Immunization against diphtheria; exemptions.
18A:40–14. Immunization, etc., at public expense.
18A:40–15. Pupils who have had diphtheria; treatment.

B. Tuberculosis.

18A:40–16. Tuberculosis; determining presence of.
18A:40–17. Equipment, materials and services for tuberculosis tests.
18A:40–18. Exclusion of pupils failing to comply with rules and orders.
18A:40–19. Records and reports relating to tuberculosis; disposition of; examination.

C. Vaccinations.

18A:40–20. Vaccination at public expense.
18A:40–21. Exclusion of teachers and pupils for lack of vaccination; exemption.

D. Poliomyelitis; Measles.

18A:40–22. Immunization against poliomyelitis or measles.

Article 1. Medical and Nursing Personnel.

18A:40–1. Employment of medical inspectors, optometrists and nurses; salaries; terms; rules. Every board of education shall employ one or more physicians, licensed to practice medicine and surgery within the state, to be known as the medical inspector or medical inspectors, and any board, not furnishing nursing services under a contract pursuant to section 18A:40–3.1 shall employ one or more school nurses, and it may also employ one or more optometrists, licensed to practice optometry within the state, to be known as the school vision examiner or school vision examiners, and the board shall fix their salaries and terms of office.

Every board of education shall adopt rules, subject to the approval of the state board, for the government of such employees.

Source: R.S. 18:14–56, amended 1947, c. 148, s. 23; 1952, c. 127; 1965, c. 223, s. 1.

18A:40–2. Appointment of county medical inspector. Whenever the county superintendent shall certify to the commissioner that there has been subscribed or donated a sum not less than $4,000.00 for the purpose of paying the salary of a person to be known as county medical inspector of a county, the commissioner shall appoint, by and with the approval of the state board, a physician, licensed to practice medicine and surgery within the state, of at least two years practical experience, to be known as county medical inspector for such county. He shall perform such duties as shall be prescribed by rules adopted by the state board. His term of office shall be one year. No person shall be appointed as a county medical inspector in any year until there has been certified to the commissioner that a sum sufficient to pay the salary of such officer, but not less than $4,000.00, has been subscribed or donated as aforesaid.

Source: R.S. 18:14–65, amended 1947, c. 148, s. 24.

18A:40–3. Lectures to teachers. A medical inspector or nurse shall lecture to the teachers at such times as may be designated by the board of education instructing them concerning the methods employed to detect the first signs of communicable disease and the recognized measures for the promotion of health and the prevention of disease.

Source: R.S. 18:14–58.

18A:40–3.1. Appointment and salary, school nurses, etc. Every person employed as a school nurse, school nurse supervisor, head school nurse, chief school nurse or school nurse coordinator, or performing any school nursing service, in the public schools of this state shall be appointed by the board of education having charge of the school or schools in which the services are to be rendered and shall be under the direction of said board or an officer or employee of the board designated by it and the salary of such person shall be fixed by, and paid from the funds of said board according to law, except that the performance of school nursing services in any public school in this state may be continued, under any original contract or agreement entered into, prior to February 27, 1957, or under

any renewal or modification thereof, during the term of such contract or agreement or renewal or modification thereof.

Source: C. 18:14–56.4 (1956, c. 233, s. 1).

Article 2. Examination of Pupils.

18A:40–4. Examination of pupils; health records. The medical inspector, or the nurse under the immediate direction of the medical inspector, shall examine every pupil to learn whether any physical defect exists, and the frequency and procedure of and selection of pupils for such examinations shall comply with the rules of the state board, but a pupil who presents a statement signed by his parent or guardian that a medical examination interferes with the free exercise of his religious beliefs shall be examined only to the extent necessary to determine whether he is ill or infected with a communicable disease or to determine his fitness to participate in any health, safety and physical education course required by law. A health record of each pupil shall be kept, in which shall be entered the findings of each examination, and such record shall be the property of the board of education and shall be forwarded to any public school to which the pupil is transferred, if such school is known.

Source: R.S. 18:14–57, amended 1955, c. 25.

18A:40–5. Method of examination; notice to parent or guardian. In conducting such examinations of pupils the medical inspector may require pupils to loosen, open, or remove their clothing above the waist in a manner to facilitate inspection and examination, but in any such case the parents or guardians shall be notified in writing of such proposed examination and in such notice the presence of one of the parents or guardians shall be requested, and it shall be stated in the notice that in the absence of a parent or guardian there shall be present a nurse or teacher and in the examination of a female pupil the nurse or teacher present shall be of the female sex, and that if the parent or guardian objects to such examination, then the parent or guardian may file with the medical inspector a report of the family physician upon the condition for which such examination was deemed advisable by the medical inspector.

Source: C. 18:14–57.1 (1939, c. 296).

Article 3. Health Measures in General.

18A:40–6. In general. The board of education of any district may provide such equipment, supplies, and services as in its judgment will aid in the preservation and promotion of the health of the pupils, subject to the provisions of section 18A:18–5.1.

Source: R.S. 18:11–14, amended 1947, c. 148, s. 19; 1957, c. 51; 1964, c. 193, s. 3.

18A:40–7. Exclusion of pupils who are ill. When there is evidence of departure from normal health of any pupil, the principal of the school shall upon the recommendation of the school physician or school nurse exclude such pupil from the school building, and in the absence from the building of the school physician or school nurse, the classroom teacher may exclude the pupil from the classroom and the principal may exclude the pupil from the school building.

Source: R.S. 18:14–59.

18A:40-8. Exclusion of pupils whose presence is detrimental to health and cleanliness. The principal may, upon the recommendation of the school physician or the school nurse, if either of them are present in the building, exclude from school any pupil who has been exposed to a communicable disease or whose presence in the school room certified by the medical inspector as detrimental to the health or cleanliness of the pupils in the school, and in the absence from the building of the school physician or school nurse, the classroom teacher may exclude the pupil from the classroom and the principal may exclude the pupil from the school building and the principal or the classroom teacher, as the case may be, shall notify the parent, guardian or other person having control of the pupil of the reason for his exclusion.

Source: R.S. 18:14-60.

18A:40-9. Failure of parent to remove cause for exclusion; penalty. If the cause for exclusion under this article is such that it can be remedied, and the parent, guardian or other person having control of the pupil excluded shall fail within a reasonable time to have the cause for the exclusion removed, the parent, guardian or other person shall be proceeded against, and upon conviction, be punishable as a disorderly person.

Source: R.S. 18:14-61.

18A:40-10. Exclusion of teachers and pupils exposed to disease. No teacher or pupil who is a member of a household in which a person is ill with smallpox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, measles, or such other contagious or infectious disease as may be designated by the board of education, or of a household exposed to contagion as aforesaid, shall attend any public school during such illness, nor until the board of education has been furnished with a certificate from the board of health, or from the physician attending such person, or from a medical inspector, certifying that all danger of communicating the disease by the teacher or pupil has passed.

Source: R.S. 18:14-54.

18A:40-11. Exclusion of pupils having tuberculosis. Any pupil found to have tuberculosis in an active or a communicable stage shall be excluded from school and a report of each such case shall be filed by the school medical inspector with the health officer or the secretary of the board of health of the municipality in which the pupil resides. Readmission to school may be granted when proof satisfactory to the school medical inspector is furnished to indicate that the pupil is free from communicable tuberculosis, is physically competent to engage in school activities, and is not a menace to the health of other pupils.

Source: C. 18:14-64.8 (1939, c. 294, s. 4).

18A:40-12. Closing schools during epidemic. Whenever the board of health of any municipality shall declare any epidemic or cause of ill health to be so injurious or hazardous as to make it necessary to close any or all of the public schools in the municipality, the board shall immediately serve notice on the board of education of the school district situated in the municipality that it is desirable to close the school or schools. Upon receipt of the notice the board of education may close the schools under its control,

or such of them as may be designated by the board of health. The schools so closed shall not be reopened until the board of education is satisfied that all danger from the epidemic or cause of ill health has been removed.
Source: R.S. 18:14–55.

18A:40–12.1. Protective eye devices required for teachers, pupils and visitors in certain cases. The board of education of every school district shall require each pupil and teacher in the public schools of the district to wear industrial quality eye protective devices while attending classes in vocational or industrial art shops or laboratories in which caustic or explosive chemicals, hot liquids or solids, hot molten metals, or explosives are used or in which welding of any type, repair or servicing of vehicles, heat treatment or tempering of metals, or the milling, sawing, stamping or cutting of solid materials, or any similar dangerous process is taught, exposure to which might have a tendency to cause damage to the eyes. Visitors to such classrooms or laboratories shall also be required to wear such protective devices.
Source: C. 18:14–109.1 (1965, c. 159, ss. 1, 2).

18A:40–12.2. Rules prescribing kinds, types and quality of devices. The commissioner, by rule or regulation, shall prescribe the kinds, types and quality of such protective devices and in so doing, the commissioner shall be guided by the standards promulgated by the American Standards Association, Inc. for such protective devices.
Source: C. 18:14–109.1 (1965, c. 159, ss. 1, 2).

Article 4. Immunization Against, and Treatment of, Specific Diseases.

A. Diphtheria.

18A:40–13. Immunization to diphtheria; exemptions. The board of education of any school district may require immunization to diphtheria as a prerequisite to attendance at school, and it may at its discretion require or waive proof of immunity, except as hereinafter provided.

Any pupil failing to comply with such a requirement may be excluded from school, unless the pupil shall present a certificate signed by a physician stating that the pupil is unfit to receive the immunizing treatment, or a certificate signed by a physician or by the board of health or the health officer of the municipality in which the pupil resides to the effect that the pupil is known by evidence of an appropriate test to be immune to diphtheria; provided, that in either or any such instance the certification and the test employed shall have the approval of the school medical inspector.

A board of education may exempt a pupil from the provisions of this section if the parent or guardian of said pupil objects thereto in a written statement signed by him upon the ground that the proposed immunization interferes with the free exercise of his religious principles.
Source: C. 18:14–64.2 (1939, c. 299, s. 1, amended 1952, c. 153).

18A:40–14. Immunization, etc., at public expense. A board of education may provide the necessary equipment, materials and services for immunizing, to diphtheria, pupils whose parents or guardians in the opinion of the board are unable to meet the necessary expense; and, further, when

proof of immunity thereto is included in the requirement, a board of education may provide the necessary equipment, materials, and services for testing any or all pupils to determine susceptibility to diphtheria or to measure the effectiveness of the immunizing treatment.

Source: C. 18:14-64.3 (1939, c. 299, s. 2).

18A:40-15. Pupils who have had diphtheria; treatment. The board of education shall require any child or pupil who has had diphtheria and who can furnish proof to that effect satisfactory to the medical inspector to submit first to a test of immunity, and, if by this means immunity is established, he shall not be required to undergo the immunization procedure, but if the test reveals susceptibility to diphtheria he shall be subject to such requirement of immunization.

Source: C. 18:14-64.4 (1939, c. 299, s. 3).

B. Tuberculosis.

18A:40-16. Tuberculosis; determining presence of. The board of education of every school district shall periodically determine or cause to be determined the presence or absence of active or communicable tuberculosis in any or all pupils in public schools, and, with respect to frequency, procedure, and selection of pupils, shall comply with the rules of the state board.

Source: C. 18:14-64.5 (1939, c. 294, s. 1).

18A:40-17. Equipment, materials and services for tuberculosis tests. The board may provide at its expense the equipment, materials, and services necessary to make such determination, or it may contract to use for that purpose, with or without financial reimbursement, the equipment, materials, and services available through a sanitorium or hospital approved by the state department of institutions and agencies or through a public health agency approved by the state department of health.

Source: C. 18:14-64.6 (1939, c. 294, s. 2).

18A:40-18. Exclusion of pupils failing to comply with rules and orders. Any pupil failing to comply with the rules of the board of education relating to the determination of the presence of tuberculosis or any order issued by a school officer pursuant to such rules shall be excluded from school.

Source: C. 18:14-64.7 (1939, c. 294, s. 3).

18A:40-19. Records and reports relating to tuberculosis; disposition of; examination. All records and reports of tuberculosis case-finding procedures conducted by or under the auspices of a board of education shall be the property of the board and shall be filed with the medical inspector as confidential information except that such records and reports shall be open for inspection by officers of the state department of health and of the local board of health, of the municipality in which the pupil resides and of the municipality in which the school is located.

Source: C. 18:14-64.9 (1939, c. 294, s. 5).

C. Vaccinations.

18A:40-20. Vaccination at public expense. A board of education may provide the necessary equipment, materials and services for vaccinating pupils whose parents or guardians are, in the opinion of the board, unable to meet the necessary expense of vaccination.

Source: R.S. 18:14-53.

18A:40-21. Exclusion of teachers and pupils for lack of vaccination; exemption. A board of education may exclude from school any teacher or pupil who has not been successfully vaccinated or revaccinated, unless the teacher or pupil shall present a certificate signed by a physician stating that the teacher or pupil is an unfit subject for vaccination, provided that the certification shall have the approval of the school medical inspector. A board of education may exempt a teacher or pupil from the provisions of this section, if said teacher or the parent or guardian of said pupil objects thereto in a written statement signed by him upon the ground that the proposed vaccination interferes with the free exercise of his religious principles.

Source: R.S. 18:14-52, amended 1952, c. 152.

D. Poliomyelitis; Measles.

18A:40-22. Immunization against poliomyelitis or measles. The board of education of a school district may require all pupils to have received immunizing treatment against poliomyelitis or measles, or both, as a prerequisite to attendance at school and it may exclude from school any pupil failing to comply with such requirement, unless the pupil shall present a certificate signed by a physician stating that the pupil is unfit to receive such immunizing treatment or, in the case of measles, has had clinical measles or a written statement, signed by his parent or guardian, that the proposed immunization interferes with the free exercise of the pupil's religious principles. The board may, at its discretion, require or waive proof of immunity, except as hereinbefore provided.

Source: C. 18:14-64.10 (1957, c. 133, s. 1, amended 1967, c. 178).

Chapter 41. FIRE DRILLS AND FIRE PROTECTION.

18A:41-1. Fire drills.
18A:41-2. Fire and smoke doors closed.
18A:41-3. Violations; misdemeanors.
18A:41-4. Posting copies of chapter.

18A:41-1. Fire drills. Every principal of a school of two or more rooms, or of a school of one room, when located above the first story of a building, shall have at least two fire drills each month within the school hours and shall require all teachers of all schools, whether occupying buildings of one or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during the school hours. Where school buildings have been provided with fire escapes, they shall be used by a part or all of the pupils performing every fire drill.

Source: R.S. 18:14-106.

18A:41-2. Fire and smoke doors closed. Every principal and janitor of a school building having furnace room, hallway, or stair-tower fire or smoke doors shall keep them closed during the time the building is occupied by teachers and pupils.

Source: R.S. 18:14-107.

18A:41-3. Violations; misdemeanors. Any principal, teacher, or janitor failing to comply with the provisions of this chapter shall be guilty of a misdemeanor, and shall be punishable by a fine of not to exceed $100.00 for each offense.

Source: R.S. 18:14-108.

18A:41-4. Posting copies of chapter. The commissioner shall prepare and have printed in proper form copies of this chapter and cause them to be posted in each school building.

Source: R.S. 18:14-109.

Chapter 42. PUPIL ACTIVITIES.

18A:42-1. Safety patrol by pupils.
18A:42-2. School orchestra not to compete with civilian musicians; exceptions.
18A:42-3. Collection and deposit of savings of pupils.
18A:42-4. Distribution of literature as to candidacy, bond issues, or other public question to be submitted at election; prohibited.
18A:42-5. Certain student organizations declared harmful.
18A:42-6. Organizations forbidden in high schools; rules; exceptions.

18A:42-1. Safety patrol by pupils. Any board of education may make rules providing for the organization of school safety patrols in the public schools under its jurisdiction and for the appointment, with the permission of the parents, of pupils as members thereof, for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than at regular crossings, and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. No liability shall attach either to the board of education or any person holding office, position or employment under it, by virtue of the organization, maintenance or operation of a school safety patrol organized, maintained, and operated under the authority of this section.

Source: R.S. 18:14-92.

18A:42-2. School orchestra not to compete with civilian musicians; exceptions. No music supervisor, music teacher or any person having charge of any band or orchestra connected with a public school of this state shall permit such band or orchestra to play, perform or furnish music as a school band or orchestra at any function in competition with civilian musicians. Excepted herefrom are functions connected with such public school and functions which shall be of a patriotic nature.

Source: R.S. 18:14-92.1.

18A:42-3. Collection and deposit of savings of pupils. In order to encourage the habit of saving among the pupils in schools, the principal or superintendent of any public school, or any person designated for that purpose by the board of education or other school authority under which the school shall be, may collect once a week, or from time to time, small amounts of savings from the pupils of the school, to be deposited by the principal, superintendent, or designated person promptly upon collection in any financial institution having its principal office in New Jersey, whose accounts or deposits are insured or guaranteed by any corporation created or organized under the laws of the United States, which corporation is an instrumentality of the United States or of any successor corporation having for its purpose the insurance of deposits or accounts.

These moneys shall be placed to the credit of the respective pupils for whom the money has been collected, or if the amount collected at any one time is deemed insufficient for the opening of individual accounts, in

the name of the principal, superintendent, or designated person, in trust, and to be by him eventually transferred to the credit of the respective pupils to whom the same belongs. In the meantime, the principal, superintendent, or designated person shall furnish to the financial institution a list giving the names, signatures, addresses, ages, places of birth, parents' names, and such other data concerning the respective pupils as the financial institution may require.

The words "system of school savings" or "school savings" may be used in circulars, reports, and other printed or written matter used in connection with this section.

Source: R.S. 18:14–90, amended 1953, c. 139.

18A:42–4. Distribution of literature as to candidacy, bond issues, or other public question to be submitted at election; prohibited. No literature which in any manner and in any part thereof promotes, favors or opposes the candidacy of any candidate for election at any annual school election, or the adoption of any bond issue, proposal, or any public question submitted at any general, municipal or school election shall be given to any public school pupil in any public school building or on the grounds thereof for the purpose of having such pupil take the same to his home or distribute it to any person outside of said building or grounds, nor shall any pupil be requested or directed by any official or employee of the public schools to engage in any activity which tends to promote, favor or oppose any such candidacy, bond issue, proposal, or public question. The board of education of each school district shall prescribe necessary rules to carry out the purposes of this section.

Source: C. 18:14–78.1 (1948, c. 228, s. 1, amended 1952, c. 268, s. 2); C. 18:14–78.2 (1948, c. 228, s. 2).

18A:42–5. Certain student organizations declared harmful. Every fraternity, sorority, secret society or organization composed in whole or in part of public school pupils, which seeks to organize and perpetuate itself by taking in members from among the pupils enrolled in such school in which they are students, upon the basis of decision of the membership of such organization, rather than from the free choice of any pupils in such school who are otherwise qualified to fill the special aims of such organization, is hereby declared to be an organization inimical to the good of the school system and to the democratic principles and ideals of public education and to the public good.

Source: R.S. 18:14–110; 18:14–111.

18A:42–6. Organizations forbidden in high schools; rules; exceptions. No such fraternity, sorority, society or organization shall be formed or maintained in any public high school, and the board of education of every school district shall adopt rules providing for the necessary disciplinary measures to enforce this section.

This section shall not apply to any state college.

Source: R.S. 18:14–111.

Chapter 43. ACCIDENT INSURANCE FOR PUPILS.

18A:43-1. Accident insurance for pupils authorized.
18A:43-2. Payment by pupils of proportionate share of premiums.
18A:43-3. No liability imposed on board of education.

18A:43-1. Accident insurance for pupils authorized. The board of education in any school district may arrange for and maintain, and may pay the premiums for policies of accident insurance with any insurance company created by or under the laws of this state or authorized by law to transact business in this state, to provide for payments to pupils of the school district in connection with loss resulting from bodily injury sustained by such pupils through accidental means while participating in, practicing or training for, or during transportation to or from games or contests conducted by the school district, or by any school of the district, or with the consent of the board of education or of the school and under the supervision of an employee of the board of education, and for payments to pupils injured in connection with the conduct of the physical education program of the district.

Source: C. 18:14-105.1 (1947, c. 130, s. 1).

18A:43-2. Payment by pupils of proportionate share of premiums. A board of education maintaining such accident insurance for the benefit of its pupils may require the payment to the board of education by pupils, to whom the benefit of such insurance is extended, of a proportionate share of the premiums or any part thereof. The sums to be paid by the pupils shall be established by a schedule determined by the board of education, but no pupil electing not to participate in the accident insurance coverage, shall be required to make any payment toward the cost of the premiums therefor.

Source: C. 18:14-105.2 (1947, c. 130, s. 2).

18A:43-3. No liability imposed on board of education. The provisions of this chapter shall not be construed to impose any liability on the part of a board of education for injury sustained by a pupil as a result of or in connection with any of the games or contests hereinabove mentioned, or as a result of or in connection with the conduct of the physical education program of the school district or of any school of the district.

Source: C. 18:14-105.3 (1947, c. 130, s. 3).

Part 3. CHILDREN'S BUREAU.

Chapter 43A. CHILDREN'S BUREAU.

18A:43A–1. Children's bureau.
18A:43A–2. Director.
18A:43A–3. Staffing and assignment of personnel.
18A:43A–4. Function.
18A:43A–5. Services that may be provided or administered.
18A:43A–6. Cooperation by other services and civil authorities.
18A:43A–7. Cooperation by county and municipal government.
18A:43A–8. Employee to retain rights.
18A:43A–9. Extension of service to other districts; contract.
18A:43A–10. Empowers previously formed bureaus.

18A:43A–1. Children's bureau. The board of education of any school district including any regional school district, by resolution, may provide for the establishment of a children's bureau for the district.

Source: C. 18:14–115 (1958, c. 166, s. 1).

18A:43A–2. Director. Every children's bureau so established shall be under the immediate supervision of a director to be appointed by the board of education of the district and who shall be a person qualified by training and experience to direct the work of such bureau.

Source: C. 18:14–116 (1958, c. 166, s. 2).

18A:43A–3. Staffing and assignment of personnel. The board of education shall provide for the operation of the bureau, for the payment of its expenses, for the staffing and assignment of personnel to the bureau including provision for the services of a social welfare caseworker or caseworkers and such other professional personnel as may be required by the bureau. Except as provided in section 18A:43A–8, the board may fix the compensation of the employees of the bureau including the director, assign duties and regulate the terms and conditions of all such employments.

Source: C. 18:14–117 (1958, c. 166, s. 3).

18A:43A–4. Function. It shall be the function of any children's bureau so established, to coordinate the various student supervisory and counseling programs of the school district; and to cooperate with, and seek the cooperation of, state, county and municipal authorities and public or private social welfare and recreational agencies to assist in the solution of juvenile problems generally and in providing those services recognized as basic to the team approach in solving problems of individuals in their relations to others and to their environment.

Source: C. 18:14–118 (1958, c. 166, s. 4).

18A:43A–5. Services that may be provided or administered. The bureau may, subject to the approval of the board of education, provide for or administer any or all of the following services:

(a) Take, keep and maintain a census of all children residing in the district pursuant to the provisions of section 18A:11–2;

(b) Supervise and maintain a school attendance service to carry out the provisions of article 3 of chapter 38 of this title, Compulsory Education;

(c) Maintain a register and classification of mentally retarded and handicapped children pursuant to the provisions of chapter 46 of this title;

(d) Supervise the issuance of employment certificates, age certificates and special permits pursuant to the provisions of chapter 153 of the Laws of 1940, the law limiting and regulating child labor;

(e) Establish and maintain group and individual child guidance and counseling programs;

(f) Establish and operate speech and remedial reading clinics and such other clinics as will promote the normal educational development of the children of the district;

(g) Arrange with the respective county and municipal authorities concerned with proper juvenile development and particularly with those concerned with juvenile delinquency for mutual cooperation and assistance including service of the children's bureau as a receiving center for juvenile delinquents;

(h) Carry out, under guidance, the recommendations of mental health and diagnostic centers and clinics and of family psychiatrists and physicians;

(i) Counsel with parent and child;

(j) Cooperate in providing long- or short-term supervision of any child in connection with any of the services authorized by this section;

(k) Assist in the promotion of the normal development of youth and their proper adjustment in society.

Source: C. 18:14–119 (1958, c. 166, s. 5).

18A:43A–6. Cooperation by other services and civil authorities. In connection with any of the functions or services authorized by this chapter, the bureau shall cooperate with and receive the cooperation of, the medical inspector, nurse, psychological examiner or any approved clinic or agency providing psychological or psychiatric services to the district, the teachers, guidance counsellor, attendance officer, and all other personnel of the district as may be of assistance to the bureau in the performance of its authorized functions or services under this chapter. In addition the bureau is authorized to cooperate with and seek the cooperation of state, county and municipal authorities and public or private social welfare and recreational agencies.

Source: C. 18:14–120 (1958, c. 166, s. 6).

18A:43A–7. Cooperation by county and municipal government. The board of chosen freeholders of any county in which the board of education of any district therein has established a children's bureau pursuant to this chapter and the governing body of the municipality or municipalities of which such district is comprised is authorized and empowered to cooperate with and assist any such children's bureau in the performance of any of its

functions or services authorized by this chapter and any such board of chosen freeholders or governing body may authorize the assignment of any county or municipal employee, including members of the municipal police department, subject to the approval of the director of such children's bureau, to serve with such children's bureau and under the direction of the director thereof.

Source: C. 18:14-121 (1958, c. 166, s. 7).

18A:43A-8. Employee to retain rights. Any such county or municipal employee, including members of the municipal police department, so assigned to serve with the children's bureau of a school district shall continue as an employee or member of, and be compensated by, the respective department or division from which he was assigned, and shall retain all his pension, tenure and other rights as an employee or member thereof.

Source: C. 18:14-122 (1958, c. 166, s. 8).

18A:43A-9. Extension of service to other districts; contract. Any board of education, which has established a children's bureau, and the board of education of any other school district may, pursuant to resolutions duly adopted, contract for the extension of the services of such bureau to such other district, upon such terms as may be determined upon between them and in any such case the bureau shall be operated for the benefit of both such school districts, pursuant to such contract.

Source: C. 18:14-123 (1958, c. 166, s. 9).

18A:43A-10. Empowers previously formed bureaus. Any children's bureau heretofore established in any school district and which has been and is performing any of the functions or services authorized by this chapter shall have all the powers conferred upon children's bureaus by this chapter in the same manner as though such bureau was established pursuant to this chapter.

Source: C. 18:14-124 (1958, c. 166, s. 10).

Part 4. SPECIAL SCHOOLS, CLASSES AND FACILITIES.

Chapter 44. NURSERY AND KINDERGARTEN SCHOOLS OR DEPARTMENTS.

18A:44–1. Establishment of nursery schools or departments; eligibility for admission.
18A:44–2. Establishment of kindergarten; eligibility for admission.
18A:44–3. Nursery school and kindergarten school teachers; special certificates.
18A:44–4. Expenses; how paid.

18A:44–1. Establishment of nursery schools or departments; eligibility for admission. The board of education of any district may establish a nursery school or a nursery department in any school under its control, and shall admit to such nursery school or department any child who is under the age at which children are admitted to other schools or classes in such district.

Source: C. 18:15–3.1 (1943, c. 172, s. 1).

18A:44–2. Establishment of kindergarten; eligibility for admission. The board of education of any district may establish a kindergarten school or kindergarten department in any school under its control, and may admit to such kindergarten school or department any child over the age of four and under the age of five and shall admit to such kindergarten school or department any child over the age of five and under the age of six years who is a resident of the district.

Source: R.S. 18:15–1.

18A:44–3. Nursery school and kindergarten school teachers; special certificates. Every teacher in a nursery school or department and every teacher in a kindergarten school or department shall hold an appropriate certificate, which shall be issued by the state board of examiners at the request of the board of education of the district in which such school or department is situate or by the board of examiners of the city in which he is teaching, if there is such a board.

Source: R.S. 18:15–2; C. 18:15–3.2 (1943, c. 172, s. 2).

18A:44–4. Expenses; how paid. The expenses of nursery schools or departments and of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of other schools or departments are paid.

Source: R.S. 18:15–3; C. 18:15–3.3 (1947, c. 172, s. 3).

Chapter 45. SECONDARY SCHOOLS AND JUNIOR HIGH SCHOOLS.

18A:45–1. Establishment of secondary schools and junior high schools.

18A:45–1. Establishment of secondary schools and junior high schools. The board of education of any school district may, with the consent of the state board, establish and organize secondary schools including junior high schools which shall be subject to rules prescribed by the state board and the state board may withhold or withdraw its approval of any such school whenever in its opinion the academic work, location or enrollment and per capita cost of maintenance thereof shall not warrant its establishment or continuance.

Source: R.S. 18:2–4, amended 1945, c. 51, s. 2; 1947, c. 148, s. 1; 1952, c. 236, s. 1; 1953, c. 18, s. 1; 1953, c. 428, s. 8; 1954, c. 81, s. 1; 18:15–4, amended 1947, c. 148. s. 25; 18:15–5, amended 1947, c. 148, s. 26.

Chapter 46. CLASSES AND FACILITIES FOR HANDICAPPED CHILDREN.

Article 1. Definitions.

18A:46-1. Definitions.

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18A:46-23. Transportation of pupils; state aid.

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18A:46-24. Agreements for joint facilities, etc.; approval by commissioner.

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18A:46-26. Powers of jointure commission.
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18A:46-28. Withdrawal or joinder of districts.

Chapter 46. CLASSES AND FACILITIES FOR HANDICAPPED CHILDREN.

Article I. Definitions.

18A:46-1. Definitions. As used in this chapter a handicapped child shall mean and include any child who is mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped.

Source: C. 18:14-71.18 (1954, c. 179, s. 2, amended 1966, c. 29, s. 11).

Article 2. Commissioner's Staff and Advisory Council.

18A:46-2. Special educational services; appointment of professional personnel; advisory council; membership; no compensation. The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this state.

In order to carry out the provisions of this chapter, he shall appoint to his staff persons qualified to administer educational services in the general field of education for handicapped children including each of the following disability groups: (1) mentally retarded, (2) orthopedically handicapped, (3) communication handicapped, (4) visually handicapped, (5) neurologically or perceptually impaired, (6) chronically ill, (7) emotionally disturbed, (8) socially maladjusted, (9) and the auditorily handicapped, and a consultant experienced in child psychiatry, and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as he shall deem necessary and he shall fix their compensation with the approval of the state board.

The commissioner shall appoint biannually an advisory council with the approval of the state board which will consist of not less than seven nor more than 15 members representative of professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations and the implementation of this chapter and the establishment of standards and qualifications for the professional personnel. The council shall serve without remuneration.

Source: C. 18:14-71.36 (1959, c. 104, s. 1, amended 1966, c. 29, s. 19).

Article 3. County Departments of Child Study and Child Study Teams.

18A:46-3. County departments of child study; duty; membership; qualifications; designating chairman. When the results of a survey of handicapped children in any county, in the opinion of the commissioner warrants it, he shall, with the approval of the state board, establish a department of child study which shall be charged with the duty of performing the services required to be performed at the county level under this chapter. He shall appoint for each county department of child study or, with the ap-

proval of the state board, for one or more county departments of child study, a supervisor, whose duties shall include the coordination of the special education services in the county, and he shall appoint, such additional personnel, constituting a child study team as he deems necessary to perform such services for handicapped children.

In addition to the supervisor of child study the members of each child study team shall include personnel qualified to administer, supervise or otherwise perform the special education services required under this chapter.

The county superintendent of the county or the county superintendents of the counties served by one child study team jointly shall, with the approval of the commissioner, designate a member of the child study team to serve as chairman and in event that they cannot agree the chairman shall be designated by the commissioner.

Source: C. 18:14–71.37 (1959, c. 104, s. 2, amended 1966, c. 29, s. 20); R.S. 18:14–112, amended 1954, c. 180, s. 3; 1958, c. 21.

18A:46–4. Terms; salaries; supervisor's expense. The commissioner shall fix the terms of office and compensation of the supervisor and other members of the child study team. Their salaries shall be paid as other state salaries are paid by warrants drawn by the director of the division of budget and accounting on the state treasurer, on orders issued by the commissioner. All claims for expenses of the supervisor, not exceeding in any one year the sum of $750.00 for each county, not more than two, in which he shall serve, shall be paid after being audited by the county superintendent on orders issued by the county superintendent and drawn on the county treasurer.

Source: C. 18:14–71.37 (1959, c. 104, s. 2, amended 1966, c. 29, s. 20); R.S. 18:14–113, amended 1946, c. 88, s. 9; 1956, c. 72; 1966, c. 95, s. 1.

18A:46–5. Functions of child study teams. Each county child study team shall function in consultation with the local boards of education in the county or the local boards of education in the counties served by it in the fields pertaining to:

a. identification and diagnosis of children needing special educational services,

b. development and approval of public school programs for handicapped pupils,

c. supervision and coordination of public school programs for handicapped pupils,

d. reporting and referral of children with handicaps, of such severity as to indicate the necessity of residential placement, medical or psychological treatment, or care, to the appropriate agency for such purpose,

e. social case work and psychological evaluation,

f. remedial instruction,

g. cooperative action with other state and county departments and lay professional organizations, and

h. additional responsibilities as determined by the commissioner with the approval of the state board.

Source: C. 18:14–71.38 (1959, c. 104, s. 3, amended 1966, c. 29, s. 21).

Article 4. Classification of Handicapped Children; Facilities and Programs.

18A:46-6. Ascertainment of handicapped children in districts. Each board of education shall identify and ascertain, according to rules prescribed by the commissioner with the approval of the state board, what children between the ages of five and 20 in the public schools of the district, if any, cannot be properly accommodated through the school facilities usually provided because of handicaps.

Source: C. 18:14-71.2 (1954, c. 178, s. 2); C. 18:14-71.17 (1954, c. 179, s. 1, amended 1966, c. 29, s. 10).

18A:46-7. Reports of handicapped children. Each board of education shall report annually to the county superintendent of schools of the county in which the school district is situate, who shall report to the commissioner, the names of all children who are in special education instructional programs and the names and addresses of their parents or persons having control or custody of them, together with the category into which they have been classified. Included in this report shall be the names and addresses of any known handicapped children who are not attending school. The commissioner shall make the information in the reports available to any state agency charged with the care and restoration of any particular category of handicapped children.

Source: C. 18:14-71.30 (1954, c. 179, s. 14, amended 1966, c. 29, s. 16).

18A:46-8. Classification of handicapped children. Each handicapped child shall be identified, examined and classified according to procedures, prescribed by the commissioner and approved by the state board, under one of the following categories: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiply handicapped.

Source: C. 18:14-71.18 (1954, c. 179, s. 2, amended 1966, c. 29, s. 11).

18A:46-9. Classification of mentally retarded children. Each child classified pursuant to section 18A:46-8 as mentally retarded shall be similarly further identified, examined and classified into one of the following subcategories:

a. Educable mentally retarded children, who are those who may be expected to succeed with a minimum of supervision in homes and schools and community life and are characterized particularly by reasonable expectation that at maturity they will be capable of vocational and social independence in competitive environment;

b. Trainable mentally retarded children, who are so severely retarded that they cannot be classified as educable but are, notwithstanding, potentially capable of self-help, of communicating satisfactorily, or participating in groups, of directing their behavior so as not to be dangerous to themselves or others and of achieving with training some degree of personal independence and social and economic usefulness within sheltered environments;

c. Children who are so mentally retarded as to be neither educable nor trainable.

Source: C. 18:14-71.1 (1954, c. 178, s. 1, amended 1966, c. 29, s. 2).

18A:46-10. Classification according to ability; scope of educational service. Pupils identified as needing special education services to ameliorate or to prevent the development of learning handicaps shall be classified according to their ability to benefit from specified types of educational service, and such educational service shall be conducted according to rules and regulations prescribed by the commissioner, with the approval of the state board, and may include, but need not be limited to:

a. case work with the pupil at home or school,

b. counseling or guidance,

c. remedial instruction,

d. special scheduling of a school program including part-time attendance in special or regular groups,

e. referral to other agencies or institutions for special services,

f. special grouping in school for children whose prognosis is favorable for return to the regular program, and

g. arrangement through the commissioner for direct services through the county department of child study.

Source: C. 18:14-71.40 (1959, c. 104, s. 5, amended 1966, c. 29, s. 22).

18A:46-11. Psychological and other examinations. Each board of education shall separately or jointly with one or more boards of education employ a psychological examiner, who acting jointly with special education personnel approved by the commissioner, shall administer the procedures for diagnosis and classification required in this chapter, or, in lieu of employing a psychological examiner, it or they may contract to use, with or without financial reimbursement, the psychological or other services of any clinic or agency approved by the commissioner.

Source: C. 18:14-71.3 (1954, c. 178, s. 3, amended 1966, c. 29, s. 3); C. 18:14-71.4 (1954, c. 178, s. 4, amended 1966, c. 29, s. 4); C. 18:14-71.20 (1954, c. 179, s. 4).

18A:46-12. Approval of clinics. The commissioner with the approval of the state board and of the state board of control of the department of institutions and agencies, shall prescribe suitable standards for the approval by him of any clinic or agency furnishing services, pursuant to this chapter.

Source: C. 18:14-71.4 (1954, c. 178, s. 4, amended 1966, c. 29, s. 4); C. 18:14-71.21 (1954, c. 179, s. 5).

18A:46-13. Facilities to be furnished. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as handicapped under this chapter except those so mentally retarded as to be neither educable or trainable. The absence or unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

Source: C. 18:14-71.5 (1954, c. 178, s. 5, amended 1966, c. 29, s. 5); C. 18:14-71.22 (1954, c. 179, s. 6, amended 1966, c. 29, s. 12).

18A:46-14. Enumeration of facilities and programs. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

a. a special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;

b. a special class in the public schools of another district in this state or an adjoining state;

c. joint facilities including a class or classes in hospitals, convalescent homes or other institutions to be provided by agreement between one or more school districts;

d. a jointure commission program;

e. a state of New Jersey operated program;

f. instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the handicapped pupil will be best served thereby;

g. sending children capable of benefiting from a day school instructional program to privately operated nonprofit day classes, in New Jersey or an adjoining state, the services of which are nonsectarian whenever in the judgment of the board of education with the consent of the commissioner it is impractical to provide services pursuant to subsections a, b, c, d, e, or f otherwise;

h. individual instruction at home or in school whenever in the judgment of the board of education with the consent of the commissioner it is impracticable to provide a suitable special education program for a child pursuant to subsections a, b, c, d, e, f, or g otherwise.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or an adjoining state and is enrolled in an education program approved under this article, the board of education of the district in which the child is domiciled shall pay the tuition of said child in the special education program upon determination, that it is advisable for the child to be so confined.

The board of education may also furnish: (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this state or in any other state in the United States, (b) suitable approved facilities and programs for children under the age of five.

Source: C. 18:14–71.5 (1954, c. 178, s. 5, amended 1966, c. 29, s. 5); C. 18:14–71.23 (1954, c. 179, s. 7, amended 1966, c. 29, s. 13).

18A:46–15. Facilities and programs; approval by commissioner. The commissioner with the consent of the state board shall, according to the rules and regulations prescribed by him and approved by the state board, approve all special facilities and education programs which meet the requirements of this chapter. He shall from time to time, by the use of available members of his staff, by the publication of bulletins, and by any other means available to him assist boards of education in formulating programs required under this chapter.

Source: C. 18:14–71.6 (1954, c. 178, s. 6, amended 1966, c. 29, s. 6); C. 18:14–71.11 (1954, c. 178, s. 11); C. 18:14–71.24 (1954, c. 179, s. 8, amended 1966, c. 29, s. 14); C. 18:14–71.29 (1954, c. 179, s. 13).

18A:46–16. Exclusion of pupils pending examination and classification. A pupil may be refused admission to, or be excluded temporarily from, the schools of any district for a reasonable time pending his examination and classification pursuant to this chapter.

Source: C. 18:14–71.12 (1954, c. 178, s. 12, amended 1966, c. 29, s. 8); C. 18:14–71.33 (1954, c. 179, s. 17).

18A:46–17. Exclusion of untrainable mentally retarded children. The superintendent of schools, or the principal of a school in a district where there is no superintendent, may, upon the advice of the psychological examiner or examiners administering classification procedures required by this chapter, refuse to admit, or, having admitted, exclude, any child whose mental retardation is so severe that he has been diagnosed and classified as not trainable under this chapter.

Any child so refused admission or excluded shall be reexamined, upon the request of the parent or other person having custody and control of the child, after a period of one year shall have elapsed from the date of the last previous examination.

Source: C. 18:14–71.12 (1954, c. 178, s. 12, amended 1966, c. 29, s. 8).

18A:46–18. Reporting names of children excluded. The superintendent of schools or the principal of each school, as the case may be, shall forthwith report to the secretary of the board of education of the district the names of all children who have been refused admission or have been excluded under this chapter, and the names and addresses of their parents or persons having custody and control of them. Such refusal of admission or exclusion shall continue unless and until set aside by action of the board of education or lifted as a result of a reexamination. The superintendent or principal, as the case may be, shall report the names of any other mentally retarded children in the district known to him who are not in a private school or in a residential institution and who are considered to be uneducable or untrainable.

The secretary of the board of education, after the meeting of the board next following the meeting at which the names of the children not admitted or excluded are reported, shall report the names and addresses to the county superintendent of schools of the county in which the district is situate. The county superintendent shall furnish a list of such names and addresses to the commissioner, who shall, in turn, transmit copies of all such lists to the commissioner of institutions and agencies. Such list shall not be made public, but shall be open to the inspection of such public and private agencies, only, as have a legitimate interest in it and then only to the extent so necessary; nor, shall the presence of any such name on such list necessarily constitute eligibility for admission to any of the institutions under the control of the department of institutions and agencies.

Source: C. 18:14–71.13 (1954, c. 178, s. 13).

18A:46–19. Additional reports. The commissioner may require at such time, and in the manner and on forms prescribed by him, such educational, financial and statistical reports as he may deem necessary to carry out the purpose of this chapter.

Source: C. 18:14–71.15 (1954, c. 178, s. 15); C. 18:14–71.32 (1954, c. 179, s. 16); C. 18:14–71.45 (1959, c. 104, s. 10).

Article 5. Sending and Receiving Districts and Schools.

18A:46–20. Receiving from outside of district. The commissioner may, in his discretion, with the approval of the state board, require any board of education, having the necessary facilities to provide the services required

to be provided by this chapter, to receive pupils requiring such services from other districts.

Source: C. 18:14–71.8 (1954, c. 178, s. 8); C. 18:14–71.26 (1954, c. 179, s. 10); C. 18:14–71.41 (1959, c. 104, s. 6).

18A:46–21. Tuition. Any board of education, jointure commission, state operated facility or private school which receives pupils from a sending district under this chapter shall determine a tuition rate to be paid by the sending board of education, but in no case shall the tuition rate in a non-public school exceed the maximum day class cost of education per pupil of children in similar special education classes in New Jersey public schools as determined according to a formula prescribed by the commissioner with the approval of the state board.

Source: C. 18:17–71.7 (1954, c. 178, s. 7, amended 1966, c. 29, s. 7); C. 18:17–71.25 (1954, c. 179, s. 9, amended 1966, c. 29, s. 15).

18A:46–22. Withdrawal of pupils by sending districts. Any board of education which has entered or hereafter shall enter its handicapped pupils in the schools of a receiving district may not withdraw such pupils for the purpose of entering them in the schools of another district unless good and sufficient reason exists for such a change and unless an application therefor is made and approved by the commissioner. Either the receiving or sending board of education, if dissatisfied with the determination of the commissioner on any such application, may appeal to the state board, and, in its discretion, that body may affirm, reverse, or modify his determination.

Source: C. 18:14–71.9 (1954, c. 178, s. 9); C. 18:14–71.27 (1954, c. 179, s. 11); C. 18:14–71.43 (1959, c. 104, s. 8).

Article 6. Transportation of Pupils.

18A:46–23. Transportation of pupils; state aid. The board of education shall furnish daily transportation within the state to all children found under this chapter to be handicapped who shall qualify therefor pursuant to law and it shall furnish such transportation for a lesser distance also to any handicapped child, if it finds upon the advice of the examiner, his handicap to be such as to make such transportation necessary or advisable.

The school district shall be entitled to state aid for such daily transportation in the amount of 75% of the cost to the district of furnishing such transportation to a program approved under this chapter in New Jersey when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situated.

Source: C. 18:14–71.14 (1954, c. 178, s. 14, amended 1966, c. 29, s. 9); C. 18:14–71.31 (1954, c. 179, s. 15, amended 1966, c. 29, s. 17).

Article 7. Joint Facilities.

18A:46–24. Agreements for joint facilities, etc.; approval by commissioner. Any two or more districts may provide for facilities, examinations or transportation under this chapter under the terms of an agreement adopted by resolutions of each of the boards of education concerned setting forth the essential information concerning the facilities, examination or

transportation to be provided, the method of apportioning the cost among the districts and of computing the proportion of the state aid to which each district shall be entitled, and any other matters deemed necessary to carry out the purpose of the agreement. No such agreements shall become effective until approved by the commissioner.

Source: C. 18:14–71.10 (1954, c. 178, s. 10); C. 18:14–71.28 (1954, c. 179, s. 12).

18A:46–25. Jointure commissions for education and training under this chapter. When two or more boards of education determine to carry out jointly by agreement the duties imposed upon them in regard to the education and training of handicapped pupils the said boards may, in accordance with rules and regulations of the state board, and with the approval of the commissioner by the adoption of similar resolutions establish a jointure commission for the purpose of providing such services. Said commission shall, in accordance with rules of the state board, be composed of representatives of the respective boards of education, and shall organize by the election of a president and vice president.

Source: C. 18:14–71.35a (1962, c. 232, s. 1, amended 1966, c. 29, s. 18).

18A:46–26. Powers of jointure commission. The commission may, in accordance with rules of the state board:

a. Provide and maintain the necessary facilities by acquiring land, building, enlarging, repairing, furnishing, leasing or renting;

b. Take such action as may be necessary for the lawful and proper conduct of the educational program for such children as are referred to the commission by boards of education which are members of the commission;

c. Employ necessary principals, teachers and other officers and employees, who shall have the same rights and privileges as those who are similarly employed by local boards of education;

d. Accept pupils from other school districts and fix the tuition rates therefor;

e. Apportion among the contracting districts the amounts of the capital and current operating costs of the program so undertaken.

Within the limited responsibilities of this chapter and except as otherwise provided, the commission shall have and may exercise all the powers of a board of education in carrying out the purpose of this chapter.

Source: C. 18:14–71.35b (1962, c. 232, s. 2); C. 18:41–71.35c (1962, c. 232, s. 3).

18A:46–27. Duties of jointure commission. Each contracting board shall, in accordance with rules adopted by the state board:

a. Proceed to raise the amounts apportioned by the commission, in the same manner as other school funds for capital and current expense purposes are raised;

b. Pay to the commission such amounts as are apportioned by the commission;

c. Be responsible for the classification of children within the district and making referral to the commission;

d. Provide required transportation for pupils to and from school, referred to the commission.

Source: C. 18:14–71.35d (1962, c. 232, s. 4).

18A:46-28. Withdrawal or joinder of districts. In accordance with rules of the state board:

a. A contracting district may withdraw from the commission;

b. An additional district may become a contracting district for the commission.

Source: C. 18:14-71.35e (1962, c. 232, s. 5).

Chapter 47. SCHOOLS FOR DEPENDENT AND DELINQUENT CHILDREN.

18A:47-1. Establishment; purposes.
18A:47-2. Location of school outside of district.
18A:47-3. Approval by state board of establishment and location.
18A:47-4. Pupils to be admitted; court order.
18A:47-5. Commitment to school in another district.
18A:47-6. Character of training.
18A:47-7. Rules; courses of study.
18A:47-8. Contribution by parents toward the support of delinquents.
18A:47-9. Use of moneys available for current expenses.
18A:47-10. Funds for building and equipment.
18A:47-11. Annual report to state board.
18A:47-12. Reports by superintendent.
18A:47-13. Construction of chapter.

18A:47-1. Establishment; purposes. The board of education of a school district may establish and maintain a special school of instruction for the purpose of restraining, instructing, and caring for dependent and delinquent children under 16 years of age, committed to the school by any juvenile and domestic relations court or any court having jurisdiction over juvenile offenders. Such special school shall be deemed to be a part of the public school system of the school district in or by which it has been established.

Source: R.S. 18:15-81, amended 1953, c. 18, s. 27.

18A:47-2. Location of school outside of district. If, in the judgment of the board of education, it will best serve the purposes of such special school, the board may purchase land and locate the school outside the school district.

Source: R.S. 18:15-82.

18A:47-3. Approval by state board of establishment and location. Such special school of instruction shall not be established, nor its location determined without the approval of the state board.

Source: R.S. 18:15-83.

18A:47-4. Pupils to be admitted; court order. Such special school shall receive, restrain, and instruct dependent delinquent children, and children under the age of 16 years, who shall be habitual truants, or habitually insubordinate, incorrigible, or disorderly during their attendance at schools, committed to such school by a juvenile and domestic relations or other court.

If in the judgment of the court the best interests of a child demand that the special school have the entire charge and control of the child, the court may take the custody of the child from its parents or guardian and give it, for an indeterminate period, to the board of education having control of the special school. When in the judgment of the board the

conduct of the child has so improved that it should be permitted to attend the regular public schools, it may return the child to the custody of its parents or guardian.

Any child, under the age of 16 years, arrested for any cause except murder or manslaughter, and pupils habitually truant or incorrigible, may, by order of the juvenile and domestic relations or other court, be held in the school until final judgment.

Source: R.S. 18:15–84, amended 1953, c. 18, s. 28.

18A:47–5. Commitment to school in another district. Children who are dependent and delinquent, or who are habitually truant or incorrigible, or who shall be found by the court to require special instruction, and who reside in a school district in which there is no such special school of instruction may be committed to such a special school of instruction maintained in another district. The board of education of the receiving district shall be entitled to collect and receive from the board of education of the sending district such sum for the tuition and maintenance of such children as the boards shall agree to, but not in excess of the actual cost per pupil as determined according to rules of the commissioner approved by the state board. The board of education of the sending district shall issue an order, payable from any funds available for current expenses, for such sum in favor of the custodian of school moneys of the school district maintaining the school to which the child shall have been committed.

Source: R.S. 18:15–85.

18A:47–6. Character of training. Each such special school of instruction shall be conducted for the well-being and safe custody of children committed to it, and for their training and education for good citizenship and self-support. There shall be ample ground for farming and gardening, and shops and other means for industrial training shall be provided. The school shall, as far as possible, be conducted as a home. There shall be a superintendent and the teachers and other employees necessary for the proper conduct of the school. The superintendent shall reside in the school. Teachers in such school shall be required to hold such certificates to teach as are required of teachers in the public schools.

Source: R.S. 18:15–86.

18A:47–7. Rules; courses of study. Rules for the government and management of each such special school of instruction, and the course or courses of study to be pursued therein shall be prescribed by the board of education of the school district in which the school is established. The rules and courses of study, and any change therein, shall be submitted to the state board for approval.

Source: R.S. 18:15–87.

18A:47–8. Contribution by parents toward the support of delinquents. Whenever a person is committed to such a special school the judge making the adjudication shall inquire into the family conditions and circumstances surrounding the delinquent. If in his opinion the parents of the delinquent are of sufficient ability to maintain him, the judge may include in the order of commitment an order requiring them to pay to the board of education of the district such sum toward the support, maintenance, and

clothing of the delinquent, as in the discretion of the judge may be proper. The order for payment may be enforced by attachment as for a contempt of the court.

Source: R.S. 18:15-88.

18A:47-9. Use of moneys available for current expenses. Any money available for the current expenses of the public schools in a district in which such a special school of instruction has been established may be used for the current expenses of the school.

Source: R.S. 18:15-89.

18A:47-10. Funds for building and equipment. Moneys for the purchase of land, the erection of buildings, the enlarging or repairing of buildings, and the purchase of furniture and other necessary equipment for such special schools of instruction, shall be appropriated in the same manner as moneys are appropriated for the erection and furnishing of schoolhouses.

Source: R.S. 18:15-90.

18A:47-11. Annual report to state board. At the end of each school year a special report for each special school of instruction shall be made to the state board in the manner and form prescribed by it.

Source: R.S. 18:15-91.

18A:47-12. Reports by superintendent. The superintendent of a special school of instruction shall, when required, present to the juvenile and domestic relations or other court a report concerning the conduct and maintenance of the school and the number of pupils therein and such other information as the court shall require.

Source: R.S. 18:15-92, amended 1953, c. 18, s. 29.

18A:47-13. Construction of chapter. Nothing in this chapter shall be construed to alter or diminish any of the powers conferred on juvenile and domestic relations courts by any other legislation.

Source: R.S. 18:15-93.

Chapter 48. PUBLIC EVENING SCHOOLS.

18A:48–1. Establishment; number and duration of sessions.
18A:48–2. Expenses; how paid.

18A:48–1. Establishment; number and duration of sessions. The board of education of any school district may establish and maintain public evening schools for the instruction of persons over 12 years of age who are residents of the district. Unless such evening schools are maintained for at least 64 evening sessions of at least two hours each in each year and at least three evening sessions each week, the foundation program for such district determined for the purpose of calculating the amount of state school aid payable to such district for the ensuing year shall be determined without including therein any sum for evening school pupils of the district.

Source: R.S. 18:15-94, amended 1947, c. 148, s. 28.

18A:48–2. Expenses; how paid. The expenses of such evening schools shall be paid out of money available for the current expenses of the schools, in the same manner and under the same restrictions as the expenses of day schools are paid.

Source: R.S. 18:15-95.

Chapter 49. EVENING SCHOOLS FOR FOREIGN-BORN RESIDENTS.

18A:49–1. Establishment; courses of study.
18A:49–2. Rules; teachers.
18A:49–3. State aid.
18A:49–4. Apportionment of appropriations.
18A:49–5. Custody of moneys.
18A:49–6. Report to commissioner.
18A:49–7. Appointment of persons to assist state board.
18A:49–8. Payment of expenses.

18A:49–1. Establishment; courses of study. The board of education of any school district may establish and maintain a public evening school or evening schools for the instruction of foreign-born residents of the district over 14 years of age, in the English language and in the form of government and the laws of this state and of the United States. The course of study in each of such schools and any changes therein shall be submitted to and approved by the state board.

Source: R.S. 18:15–96.

18A:49–2. Rules; teachers. The state board shall prescribe rules for the proper control and management of such schools, for the inspection thereof, for the issuance of certificates to teach therein, and for carrying into effect the purposes of this chapter. Every teacher employed in such a school shall hold a special teacher's certificate.

Source: R.S. 18:15–97.

18A:49–3. State aid. When in any school district there shall have been raised for such purposes, by appropriation and taxation, or by subscription, or both, a sum which in the judgment of the state board shall be sufficient for the maintenance in the district of such an evening school or schools, wherein the course of study or any changes therein shall have been approved by the state board, there shall be paid to the custodian of school moneys of the district toward the maintenance of such evening school or schools, on the order of the commissioner, an amount equal to that so raised, but not exceeding the sum of $5,000.00 in any one year. The amount shall be paid by the state treasurer on the warrant of the director of the division of budget and accounting.

Source: R.S. 18:15–98.

18A:49–4. Apportionment of appropriations. Whenever the amount of money appropriated by the state for such evening schools in any year is less than the amount legally applied for by the school districts, there shall be paid to each district its proportionate share of the amount applied for, based on the ratio of the amount of the appropriation for that year to the total amount applied for.

Source: R.S. 18:15–99.

18A:49–5. Custody of moneys. The custodian of school moneys of the school district shall be the legal custodian of all funds appropriated,

raised, or subscribed for the maintenance of such evening schools. He shall keep a separate and distinct account thereof, and shall disburse the moneys on orders signed by the president and secretary of the board of education.

Source: R.S. 18:15-100.

18A:49-6. Report to commissioner. The board of education of any school district receiving state aid for the purpose mentioned in this chapter shall annually, on or before August 1, make a special report to the commissioner in the manner and form prescribed by him.

Source: R.S. 18:15-101.

18A:49-7. Appointment of persons to assist state board. The state board may, from time to time, appoint suitable persons to assist in carrying out the provisions of this chapter and to encourage the establishment of such evening schools. The persons so appointed shall receive no compensation for their services, but shall be paid the necessary expenses incurred by them under the provisions of this chapter.

Source: R.S. 18:15-102.

18A:49-8. Payment of expenses. The expenses incurred in carrying out the provisions of this chapter shall be paid by the state treasurer on the warrant of the director of the division of budget and accounting. No expense shall be incurred nor payment made for any of the purposes named in this chapter until an appropriation therefor shall have been made.

Source: R.S. 18:15-103.

Chapter 50. ADULT EDUCATION.

18A:50–1. Maintenance of program.
18A:50–2. Tuition.
18A:50–3. Appointment of federal funds and state moneys for adult education.
18A:50–4. Donation and tuition fees; disposition.
18A:50–5. Custodian of moneys; accounting and disbursement.
18A:50–6. Surplus of moneys; disposition.
18A:50–7. Districts employing supervisors of adult education; apportionment of funds for.
18A:50–8. Joint adult education programs; agreement, etc.
18A:50–9. Supervisors of adult education; designation of employer.
18A:50–10. Rules and regulations by state board.
18A:50–11. Appropriations; estimating and budgeting.

18A:50–1. Maintenance of program. The board of education of any school district may maintain a program of adult education and utilize buildings, equipment, and other school facilities of the district for such purpose. The board shall determine the courses, which are to be offered, subject to the approval of the commissioner, with the consent of the state board.

Source: C. 18:15–109 (1938, c. 307, s. 1).

18A:50–2. Tuition. The board of education of any district offering adult education courses shall be entitled to charge and collect from persons taking such courses, whether residing within or without the district, for tuition a sum not exceeding the actual cost per pupil as determined according to rules prescribed by the commissioner and approved by the state board.

Source: C. 18:15–110 (1938, c. 307, s. 2).

18A:50–3. Apportionment of federal funds and state moneys for adult education. Moneys allotted to this state by the federal government which are to be devoted to the object set forth in this chapter, together with moneys and apportionments made available under this chapter, shall be apportioned by the commissioner under rules approved by the state board.

Source: C. 18:15–111 (1938, c. 307, s. 3).

18A:50–4. Donation and tuition fees; disposition. All income derived from donations and from tuition fees charged for furnishing adult education courses shall be applied by the board of education receiving the same exclusively for carrying out a program of adult education.

Source: C. 18:15–112 (1950, c. 81, s. 1).

18A:50–5. Custodian of moneys; accounting and disbursement. The custodian of school moneys of each school district shall be the legal custodian of all funds allocated by the board of education and received from tuition fees or from any other source for the purpose of carrying

out a program of adult education. He shall keep a separate account thereof and shall disburse the moneys on orders signed by the president and secretary of the board of education.

Source: C. 18:15-113 (1950, c. 81, s. 2).

18A:50-6. Surplus of moneys; disposition. Any surplus arising from the excess of receipts from donations, tuition fees or from any source other than local taxation over the actual cost of the maintenance and operation of the adult education program in any school year shall not lapse into the general current expense balance of the district, but shall remain in the separate account to be utilized exclusively for carrying out a program of adult education during the next ensuing school year. In the event that the adult education program in any district shall be discontinued for two consecutive school years, any funds remaining in the separate account shall lapse into the general current expense account of the district.

Source: C. 18:15-114 (1950, c. 81, s. 3).

18A:50-7. Districts employing supervisors of adult education; apportionment of funds for. There shall be apportioned and paid by the state annually to each school district employing a supervisor of adult education an amount equal to two thirds of the supervisor's annual salary; provided that in no case shall payment by the state exceed $12,000.00. In the case of districts employing a part-time supervisor, the salary of such supervisor shall be proportionate to the ratio such part-time employment bears to full-time employment, such applicable ratio to be established in each instance by the commissioner.

Source: C. 18:15-116 (1964, c. 219, s. 1).

18A:50-8. Joint adult education programs; agreement, etc. The boards of education of two or more school districts may provide jointly by agreement for maintaining a program of adult education and utilizing buildings, equipment and other school facilities of the participating boards for such purposes. Such agreement shall be adopted by resolution of each of the participating boards of education and shall set forth the courses which are to be offered, subject to the approval of the department; the tuition, if any, to be charged to residents of the participating districts and to persons received from other districts; provided that such tuition shall not exceed the actual cost per pupil; the personnel to be employed to administer the program; and other matters deemed necessary to carry out the purposes of the agreement.

Source: C. 18:15-117 (1964, c. 219, s. 2).

18A:50-9. Supervisors of adult education; designation of employer. Where two or more boards of education have provided jointly by agreement for the employment of a supervisor of adult education to serve the participating districts, the agreement shall designate the board of education of one of such districts as the employer and the one to receive the state aid herein provided. Such aid shall be calculated and paid in the manner provided in section 18A:50-7.

Source: C. 18:15-118 (1964, c. 219, s. 3).

18A:50-10. Rules and regulations by state board. The state board shall prescribe rules and regulations for the proper control and manage-

ment of the office and activities of the supervisor of adult education, for the certification of persons to hold such position, for saving from harm those supervisors and directors employed on July 1, 1964, and for encouraging a close working relationship between the office of the supervisor of adult education, the public adult education program and the adult education program sponsored by other community agencies, with particular attention to adult retraining programs and their related federal programs.

Source: C. 18:15-119 (1964, c. 219, s. 4).

18A:50-11. Appropriations; estimating and budgeting. On or before November 15 of each year, the commissioner shall estimate the amount necessary to be appropriated to carry out the provisions of this chapter for the succeeding school year, and shall determine for budget purposes the amounts estimated so to be payable to each of the districts for such succeeding school year.

On or before September 15 of the succeeding school year, the commissioner shall make his final determination of the payments to be made under this chapter for said school year. The sums so payable shall be paid to the districts at the same time and in the manner as other state aid under section 18A:58-15.

If such payments to any district should exceed the amount to which such district is entitled under section 18A:50-7, such excess shall be deducted by the commissioner from succeeding state aid payments to said district.

Source: C. 18:15-120 (1964, c. 219, s. 5).

Chapter 51. AUDIOVISUAL EDUCATION AIDS.

Article 1. IN GENERAL.

18A:51-1. County educational audiovisual aids centers authorized.
18A:51-2. County educational audiovisual aids commission.
18A:51-3. Appointed members of commission.
18A:51-4. Election of members of commission; terms; vacancies.
18A:51-5. Organization of commission; officers; rules and bonds.
18A:51-6. Powers and duties of commission.
18A:51-7. Assessments for maintenance of audiovisual aids center.
18A:51-8. Budget procedure.
18A:51-9. Statement to be forwarded to commissioner; state aid to audiovisual aids centers.
18A:51-10. Unexpended funds; disposition.
18A:51-11. Single county educational audiovisual aids center in county.
18A:51-12. Withdrawal of districts from, and dissolution of, audiovisual aids center.

Article 2. Television Educational Aids.

18A:51-13. Contracting for television educational services.
18A:51-14. Participation in noncommercial educational television stations.
18A:51-15. Calculation of resident enrollment.
18A:51-16. Approval of program or contract by commissioner requisite.
18A:51-17. Termination of participation.

Article 1. In General.

18A:51-1. County educational audiovisual aids centers authorized. The boards of education of two or more school districts in any county may by resolution adopted by a majority vote of all of the members of each such board, determine to establish a "county educational audiovisual aids center".

Source: C. 18:12A-1 (1950, c. 228, s. 1).

18A:51-2. County educational audiovisual aids commission. The supervision, management and control of such center shall be vested in a county educational audiovisual aids commission which shall consist of seven members who shall serve without compensation. Three members of the commission, who shall be known as members of the first class, shall be chosen from the membership of the boards of education of the participating school districts, three members of the commission, who shall be known as members of the second class, shall be chosen from the membership of the professional staffs of said boards of education whose offices, positions or employments are such as to require them to hold appropriate certificates in full force and effect in this state, and one member of the commission, who shall be known as the librarian member, shall be the county librarian if there be a county library in the county, who shall hold

office ex officio, and if there be no county library in the county, then such member shall be chosen from among the librarians of the libraries in the county supported in whole or in part by public funds.

Source: C. 18:12A-2 (1950, c. 228, s. 2).

18A:51-3. Appointed members of commission. The first members of the commission shall be appointed forthwith by the county superintendent of the county upon notification that it has been determined to establish such a center and they shall serve until June 30 next ensuing.

Source: C. 18:12A-3 (1950, c. 228, s. 3).

18A:51-4. Election of members of commission; terms; vacancies. On or before said June 30 and annually thereafter, the county superintendent shall call a meeting of all of the members of the boards of education of the participating school districts for the election of permanent members of the commission. At such first meeting one member of the first class and one member of the second class, shall be elected for terms of one year, two years and three years, each, beginning on July 1 next succeeding, and if there be no county library in the county, the librarian member shall be elected for a term of one year. At each subsequent meeting one member of each class shall be elected to serve for a term of three years and a librarian member to serve for one year shall be elected, also, if there be no county library in the county. In all cases the vote of the majority of the members of the boards of education of the participating school districts present and voting shall be necessary for election. Vacancies in the commission shall be filled by the remaining members of the commission according to the qualifications hereinbefore provided for original appointments and they shall serve for the unexpired terms only.

Source: C. 18:12A-4 (1950, c. 228, s. 4).

18A:51-5. Organization of commission; officers; rules and bonds. Each county educational audiovisual aids commission shall organize by the election of a chairman and a vice chairman from its own membership and shall adopt rules for the establishment and maintenance of said center. The county superintendent shall serve as secretary of the commission, and the county treasurer of the county shall serve as custodian of all moneys and funds of the commission from whatever source derived, without compensation. The county treasurer as such custodian shall keep said moneys and funds in a separate and distinct account and shall disburse the same on orders signed by the chairman and secretary of the commission. Before entering upon his duties as such custodian he shall be required to give additional bond or to renew his bond as county treasurer, in such manner as to cover and secure the faithful performance of his duties as such custodian and any additional premium shall be paid by the commission.

Source: C. 18:12A-5 (1950, c. 228, s. 5).

18A:51-6. Powers and duties of commission. The commission shall provide, maintain and furnish educational audiovisual aids to the public schools of the participating school districts and shall provide such facilities, and may incur such expenses as it may deem necessary for said purpose, but shall not make expenditures or commitments in any year in excess of the funds available for that year.

Source: C. 18:12A-6 (1950, c. 228, s. 6).

18A:51-7. Assessments for maintenance of audiovisual aids center. The commission shall assess against the participating school districts a sum which, together with any anticipated state aid and private donations, shall be required for the establishment and maintenance of the county educational audiovisual aids center during the first year and for the maintenance and operation of the same, during each year thereafter, which total annual assessment shall not exceed $0.60 per pupil in resident enrollment in the participating school districts and shall be apportioned among the participating school districts in the proportion which the resident enrollment of the pupils of each such district shall bear to the total resident enrollment of the pupils of all of the participating school districts. Said resident enrollment shall be calculated and determined upon the basis of the current school year in the same manner as the same was calculated and determined by the commissioner, for apportionment of current expense state aid for schools among the participating school districts.

Source: C. 18:12A-7 (1950, c. 228, s. 7, amended 1956, c. 64; 1960, c. 68).

18A:51-8. Budget procedure. On or before September 30 of each year the commission shall prepare a tentative budget of the sums required by said commission in carrying on its activities for the ensuing year so itemized as to make it readily understandable, together with a statement of the amount to be assessed against each participating school district for such year, and shall deliver the same to the board of education of each of the participating school districts before the date of the October meeting of such board. The board of education of each participating school district shall consider such tentative budget at its October meeting and shall return the same forthwith to the commission with its endorsement or suggestions for change, if any, and after all such boards of education shall have so returned the same, the commission shall adopt its budget for the ensuing year and notify the board of education of each participating school district, on or before the November meeting thereof if practicable and otherwise as soon thereafter as possible, of the total amount of the budget and the amount to be assessed against such school district for said year and each such board of education shall include the amount so assessed against it in the item "current expenses of schools" in the budget adopted or submitted for adoption by it for the ensuing year and the same shall be paid to the custodian of moneys of the commission as required and requisitioned by him. If during the first year of the establishment of any such commission it shall be impossible to carry out the budgetary provisions hereinbefore provided, the commission shall certify to the boards of education of the participating school districts the amounts of said assessments as soon as practicable after the establishment of the commission and said boards of education shall pay said assessments from available current expense funds.

Source: C. 18:12A-8 (1950, c. 228, s. 8).

18A:51-9. Statement to be forwarded to commissioner; state aid to audiovisual aids centers. Each county educational audiovisual aids commission shall forward to the commissioner, on or before September 1 of each year, a statement of its organization and its proposed program of operation for the next ensuing school year, together with an estimate of

the amount of state aid, calculated as hereinafter provided, to which it will be entitled for that school year and it shall certify, on or before the next June 30, the amount raised by assessments and private donations for the purposes of such audiovisual center for the said school year and if the amount so raised by assessments or private donations or both for any one school year, for the establishment and maintenance or for the maintenance of such aids center shall be not less than the sum of $500.00, and if the commissioner shall approve such organization and program he shall thereupon certify to the director of budget and accounting in the department of the treasury that there shall be paid to the custodian of moneys of the commission an amount equal to the amount so raised by assessments and private donations out of any funds appropriated by law for said purposes, which amount shall be paid on the warrant of said director drawn on the state treasurer in favor of the custodian of moneys of the commission except that the amount so to be paid by the state to any such commission shall not exceed the sum of $2,500.00 in any one year nor shall it exceed the sum expended by the commission for educational audiovisual aids purchased by it in any year after the first five annual payments have been made. If the sum appropriated by the state for state aid to county educational audiovisual centers in any one year shall be less than the total amounts so certified by the commissioner, each commission shall be entitled to be paid its proportionate share of the total amount so appropriated.

Source: C. 18:12A–9 (1950, c. 228, s. 9, amended 1952, c. 115).

18A:51–10. Unexpended funds; disposition. Any unexpended balance of the moneys or funds in the hands of the custodian of moneys of any such commission at the end of any school year shall be available for expenditure by the commission in the succeeding year or years but it shall not be included in any report of the amount raised as the basis for the calculation of state aid for any succeeding year.

Source: C. 18:12A–11 (1950, c. 228, s. 11).

18A:51–11. Single county educational audiovisual aids center in county. Not more than one county educational audiovisual aids center shall be established in any one county and if any board of education of any school district within the county shall, subsequent to the establishment of a county educational audiovisual aids center within the county, determine, by resolution adopted by a recorded roll call majority vote of its full membership to apply for membership therein and shall give notice thereof to the secretary of the commission, such board of education shall be admitted to membership therein beginning on the first day of the month next following and thereafter shall be subject to the provisions of this chapter in the same manner as though it had been one of the original participating school districts therein.

Source: C. 18:12A–12 (1950, c. 228, s. 12).

18A:51–12. Withdrawal of districts from, and dissolution of, audiovisual aids center. Any board of education of any participating school district may withdraw as a participating district pursuant to resolution duly adopted by said board and notice of intention to withdraw given to the secretary of the commission on or before August 1 in any year and in

event that all participating boards of education, or all of said participating boards of education except one, shall determine to withdraw from any such county educational audiovisual center, the same shall be dissolved and the property of such center shall be disposed of at a public or private sale and one half of the amount realized therefrom, together with one half of any unexpended balances remaining in the treasury of such center, shall be paid to the state treasurer to be devoted to the maintenance and support of the public schools and the remainder thereof shall be apportioned among the board of education participating in said center at the time of its dissolution on the basis of the total average daily enrollment of the pupils of said district ascertained as hereinbefore provided.

Source: C. 18:12A–13 (1950, c. 228, s. 13).

Article 2. Television Educational Aids.

18A:51–13. Contracting for television educational services. Every board is hereby authorized to make use of television as an educational aid by contracting for the services of any noncommercial, nonprofit educational television station located within or without the state but such contract shall not require the board to incur expenses in any one year period in excess of an amount equal to $2.00 per pupil in resident enrollment in the district.

Source: C. 18:5–104 (1962, c. 225, s. 1).

18A:51–14. Participation in noncommercial educational television stations. Every board, in addition to the powers set forth in section 18A:51–13 and subject to the rules and regulations of the state board, may participate in the organization and operation of a noncommercial, nonprofit, educational television station in this state and utilize the services therefrom, and in order to effectuate such purpose, every board is authorized:

(1) To enter into any contractual arrangement agreeable to the board with any other public or private agencies or organizations, including membership in a noncommercial, nonprofit corporation or association duly organized under the laws of this state to operate such a station;

(2) To designate one or more representatives to the board of trustees of such corporation or association, and otherwise to participate in its affairs in compliance with the charter and bylaws of such organization;

(3) To procure for the public schools under the board's jurisdiction the services of such a station, by subscription or otherwise; and

(4) To incur such expenses as the board may deem advisable for such purposes, by way of dues, subscription charges, assessments, capital contributions and otherwise, but in amounts not exceeding in any one year $2.00 per pupil in resident enrollment in the district.

Source: C. 18:5–105 (1962, c. 225, s. 2).

18A:51–15. Calculation of resident enrollment. The resident enrollment shall be calculated and determined upon the basis of the current school year in the same manner as the same was calculated and determined by the commissioner for the apportionment of current expenses state aid for schools among the participating school districts.

Source: C. 18:5–106 (1962, c. 225, s. 3).

18A:51-16. Approval of program or contract by commissioner requisite. Anything herein to the contrary notwithstanding, no board of education shall participate in any educational television program or enter into any contract which may be disapproved by the commissioner as being incompatible with the policies, rules or regulations established by the state board governing public instruction in this state.

Source: C. 18:5-107 (1962, c. 225, s. 4).

18A:51-17. Termination of participation. Any board which has become a participant in any educational television organization may terminate its participation therein at the end of any school year by giving to such organization not less than 30 days' written notice of the board's withdrawal therefrom.

Source: C. 18:5-108 (1962, c. 225, s. 5).

Chapter 52. LECTURES FOR WORKING PEOPLE.

18A:52-1. Furnishing by boards of education.
18A:52-2. Books and other equipment provided.
18A:52-3. Admission free; number and frequency of lectures.

18A:52-1. Furnishing by boards of education. The boards of education in municipalities containing a population of over 10,000 may provide for the employment of lecturers on the natural sciences and kindred subjects in the public schools in any such municipality, in the evenings, for the benefit of workingmen and workingwomen.

Source: R.S. 18:15-106.

18A:52-2. Books and other equipment provided. Such boards may purchase the books, stationery, charts, and other things necessary and expedient to conduct the lectures successfully, which they may direct.

Source: R.S. 18:15-107.

18A:52-3. Admission free; number and frequency of lectures. No admission fee shall be charged. At least one school in each ward or subdivision of each municipality, where practicable, shall be designated by the board of education for the purpose of carrying out the provisions of this chapter. At least one lecture shall be delivered during each of the months of October, November, December, January, February and March in each year, which shall be advertised in a newspaper published in the municipality, or, if no newspaper is published in the municipality, then in a newspaper published in the county and circulating in the district, at least 10 days in advance of the delivery of the lecture.

Source: R.S. 18:15-108.

Chapter 53. MUSEUMS AND RELATED FACILITIES.

18A:53–1. Maintenance of museum facilities by boards of education.
18A:53–2. Facilities maintained.

18A:53–1. Maintenance of museum facilities by boards of education. The board of education of any school district may provide by contract and appropriate funds for the support and maintenance of existing museum facilities and services for the educational or recreational use and benefit of pupils in the public schools. Appropriations for such facilities and services shall be made in the same manner as for other school purposes.
Source: C. 18:14–86.1 (1956, c. 33, s. 1).

18A:53–2. Facilities maintained. Such museum facilities and services may include exhibition in a museum building or elsewhere of subjects of natural, historical, educational, scientific, industrial or cultural nature; operation of arts, crafts and other hobby workshops; conduct of field trips and other projects of an educational or recreational nature and provision for the personal services required in connection with any of the foregoing.
Source: C. 18:14–86.2 (1956, c. 33, s. 2).

Chapter 54. VOCATIONAL SCHOOLS.

Article 1. General Provisions Relating to Vocational Schools.

18A:54-1. Definitions.
18A:54-2. Investigation and approval of establishment by commissioner.
18A:54-3. Day, part-time and evening classes.
18A:54-4. Discontinuance of vocational schools.

Article 2. District and Regional Vocational Schools.

18A:54-5. Establishment by district or regional boards of education.
18A:54-6. Approval of location, management and course of study.
18A:54-7. Receiving pupils from other districts.
18A:54-8. Raising of moneys by district for buildings and maintenance.
18A:54-9. State aid for schools other than day schools.
18A:54-10. Apportionment of sums appropriated.

Article 3. County Vocational Schools.

18A:54-11. County vocational school not to include certain cities.
18A:54-11.1. County vocational school districts, when to include cities.
18A:54-11.2. County vocational school districts, assumption, etc., of city vocational education system.
18A:54-11.3. Transfer of teaching staff members and employees to new district.
18A:54-12. Establishment by board of chosen freeholders on recommendation of state board.
18A:54-13. Establishment by election on request of voters.
18A:54-14. Establishment in second-class counties by board of chosen freeholders.
18A:54-15. Tuition rates; maximum cost per pupil.
18A:54-16. Boards of education of county vocational schools; appointment; vacancies, etc.
18A:54-17. Qualifications of board members.
18A:54-18. Organization of boards of education.
18A:54-19. Board body corporate; name.
18A:54-20. Powers of board.
18A:54-21. Rules for organization and management of county vocational schools.
18A:54-22. Teachers, principals, directors and assistant directors; rights and privileges.
18A:54-23. Receiving pupils from other districts.
18A:54-24. Approval of courses of study.
18A:54-25. School year.
18A:54-26. Contracts; payment of bills.
18A:54-27. Boards of school estimate.

18A:54–28. Estimate by board of education of needs for current expenses.
18A:54–29. Determination of amounts necessary to be raised.
18A:54–29.1. Certification of amounts to be raised.
18A:54–29.2. Appropriation and raising of amounts required.
18A:54–29.3. County vocational school districts including cities, annual or special appropriations, apportionment.
18A:54–30. Contracts for supplies, and construction, alteration and repair of buildings; municipal permits.
18A:54–31. Raising of moneys for lands or buildings; bond issues.
18A:54–32. State aid for expenses; limitation.
18A:54–33. Establishment of emergency vocational schools; commissions; cost per pupil.
18A:54–34. Commissioners; terms; reports; vacancies; residence.
18A:54–35. Duty of commission.
18A:54–36. Appropriations for schools.

Article 1. General Provisions Relating to Vocational Schools.

18A:54–1. Definitions. As used in this chapter, "vocational education" means any education the controlling purpose of which is: (a) to fit for profitable employment; (b) to provide training which is supplemental to the daily employment; or (c) to fit for homemaking, according to the state plan for vocational education adopted by the state board.

Source: R.S. 18:15–27.

18A:54–2. Investigation and approval of establishment by commissioner. The commissioner shall investigate the necessity for the introduction of vocational education and report thereon, from time to time, to the state board. Subject to the approval of the state board and to such rules as it may make, the commissioner shall superintend the establishment and maintenance of schools for this form of education and supervise and approve such schools as provided in this chapter.

Source: R.S. 18:15–28.

18A:54–3. Day, part-time and evening classes. In order that instruction in the principles and practice may go on together, vocational education schools may offer instruction in day, part-time and evening classes.

Source: R.S. 18:15–29.

18A:54–4. Discontinuance of vocational schools. When in the judgment of the state board the management and control, equipment, methods of instruction, attendance of pupils, or per capita cost of maintenance based upon the average daily attendance is so unsatisfactory as to make the continuance of any school established under the provisions of this chapter unwise, the commissioner shall give the board of education having the control and management of the school written notice that the approval of the school has been withdrawn. Any unexpended balance of moneys received from the state for the support of the school at the end of the school year following the withdrawal of the approval shall be returned to the state treasury.

Source: R.S. 18:15–32.

Article 2. District and Regional Vocational Schools.

18A:54-5. Establishment by district or regional boards of education. The board of education of any school district or regional school district may establish and maintain vocational schools.
Source: R.S. 18:15-33.

18A:54-6. Approval of location, management and course of study. Before any such school shall be established, the location and rules for the management of the school, the course or courses of study to be pursued therein, and all changes in such courses shall be approved by the commissioner, subject to the advice and consent of the state board.
Source: R.S. 18:15-34.

18A:54-7. Receiving pupils from other districts. All such boards of education shall receive pupils from other districts so far as their facilities will permit and shall be entitled to collect and receive from any sending district for the tuition of such pupils a sum not exceeding the actual cost per pupil, as determined according to rules prescribed by the commissioner and approved by the state board.
Source: R.S. 18:15-35.

18A:54-8. Raising of moneys by district for buildings and maintenance. Moneys for the purchase of land, the erection, repair, or improvement of buildings, and the purchase of furniture and equipment for the use of any such school, and for the maintenance and support thereof, shall be appropriated and raised in the same manner as the district maintaining the school is authorized to appropriate and raise money for similar purposes for the schools in its public school system.
Source: R.S. 18:15-36.

18A:54-9. State aid for schools other than day schools. When any such school other than a full-time day school shall have been established, there shall be paid to the custodian of school moneys of the district maintaining the school on the order of the commissioner, an amount equal to that raised in the district for the establishment of the school, exclusive of the amount appropriated for the purchase of land or the erection of a building, which amount shall be paid by the state treasurer on the warrant of the director of the division of budget and accounting in the department of the treasury. Annually thereafter there shall be paid in like manner an amount equal to the amount appropriated by the district for the current expenses of such schools; but the money contributed by the state for the support and maintenance of any such school shall not exceed in any one year the sum of $10,000.00.
Source: R.S. 18:15-37.

18A:54-10. Apportionment of sums appropriated. Whenever the money appropriated for vocational schools by the legislature, together with the amount certified by the commissioner to the director of the division of budget and accounting in the department of the treasury for apportionment to such schools, shall be less than the amount legally applied for by the several schools, then there shall be paid to each school such propor-

tionate share of the amount applied for as the total amount applied for shall bear to the total amount of the appropriation and apportionment for that year. Such proportionate payment shall not relieve the state of its obligation toward the districts respecting vocational school funds. Nothing in this section shall apply to a county vocational school.

Source: R.S. 18:15-38.

Article 3. County Vocational Schools.

18A:54-11. County vocational school not to include certain cities. County vocational schools organized after July 1, 1931, shall not, except as otherwise in this chapter provided, include the territory within the school district boundaries of any city having a resident public school enrollment of 15,000 or more, if such city is maintaining a system of vocational education approved for the purposes of federal or state allotment of vocational funds by the commissioner under the regulations of the state board.

Source: R.S. 18:15-41, amended 1963, c. 132, s. 1.

18A:54-11.1. County vocational school districts, when to include cities. Any county vocational school district created or organized subsequent to July 1, 1962 in a county of the second class having a population of not less than 375,000 nor more than 425,000 inhabitants, shall include the territory within the boundaries of any city referred to in section 18A:54-11 after the date of filing in the office of the commissioner of a certified copy of a resolution adopted by the board of chosen freeholders of such county subsequent to the organization of such county vocational school district and of a resolution adopted by the board of education of such city (with the concurrence expressed by resolution of the board of school estimate of such city and of the board or body having charge of the finances of such city), setting forth the finding and determination that it is in the best interests of such county vocational school district and of such city and its school district, that such county vocational school district shall include the territory within the school district boundaries of such city.

Source: R.S. 18:15-41, amended 1963, c. 132, s. 1.

18A:54-11.2. County vocational school districts, assumption, etc., of city vocational education system. The board of education of each county vocational school district and the board of education of each city referred to above in section 18A:54-11.1, are each hereby authorized and empowered to undertake and to enter into agreements of any nature whatsoever necessary, desirable, useful or convenient for and with respect to the assumption, operation, or administration by the county vocational school district of any system of vocational education then being maintained in such city, including, but not limited to, the transfer of principals, teachers, employees, pupils or classes, the purchase, grant, transfer or lease to the county vocational school district of any lands, schools, buildings, furnishings, equipment, apparatus or supplies constituting part of or used in connection with such city system, and the making of or provision for payments, costs or expenses in connection with any of the aforesaid, and copy of any such agreement shall be filed in the office of the commissioner.

Source: R.S. 18:15-41, amended 1963, c. 132, s. 1.

18A:54–11.3. Transfer of teaching staff members and employees to new district. All principals, teachers and employees of the school district in any city referred to above in section 18A:54–11.1 and who are employed in or assigned to the system of vocational education in any such city shall be transferred to and continue their respective employments in the employ of the county vocational school district from and after the date of transfer provided for in any agreement entered into pursuant to section 18A:54–11.2, and their rights to tenure, pension and accumulated leave of absence accorded under the laws of the state shall not be affected by the transfer to the county vocational school district.

Source: R.S. 18:15–41, amended 1963, c. 132, s. 1.

18A:54–12. Establishment by board of chosen freeholders on recommendation of state board. When it has been determined by resolution of the state board that a need exists in any county for county vocational schools, the state board shall transmit a copy of the resolution to the board of chosen freeholders of the county. Upon receiving the copy, the board of chosen freeholders shall vote on the question whether such schools shall be established in the county in accordance with the recommendation. If the board of chosen freeholders by a majority vote favors the establishment of such schools in the county, such schools shall be forthwith established and maintained in the county and shall be known as the "vocational schools in the county of....." (here insert the name of the county in which the schools are located).

Source: R.S. 18:15–39.

18A:54–13. Establishment by election on request of voters. In any county having a population not exceeding 100,000 inhabitants, there may be established and maintained a vocational school to be known as the "vocational school in the county of ....." (here insert the name of the county in which the schools are located).

At the request in writing of not less than 15% of the registered voters of any such county the county clerk shall submit at the next ensuing general election, and shall cause to be printed upon the ballot to be voted at such election the following question:

"Shall vocational schools be established in the county of ..... (here insert the name of the county), pursuant to the provisions of article 3 of chapter 54 of Title 18A, Education, of the New Jersey Statutes."

In squares at the right shall be placed the words "Yes" and "No." Any person desiring the establishment of such schools in the county shall mark a cross (×), plus (+) or check (√) mark in the square opposite the word "Yes," and any person opposed thereto shall make a cross (×), plus (+) or check (√) mark opposite the word "No."

If a majority of all the ballots so voted shall favor the establishment of the schools, then the same shall be forthwith established and maintained as provided in this chapter. The results from such election shall be returned and canvassed in the same manner and at the same time as other election returns are canvassed.

Source: R.S. 18:15–40.

18A:54-14. Establishment in second-class counties by board of chosen freeholders. In any second-class county of this state in which there does not presently exist a vocational school established under the laws of the state, the board of chosen freeholders of such county may, by a majority vote, establish a vocational school to be known as the "vocational school in the county of ....." (here insert the name of the county in which the school is to be located).

Source: C. 18:15-58.3 (1941, c. 287, s. 1).

18A:54-15. Tuition rates; maximum cost per pupil. In the event of such establishment of any vocational school in such second-class county, the board of chosen freeholders of the county in which said school shall be established shall be entitled to collect and receive from the sending districts in which the pupils attending the vocational school reside, for the tuition of such pupils, a sum not exceeding the actual cost per pupil as determined according to rules prescribed by the commissioner and approved by the state board. Such tuition shall be established in advance of the school year by the board of chosen freeholders, and shall be at the same rate per pupil to each sending district, and shall be paid quarterly by the board of education of each sending district.

Source: C. 18:15-58.4 (1941, c. 287, s. 2).

18A:54-16. Boards of education of county vocational schools; appointment; vacancies; etc. For each county system of vocational schools established in accordance with this chapter, there shall be a board of education consisting of the county superintendent of schools and four persons to be appointed.

In counties of the first class having the office of county supervisor the four appointive members of such board shall be appointed by the county supervisor. In all other counties of the first class, in all counties of the second class, and in counties of the third and fifth classes having populations in excess of 160,000, the four appointive members of the board shall be appointed by the director of the board of chosen freeholders, with the advice and consent of that board. Not more than two members appointed in any such county of the second, third, or fifth class shall be members of the same political party, but no changes for adjustment of party representation shall be made in a board except as vacancies occur. In other counties, the four appointive members of the board shall be appointed by the judge of the county court or in counties where there is more than one judge by a majority of them.

In making the first appointments to a board, one person shall be appointed to serve for one year, one for two years, one for three years and one for four years from November 1 next succeeding the date of their respective appointments. The persons so appointed shall also serve from the date of their respective appointments until November 1 next ensuing.

Annually during the month of October a member of the board shall be appointed to serve for a term of four years, and thereafter until the appointment and qualification of his successor, to take the place of the member whose term shall expire on November 1 then next ensuing.

A vacancy in the board caused by the death, resignation or removal of a member, or in any other manner, shall be reported forthwith by the

secretary of the board to the county supervisor, director of the board of chosen freeholders, or the judge or judges, as the case may be, who, within 30 days thereafter, and in the manner herein prescribed for making appointments for a full term, shall appoint a person to fill the vacancy for the unexpired term.

Source: R.S. 18:15-46, amended 1946, c. 99; 1948, c. 15, s. 1; 1953, c. 18, s. 26; 1961, c. 64, s. 3; C. 18:15-58.8 (1941, c. 287, s. 6).

18A:54-17. Qualifications of board members. Each member of a board of education for county vocational schools shall be a citizen and resident of the county and shall have been such citizen and resident for at least three years immediately preceding his becoming a member of the board, and if he shall cease to be a resident of such county, his membership in said board shall cease.

Source: R.S. 18:15-48; C. 18:15-58.9 (1941, c. 287, s. 7).

18A:54-18. Organization of boards of education. Each board of education for county vocational schools shall organize annually on November 1 by the election of a president and vice president, unless November 1 shall fall on Sunday, in which case the board shall organize on the following day.

Source: R.S. 18:15-49; C. 18:15-58.15 (1941, c. 287, s. 13).

18A:54-19. Board body corporate; name. Each such board of education shall be a body corporate and shall be known as and called "the board of education of the vocational school in the county of ....." (here insert the name of the county in which such school shall be located).

Source: R.S. 18:15-50; C. 18:15-58.15 (1941, c. 287, s. 13).

18A:54-20. Powers of board. The board of education of a county vocational school district may:

a. Purchase, sell, and improve school grounds, erect, purchase, lease, enlarge, improve, and repair school buildings, including any building or buildings for school purposes owned by any municipality or school district in such county, with or without furnishings and equipment, and purchase school furniture and other necessary equipment;

b. Take and condemn land and other property for school purposes in the manner provided by law regulating the ascertainment and payment of compensation for property condemned and taken for public uses. If either party shall feel aggrieved by any proceedings and award thereunder, he may appeal in the manner provided by law for appeals from such proceedings and award;

c. Insure school buildings, furniture, and other school property, and receive, lease, and hold in trust any and all real and personal property for the benefit of the school district;

d. Employ and dismiss principals, teachers, janitors, mechanics, and laborers; fix, alter, and order paid their salaries and compensation, and prescribe the course of study to be pursued;

e. Appoint a treasurer, who shall not be a member of the board of education and fix his salary and term of office. The treasurer shall give bond in such amounts and with such security as the board shall determine;

f. Make, amend, and repeal rules, not inconsistent with this title, or with the rules of the state board, for its own government, for the transaction of business, and for the government and management of the school and school property under its control;

g. Suspend and expel pupils from school;

h. Provide textbooks and other necessary supplies and apparatus;

i. Adopt an official seal by which all its official acts may be authenticated;

j. Make an annual report to the commissioner on or before August 1 in the manner and form prescribed by him;

k. Appoint a secretary and fix his salary and term of office; and

l. Borrow by temporary loan such sum as may be necessary to meet the current expenses of such school district, not exceeding 80% of the anticipated receipts of money which may be distributed to such county for the purpose of carrying out the provisions of this chapter. Such temporary obligation, if any, shall be paid first out of the moneys received under this chapter.

Source: R.S. 18:15-51, amended 1963, c. 132, s. 3; C. 18:15-58.15 (1941, c. 287, s. 13).

18A:54-21. Rules for organization and management of county vocational schools. The state board shall prescribe rules for the organization, management and control of such schools.

Source: R.S. 18:15-42, 18:15-58.5 (1941, c. 287, s. 3).

18A:54-22. Teachers, principals, directors and assistant directors; rights and privileges. All teachers, principals, superintendents, assistant superintendents, directors and assistant directors of boards of education of county vocational schools shall have all rights and privileges of teachers, principals, superintendents and assistant superintendents of schools, respectively, in school districts.

Source: C. 18:15-58.1 (1941, c. 150, s. 1).

18A:54-23. Receiving pupils from other districts. The boards of education of schools established under the provisions of section 18A:54-12 in any county of the third class with a population not less than 60,000 nor more than 100,000, according to the 1960 federal census, and the boards of education of schools established under the provisions of section 18A:54-13, shall receive pupils from districts without the county so far as their facilities will permit, provided a rate of tuition not exceeding the cost of such education as prescribed by rule of the commissioner, approved by the state board, is paid by the sending districts.

The board of education of any county vocational school district referred to in section 18A:54-11.1 and the board of education of any other school district within the county thereof are each hereby authorized and empowered to undertake and to enter into agreements with respect to the attendance at schools of the county vocational school district, of residents or pupils of such other school district who are students attending the schools of the county vocational school district and as to the payments to be made or the rate of tuition to be charged on account of such students. The payment or rate of tuition per student shall be 50% of the pro rata annual cost of the operation and maintenance of the county vocational school district remain-

ing after deduction from such cost of all amounts of aid received by the county vocational school district or the county thereof on account of such district or credited thereto from the state of New Jersey or the United States of America or agencies thereof, but excluding from such cost any amounts on account of required payments of interest on or principal of bonds or notes of the county issued for the purposes of such district. The annual aggregate amount of all of such payments or tuition may be anticipated by the board of education of the county vocational school district and by the board of chosen freeholders of the county with respect to the annual budget of the county vocational school district. The amounts of all annual payments or tuition to be paid by any such other school district shall be raised in each year in the annual budget of such other school district and paid to the county vocational school district.

Source: R.S. 18:15-43, amended 1963, c. 132, s. 2; 1967, c. 169.

18A:54-24. Approval of courses of study. The courses of study to be pursued in every county vocational school, and all changes therein shall be approved by the commissioner, with the advice and consent of the state board.

Source: R.S. 18:15-44; C. 18:15-58.6 (1941, c. 287, s. 4).

18A:54-25. School year. The school year for a county vocational school shall begin on July 1 and end June 30.

Source: R.S. 18:15-45; C. 18:15-58.7 (1941, c. 287, s. 5).

18A:54-26. Contracts; payment of bills. No contract shall be entered into by the board of education of a county vocational school, nor shall any bill or demand for money be paid until the same shall have been presented and passed on at a regularly called meeting of the board. Every such bill or demand, except for salaries, exceeding $25.00 shall be verified by affidavit or contain or have annexed thereto a signed declaration in writing to the effect that such bill or demand is correct in all its particulars, that the articles have been furnished or services rendered as stated therein and that no bonus has been given or received on account thereof.

Source: R.S. 18:15-52, amended 1966, c. 23, s. 2; C. 18:15-58.15 (1941, c. 287, s. 13).

18A:54-27. Boards of school estimate. There shall be for each county system of vocational schools a board of school estimate, which shall consist of two members of the board of education of the school, appointed by that board, two members of the board of chosen freeholders of the county in which the school is situate, appointed by that board, and the county supervisor of the county, in counties of the first class, and the director of the board of chosen freeholders, in other counties.

The appointments shall be made annually between January 1 and January 15. In case of a vacancy occurring in the board by reason of the resignation, death, or removal of any appointed member, the vacancy shall be filled immediately by the body which originally appointed the member, by appointing another of its members to fill the vacancy. The secretary of the board of education of the school shall be the secretary of the board of school estimate, but shall receive no compensation as such.

Source: R.S. 18:15-54; C. 18:15-58.10 (1941, c. 287, s. 8).

18A:54-28. Estimate by board of education of needs for current expenses. On or before February 1 in each year the board of education of a county vocational school district shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the current expenses of and for repairing and furnishing schools or buildings of the county vocational school district for the ensuing school year.

Source: R.S. 18:15-55, amended 1963, c. 132, s. 4; C. 18:15-58.11 (1941, c. 287, s. 9).

18A:54-29. Determination of amounts necessary to be raised. Between February 1 and February 15 in each year the board of school estimate shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the county vocational school district for the ensuing school year exclusive of the amount to be received from the state as provided in section 18A:54-32.

Source: R.S. 18:15-56, amended 1963, c. 132, s. 5; 1966, c. 256; C. 18:15-58.12 (1941, c. 287, s. 10).

18A:54-29.1. Certification of amounts to be raised. The board of school estimate shall, on or before the last named date, make two certificates of the amount, signed by at least three of its members, one of which certificates shall be delivered to the board of education of the county vocational school district and the other to the board of chosen freeholders of the county in which the school is situated.

Source: R.S. 18:15-56, amended 1963, c. 132, s. 5; 1966, c. 256; C. 18:15-58.12 (1941, c. 287, s. 10).

18A:54-29.2. Appropriation and raising of amounts required. The board of chosen freeholders shall, upon receipt of the certificate, appropriate, in the same manner as other appropriations are made by it, the amount so certified, and the amount shall be assessed, levied, and collected in the same manner as moneys appropriated for other purposes in the county are assessed, levied, and collected, unless such amount is to be raised as otherwise hereinafter provided in this chapter.

Source: R. S. 18:15-56, amended 1963, c. 132, s. 5; 1966, c. 256; C. 18:15-58.12 (1941, c. 287, s. 10).

18A:54-29.3. County vocational school districts including cities, annual or special appropriations, apportionment. The board of chosen freeholders of any county of the second class having a population of not less than 375,000 nor more than 425,000 inhabitants and which has created a county vocational school district subsequent to July 1, 1962, may provide that the amounts (other than amounts to be raised for interest and redemption of bonds or notes issued by the county for purposes of such county vocational school district) to be raised for annual or special appropriations for such county vocational school district are to be apportioned on the basis of (1) the apportionment valuations, as defined in section 54:4-49 of the Revised Statutes, of the municipalities in such county, or (2) the average daily enrollment of pupils from municipalities within such county during the preceding school year, or (3) any combination or percentage of either of the aforesaid, as shall be determined by said board of chosen freeholders prior to October 1 for and with respect to the school year commencing on July 1 next succeeding said date. Determination as to any basis as aforesaid

shall be made by resolution of such board of chosen freeholders, if such board, after consideration of the vocational school needs of such county and of the municipalities therein and of the costs and expenses of such county vocational school district and of the financial resources and abilities of such county and of the municipalities therein, shall find that such basis is in the best interests of the county and of such county vocational school district and the municipalities therein. Any basis so established shall continue without change for a period of five school years, unless prior to the end of such period the commissioner, upon the request of the board of chosen freeholders or of the board of education of the county vocational school district, shall determine that some other or different basis, as herein permitted or provided for, shall be in the best interest of such county, such county vocational school district and the municipalities therein, and is a basis which could have been established by the board of chosen freeholders of such county. Until any other basis shall have been established, the basis referred to as above shall be applicable to such county vocational school district. Where average daily enrollment of the preceding school year is to be used as the whole or any part of a basis for apportionment of amounts to be raised for annual or special appropriations, the commissioner shall certify to the county vocational school district and to the county board of taxation, from the latest official statistics then available or estimates thereof, the average daily enrollment to be used until such time as actual average daily enrollment statistics shall be available and certified by the commissioner as aforesaid. No amount to be raised for annual or special appropriations for the county vocational school district shall be so appropriated except with the concurrence and consent of the board of chosen freeholders if the basis for raising such annual or special appropriations of the county vocational school district shall require that more than 50% of such basis shall be such apportionment valuations.

Source: R.S. 18:15-56, amended 1963, c. 132, s. 5; 1966, c. 256.

18A:54-30. Contracts for supplies, and construction, alteration and repair of buildings; municipal permits. All provisions of law relating to the entering into contract for the furnishing of supplies and to the preparation of plans and specifications for the construction, alteration or repair of any building by a board of education of a county vocational school and the approval and filing thereof and of any such contract and to the advertisement for bids and the awarding of contracts as a result thereof, which are applicable to a board of education of a school district, shall likewise be applicable to a board of education of a county vocational school and no municipal permit shall be required in connection with the making or performance of any such contract.

Source: R.S. 18:15-53, amended 1950, c. 92; 1958, c. 50; 1964, c. 159, s. 3; C. 18:15-58.15 (1941, c. 287, s. 13).

18A:54-31. Raising of moneys for lands or buildings; bond issues. Whenever a board of education of a county vocational school district shall decide that it is necessary to raise money for any capital project, as defined in section 18A:21-1 of this title, it shall prepare and deliver to each member of the board of school estimate a statement of the amount of money estimated to be necessary for such purpose or purposes.

The board of school estimate shall fix and determine the necessary amount and shall make two certificates thereof, one of which certificates shall be delivered to the board of education and the other to the board of chosen freeholders of the county in which the school district is situate.

The board of chosen freeholders may appropriate such amount as other appropriations are made by it, and the amount shall be raised, assessed, levied, and collected at the same time and in the same manner as moneys appropriated for other purposes in the county are raised, assessed, levied, and collected; or the board of chosen freeholders may appropriate and borrow such amount for the purpose or purposes aforesaid, and secure the repayment of the sum so borrowed, together with interest thereon, by the issuance of bonds or notes of the county pursuant to the local bond law, notwithstanding any debt or limitation or requirement for down payment therein provided for. The proceeds of the sale of such obligations shall be paid to the treasurer of the county vocational school district and shall be paid out by him only on the warrants or orders of the board of education of the school district. The treasurer shall in no event disburse such proceeds, except to pay the expenses of issuing and selling such obligations and for the purpose or purposes for which such obligations were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of education of the county vocational school district may transfer the balance remaining unapplied to the capital outlay account of the school district.

Source: R.S. 18:15-57, amended 1963, c. 132, s. 6; C. 18:15-58.13 (1941, c. 287, s. 11).

18A:54-32. State aid for expenses; limitation. There shall be paid to the treasurer of each county vocational school, other than a full-time day school, on the order of the commissioner, an amount equal to that raised in the county for the establishment of the school exclusive of the amount appropriated for the purchase of land or the erection of a building, which amount shall be paid by the state treasurer on the warrant of the director of the division of budget and accounting in the department of the treasury. Annually thereafter the state shall pay in like manner an amount equal to the amount appropriated by the county for the current expenses of the school. The money contributed by the state for the support and maintenance of any such school shall not exceed in any one year the sum of $10,000.00.

Source: R.S. 18:15-58; C. 18:15-58.14 (1941, c. 287, s. 12).

18A:54-33. Establishment of emergency vocational schools; commissions; cost per pupil. In any county of the second class in which there does not presently exist a vocational school established under the laws of this state, the board of chosen freeholders of such county may, by a majority vote of the board, establish a vocational school to be known as the "emergency vocational school in the county of .....
(here insert the name of the county in which the school is to be located)." In the event of the establishment of any emergency vocational school as in this act provided, the board of chosen freeholders of the county shall have power to name a commission to supervise said school, to prescribe courses in the emergency vocational schools, and power to fix rates of tuition. The cost per pupil shall be established from time to time by the board of

chosen freeholders and shall be paid in accordance with rules and regulations to be adopted by the board. The commission, selected for the supervision of such emergency vocational school, shall have power to expend appropriations authorized and to obtain from the federal government or any agency thereof grants in aid of such emergency vocational school.

Source: C. 18:15-58.16 (1941, c. 289, s. 1).

18A:54-34. Commissioners; terms; reports; vacancies; residence. The commission charged with the supervision of such school shall be three in number and shall hold their said offices for terms of three years and until their successors are appointed by the board of chosen freeholders. The commission shall annually report to the board of chosen freeholders. Vacancies occurring for any cause shall be filled by the board of chosen freeholders for the unexpired term.

Any person a resident of the county for a period of at least five years prior to the passage of this act may be selected to membership in such commission.

Source: C. 18:15-58.17 (1941, c. 289, s. 2).

18A:54-35. Duty of commission. The commission shall be charged with the duty of formulating courses in emergency vocational training in aid of national or state defense and to prescribe the length of such courses.

Source: C. 18:15-58.18 (1941, c. 289, s. 3).

18A:54-36. Appropriations for schools. The board of chosen freeholders of any such county is authorized and empowered to provide by appropriation from time to time for the maintenance of emergency vocational schools authorized to be established.

Source: C. 18:15-58.19 (1941, c. 289, s. 4).

Subtitle 7. STATE AND FEDERAL AID TO SCHOOLS.

Chapter 55. GENERAL PROVISIONS.

18A:55-1. Appropriations as prerequisite to payments from treasury.
18A:55–2. Withholding school moneys for nonperformance of duty by districts, boards, officers, or voters.

18A:55–1. Appropriations as prerequisite to payments from treasury. No money shall be paid from the state treasury for any purpose named in this title unless an appropriation therefor shall have been made by the legislature.

Source: R.S. 18:10–48.

18A:55–2. Withholding school moneys for nonperformance of duty by districts, boards, officers, or voters. The commissioner shall, with the approval of the state board, direct the state treasurer to withhold funds payable by the state from any district which fails to obey the law or the rules or directions of the state board or the commissioner.

The county superintendent with the approval of the commissioner may direct the custodian of the school moneys of a school district to withhold all moneys received by him from the state treasurer and then remaining in his hands to the credit of the district, whenever the board of education of the district, or any officer thereof, or the legal voters of any school district, or any board or officer of the municipality in which any such school district is situate, shall neglect or refuse to perform any duty imposed upon such board, officer, or legal voters by this title or by the rules of the state board. The custodian shall withhold such moneys until he shall receive notice from the county superintendent that the board, officer, or legal voters have performed such duty.

Source: R.S. 18:10–45.

Chapter 56. FUND FOR SUPPORT OF FREE PUBLIC SCHOOLS.

18A:56-1. "Trustees for support of public schools"; how constituted.
18A:56-2. Secretary of board; records.
18A:56-3. Statement of fund by state treasurer to board.
18A:56-4. Account to legislature of management of fund.
18A:56-5. State lands under water and revenue from sales thereof.
18A:56-6. Leases of lands under water; principal or income.
18A:56-7. Deducting expenses of administering lands under water.
18A:56-8. Investments.
18A:56-9. Changing municipal bonds owned by trustees from coupon to registered.
18A:56-10. Stamp of ownership on coupon bonds.
18A:56-11. Investment in bonds secured by mortgages.
18A:56-12. Mortgage foreclosure proceedings.
18A:56-13. Purchase of lands by board on foreclosure.
18A:56-14. Sale of real estate held or acquired.
18A:56-15. Income of funds; use of; payment of premiums on bonds.
18A:56-16. Certification of anticipated default; purchase of bonds and payment of interest by trustees.

18A:56-1. "Trustees for support of public schools"; how constituted. The governor, the attorney general, the secretary of state, the state comptroller, the state treasurer and the commissioner of education, shall constitute a board of trustees of the fund for the support of public schools arising from appropriations made by law, or which may arise from gift, grant, bequest, or devise, in the division of investment of the department of the treasury.

The board shall be known as "the trustees for the support of public schools." No compensation shall be paid to the trustees for any services under this chapter.

Source: R.S. 18:10-1.

18A:56-2. Secretary of board; records. The secretary of state shall be the secretary of the board of trustees. He shall record in a book to be kept for that purpose the proceedings of the board and the accounts to be furnished by the state treasurer as directed in this chapter.

Source: R.S. 18:10-2.

18A:56-3. Statement of fund by state treasurer to board. The state treasurer shall make annually to the board of trustees on the first day of the annual meeting of the legislature, and at such other times as the board shall require, a statement of the school fund, containing an account of the securities belonging thereto with the dates of investment, their values, and the interest arising from each class of securities, together with an account of the moneys in the treasury belonging to the fund.

Source: R.S. 18:10-3.

18A:56-4. Account to legislature of management of fund. An account of the management of the fund shall be laid before the legislature with the annual statements of the state treasurer's accounts.

No compensation shall be paid to the treasurer for any services under this chapter.

Source: R.S. 18:10-4.

18A:56-5. State lands under water and revenue from sales thereof. All lands belonging to this state now or formerly lying under water are dedicated to the support of public schools. All moneys hereafter received from the sales of such lands shall be paid to the board of trustees, and shall constitute a part of the permanent school fund of the state.

Source: R.S. 18:10-5.

18A:56-6. Leases of lands under water; principal or income. All leases of lands so dedicated to the support of public schools shall be held by the board of trustees as a part of the principal of the school fund, and the income arising from such leases shall be a part of the income of the school fund.

Source: R.S. 18:10-6.

18A:56-7. Deducting expenses of administering lands under water. The sum appropriated for the expenses incurred in the administration of the lands so dedicated to the support of public schools shall be first deducted by the director of the division of budget and accounting in the department of the treasury from moneys derived from the sales, grants, leases, and rentals of such lands.

Source: R.S. 18:10-7.

18A:56-8. Investments. Moneys belonging to the school fund shall be invested by the division of investment in the department of the treasury in the bonds of the several school districts of this state, or in the bonds of the United States, this state, or any county or municipality of this state. No investment shall be made in the bonds of any municipality the total indebtedness of which, including the school debt, shall exceed 30% of the assessed valuation of all the real and personal property therein; but in ascertaining the total indebtedness credit shall be allowed only for such moneys or property as shall be in the sinking fund. No investment shall be made in the bonds of any county the total indebtedness of which shall exceed in the aggregate 15% of the total assessable valuation of all taxable property therein.

Interest on such bonds shall be a part of the income of the school fund.

Source: R.S. 18:10-8.

18A:56-9. Changing municipal bonds owned by trustees from coupon to registered. The trustees for the support of public schools may arrange with any municipality to change any bonds owned by said trustees from coupon to registered bonds, and the municipality which issued the bonds may detach from the bonds the coupons thereon and cancel the same, and stamp upon the bonds the registration thereof, and make the necessary agreement for the payment of the interest thereon.

Source: R.S. 18:10-9.

18A:56–10. Stamp of ownership on coupon bonds. Every coupon bond acquired by the board of trustees shall have stamped thereon and upon each coupon, immediately upon the receipt thereof, the following words: "This is the property of the trustees for the support of public schools."
Source: R.S. 18:10–10.

18A:56–11. Investment in bonds secured by mortgages. No part of the principal or interest of the fund shall be invested in bonds secured by mortgage on lands except as hereinafter provided in the case of purchase money mortgages.
Source: R.S. 18:10–11.

18A:56–12. Mortgage foreclosure proceedings. The board of trustees shall cause actions to foreclose to be commenced without delay whenever the interest on bonds secured by mortgage held by the board as part of the school fund shall remain unpaid for six months. The board may discontinue the actions upon the payment of accrued interest and the costs of such actions.
Source: R.S. 18:10–12, amended 1953, c. 18, s. 18.

18A:56–13. Purchase of lands by board on foreclosure. The board of trustees may bid for and purchase any lands and premises exposed to sale under the order and judgment of any court for the payment and satisfaction of any mortgage thereon held by the board, and may take and hold title to the lands and premises so purchased in and by its official name as a part of the principal of the school fund; but the board shall not bid a higher price for such lands and premises than shall be sufficient to produce the amount due upon the mortgage and costs.

The taxed costs of the foreclosure action and sale, if any, shall be paid by the state treasurer on the warrant of the director of the division of budget and accounting.
Source: R.S. 18:10–13, amended 1953, c. 18, s. 19.

18A:56–14. Sale of real estate held or acquired. All real estate held by the trustees for the support of public schools and all real estate that may be acquired by them under foreclosure proceedings shall be sold, either at private or public sale, at such times and at such prices as will, in the judgment of the board of trustees, be for the best interest of the state. The board may advertise such properties, either at private or public sale, in such manner as it shall determine. The proceeds of the sale shall be paid into the school fund, and shall be invested as other moneys of the fund are invested. The board may lend to the purchaser of any such real estate, one half of the amount of purchase money, the loan to be secured by bond and mortgage on the premises so purchased.
Source: R.S. 18:10–14.

18A:56–15. Income of funds; use of; payment of premiums on bonds. The income of the school fund shall be paid into the general fund of the state treasury, and shall be used for the support of public schools, the payment of salaries of county superintendents and the payment of accrued interest on bonds purchased for the fund, the payment of interest on, and the purchase of, bonds issued locally for school purposes to the extent

and within the limits provided by law, and for no other use or purpose whatsoever. The payment of premiums on bonds purchased shall be made out of the investment account.

Source: R.S. 18:10–15, amended 1946, c. 88, s. 1; 1958, c. 126, s. 1; 18:10–16, amended 1946, c. 88, s. 2.

18A:56–16. Certification of anticipated default; purchase of bonds and payment of interest by trustees. In the event that a school district or a municipality anticipates that it will be unable to meet the payment of principal or interest on any of its bonds issued for school purposes after December 4, 1958, it shall certify such inability to the commissioner and the director of the division of local finance at least 10 days prior to the date any such payment is due. If the commissioner and director shall approve said certification, they shall immediately certify the same to the trustees of the fund for the support of public schools. Upon the receipt thereof, or in the event any such district or municipality fails to certify its anticipated inability to meet any such payments, upon notice and verification of such inability, the trustees shall, within the limits of moneys available in the fund, use said funds including the income therefrom to purchase any such bonds at a price equivalent to the face amount thereof or pay to the holder of any such bond the interest due or to become due thereon, as the case may be, and such purchases and payments of interest may continue so long as the district or municipality remains unable to make such payments. Upon making any such payment of interest, the trustees of the fund shall be subrogated to all rights of the bondholder against the issuer in respect to the collection of such interest and if such interest is represented by a coupon such coupon shall be delivered to the trustees of the fund. No such purchase or interest payment herein provided shall be made unless the sums available to said district as state building aid shall be insufficient for such purpose.

The state treasurer shall act as agent of the trustees of the fund in making any such payments or purchases, and he shall prescribe, in consultation with the commissioner, such rules and regulations as may be necessary and proper to effectuate the purposes of this chapter.

Source: C. 18:10–15.1 (1958, c. 126, ss. 2, 3).

Chapter 57. SURPLUS REVENUE.

18A:57-1. Payment of income for support of schools.

18A:57-1. Payment of income for support of schools. Every county shall pay into the state treasury the interest on the principal of the surplus revenue which shall not have been repaid or redeposited in the state treasury, and the same, and the income on the surplus revenue repaid or redeposited by the county in the state treasury, shall be used for the support of the public schools.

Source: R.S. 18:10-39, amended 1946, c. 88, s. 5; 52:8-6, amended 1946, c. 62.

Chapter 58. STATE SCHOOL AID.

Article 1. State School Aid Law (1954).

18A:58-1. Short title.
18A:58-2. Definitions.
18A:58-3. Foundation program.
18A:58-4. Local fair share.
18A:58-5. Equalization and minimum aids.
18A:58-5.1. Additional aid payable to certain districts.
18A:58-5.2. Amount of additional aid payable.
18A:58-5.3. Reports, estimation, etc., and payment of additional aid.
18A:58-5.4. Rules and regulations as to additional aid.
18A:58-6. Atypical pupils.
18A:58-6.1. Additional state aid to certain districts.
18A:58-7. Transportation.
18A:58-8. County vocational schools.
18A:58-9. County aid.
18A:58-10. Limitations.
18A:58-11. Emergency aid.
18A:58-12. Reports to commissioner.
18A:58-13. Estimates for budget purposes.
18A:58-14. Blank.
18A:58-15. Payment of state aid.
18A:58-16. Rules.
18A:58-17. New school districts.
18A:58-18. Blank.
18A:58-19. Certain repealers saved.

Article 2. School Building Aid Law.

18A:58-20. Short title.
18A:58-21. Definitions.
18A:58-22. Aid authorized.
18A:58-23. Capital foundation program.
18A:58-24. Local share.
18A:58-25. Capital reserve funds.
18A:58-26. Withdrawal from reserve funds.
18A:58-27. Debt service for school purposes.
18A:58-28. Blank.
18A:58-29. Determination of capital aid.
18A:58-30. Payment of capital aid.
18A:58-31. Reports and rules.
18A:58-32. New school districts.
18A:58-33. Building aid allowance for the school year 1956-1957 saved.
18A:58-33.1. State aid and state building aid for school year 1966-1967 saved.

Article 3. Funds Otherwise Available.

18A:58-34. Funds appropriated, etc., for cost of state aid to local districts for vocational education; expenditure.
18A:58-35. Additional state aid to vocational education.
18A:58-36. State appropriation for construction of area vocational school facilities.
18A:58-37. Allocation and distribution of federal and state funds.

Article 1. State School Aid Law (1954).

18A:58-1. Short title. This article shall be known as the "state school aid law" (1954).

Source: C. 18:10-29.30 (1954, c. 85, s. 1).

18A:58-2. Definitions. For the purposes of this article, unless the context clearly requires a different meaning:

"Resident enrollment" shall mean the number of full-time pupils who are residents of the district and are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the district or a school district or state college demonstration school to which the district of residence pays tuition; provided, that no district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county.

"Approved special class" shall mean a class for physically handicapped or mentally retarded children, and all other classes for atypical pupils approved by the commissioner.

"Atypical pupils" shall mean pupils who are physically handicapped or mentally retarded and who are not accommodated through the school facilities usually provided for normal pupils.

"Evening school pupils" shall mean pupils enrolled in evening schools, except in classes for foreign-born residents, or in vocational schools, or in schools known as adult schools.

"State aid" shall mean the sum of equalization aid, minimum aid, transportation reimbursement, and supplementary aid for special classes and atypical pupils, county aid and county vocational school aid, as determined pursuant to this article.

Source: C. 18:10-29.31 (1954, c. 85, s. 2, amended 1955, c. 252, s. 1; 1966, c. 31, s. 1).

18A:58-3. Foundation program. The foundation program for each school district in each school year shall be $400.00 per pupil in resident enrollment. For this purpose:

a. Pupils shall be counted as in enrollment who are residents of the district and are regularly attending the public schools of the district or of a school district or state college demonstration school to which the district of residence pays tuition;

b. All atypical pupils shall be counted in the same manner as normal pupils;

c. The enrollment of pupils in evening schools and part-time day schools shall be equated to a full-time day school enrollment pursuant to rules promulgated by the commissioner with the approval of the state board;

d. Pupils in regional school districts and their respective component districts shall be counted according to the rule prescribed in subsection a. hereof;

e. Notwithstanding the foregoing, no district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county, regardless of whether or not tuition is paid for such pupil, but such pupils shall be counted in the determination of state aid to the county vocational schools.

Source: C. 18:10-29.32 (1954, c. 85, s. 3, amended 1966, c. 31, s. 2).

18A:58-4. Local fair share.

a. The local fair share of the foundation school program shall be determined for each school district for each year as a sum equal to 10½ mills per dollar upon the equalized valuation of the taxing district or districts within the school district, as certified by the director of the division of taxation for the year in which the calculation is made.

b. With respect to regional school districts and their component districts, however, the equalized valuations as certified by the director of taxation shall be allocated among the regional district and its component districts in proportion to the number of pupils in each of them as determined for the foundation program. That part of the local fair share of a regional district and of a consolidated school district measured by property valuations shall be determined at the rate of 8½ mills per dollar of such allocated valuation during the first five years that the regional school or consolidated school district is in operation and at the rate of 9½ mills per dollar during the second five years that the regional school or consolidated school district is in operation, and thereafter at the full 10½ mills, with respect to any regional school district or consolidated school district heretofore or hereafter established.

c. In the event that the equalization table certified by the director of the division of taxation shall be revised by the division of tax appeals on or before January 15, the local fair share of any district affected thereby shall be recomputed accordingly and any determination or certification of state aid previously made pursuant to this article shall be amended to conform therewith.

d. With respect to any school district in which there are pupils whose parents live and work on federal property and for which the district has an entitlement under subsection 3 (a) of Title I of P. L. 874, as amended by Title I of P. L. 89-10, the commissioner shall adjust the equalized full valuation of the taxing district by adding thereto the equalized valuation per pupil for each such 3 (a) pupil. The equalized valuation per pupil shall be determined without such 3 (a) pupils.

Source: C. 18:10-29.33 (1954, c. 85, s. 4, amended 1959, c. 2; 1966, c. 31, s. 3).

18A:58-5. Equalization and minimum aids. Equalization aid shall be paid to each district in the amount of the excess of the foundation pro-

gram over the local fair share; provided that each district shall be paid not less than $75.00 per pupil.

Source: C. 18:10-29.34 (1954, c. 85, s. 5, amended 1966, c. 31, s. 4).

18A:58-5.1. Additional aid payable to certain districts. Every school district shall be entitled to special additional state aid pursuant to this chapter if its average daily enrollment consists of ten or more pupils certified to the commissioner by the district with the approval of the county superintendent, to be living in the district as residents on property owned by the state which is not taxable. This article shall not apply to school districts which receive from the state or any of its political subdivisions or agencies, a fixed amount in lieu of taxes.

Source: C. 18:10-29.35a (1963, c. 80, s. 1, amended 1966, c. 327, s. 1).

18A:58-5.2. Amount of additional aid payable. For each such pupil residing on property owned by the state the amount of such special additional state aid so payable to the district shall be the difference between the cost per pupil for current expenses excluding transportation, and the equalization or minimum aid per pupil, whichever is greater, to which the district is entitled.

Source: C. 18:10-29.35b (1963, c. 80, s. 2, amended 1966, c. 327, s. 2).

18A:58-5.3. Reports, estimation, etc., and payment of additional aid. The commissioner shall prescribe the time and manner in which reports shall be made to claim such special additional state aid. The commissioner shall make estimates, determinations and certificates relating to special additional state aid in the same manner and at the same time as the same are made pursuant to sections 18A:58-12 and 18A:58-13 and payment of special additional school aid shall be included in the installment payments to be made by the state treasurer pursuant to section 18A:58-15.

Source: C. 18:10-29.35c (1963, c. 80, s. 3).

18A:58-5.4. Rules and regulations as to additional aid. The commissioner may make such additional rules and regulations necessary to implement the provisions of sections 18A:58-5.1, 18A:58-5.2 and 18A:58-5.3.

Source: C. 18:10-29.35d (1963, c. 80, s. 4).

18A:58-6. Atypical pupils. In addition to all other aid,

a. Each state college operating an approved special class or classes for handicapped children shall be paid $2,000.00 per class for such classes.

b. Each local school district, whether operating separately or jointly with one or more other school districts, shall be reimbursed by state aid for:

1. The cost of operating an educational program for handicapped children including costs of identification, examination, supervision and other special education services approved by the commissioner, to the extent of one half of such costs except that no local district, jointure commission or college demonstration school shall receive less than $3,000.00 a class in state aid; and one half of the approved tuition paid to another local school district, jointure commission, state operated facility or private school, and

2. 75% of the cost to the district of furnishing transportation within the state, under a program approved under chapter 46 of this

law, when the necessity for furnishing such transportation and the cost and method thereof, have been approved by the county superintendent of the county in which the district paying such cost is situated.

c. State aid in the amount of one half the apportionment by a jointure commission appointed pursuant to section 18A:46–25 to any contracting district for operational expenses shall be paid to the contracting district. Class state aid shall be apportioned to each contracting district in accordance with the number of pupils enrolled from the district.

Source: C. 18:10–29.35 (1954, c. 85, s. 6, amended 1962, c. 67, s. 2; 1966, c. 31, s. 5); C. 18:14–71.46 (1959, c. 104, s. 11, amended 1963, c. 187, s. 4; 1966, c. 29, s. 23); C. 18:14–71.35f (1962, c. 232, s. 6).

18A:58–6.1. Additional state aid to certain districts. a. In a municipality having a population of more than 100,000 inhabitants according to latest federal census, the school district shall receive in addition to all other aid an apportionment of $27.00 per resident pupil.

b. In any district in which the commissioner shall adjust the equalized full valuation of the taxing district because of pupils living on federal property, a calculation of the per pupil equalization or minimum aid shall be made separately for the federally connected pupils and for all other pupils within the district. The district shall receive additional state aid for each pupil living on federal property in the amount that the per pupil aid apportioned for the education of such federally connected pupils from these state aid calculations plus the federal apportionment is less than the per pupil aid available for the education of all other pupils in the district from state aid and local school taxes raised for current expenses. The commissioner in his determination of the additional per pupil aid shall use the latest official statistics then available concerning state and federal apportionments and local school taxes.

Source: C. 18:10–29.35 (1954, c. 85, s. 6, amended 1962, c. 67, s. 2; 1966, c. 31, s. 5).

18A:58–7. Transportation. Each district shall also be paid 75% of the cost to the district of transportation of pupils to a school when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situate.

Source: C. 18:10–29.36 (1954, c. 85, s. 7, amended 1967, c. 74, s. 2).

18A:58–8. County vocational schools. Each county vocational school board operating a full-time day school program shall be paid the higher of either the sum of $100.00 per pupil or the average per pupil equalization aid payable to the districts within the county. The commissioner, with the approval of the state board, shall promulgate rules for the counting of pupils in resident enrollment on a full-time day school basis in the county vocational schools.

Source: C. 18:10–29.37 (1954, c. 85, s. 8, amended 1964, c. 218; 1966, c. 31, s. 9).

18A:58–9. County aid. Each county shall be entitled to receive in each school year the amount requisite to pay the expenses of its—

a. Helping teachers;

b. County supervisors of child study; and

c. County attendance officers, in such school year as certified by the commissioner.

Such amounts shall be payable September 1 and February 1 in each school year.

Source: C. 18:10-29.38 (1954, c. 85, s. 9).

18A:58-10. Limitations. Wherever as shown by the annual financial report filed by any school district the amount for current expenses excluding transportation is less than $400.00 per pupil in resident enrollment during the school year for which the state aid is payable, the foundation program for the year then under calculation shall be the per pupil expenditure for current expenses excluding transportation as shown by the annual financial report filed with the commissioner. For the purposes of this section the amount per pupil provided for current expense by a component district of a regional high school district shall be deemed to include the component's share of the regional school district's expenditures and pupils.

Source: C. 18:10-29.39 (1954, c. 85, s. 10, amended 1966, c. 31, s. 6).

18A:58-11. Emergency aid. There shall be appropriated annually the sum of $350,000.00 to be distributed by the commissioner, upon the approval of the state board, to meet unforeseeable conditions in any school district. The amount of such emergency aid shall be payable by the state treasurer upon the certificate of the commissioner and the warrant of the director of the division of budget and accounting.

Source: C. 18:10-29.40 (1954, c. 85, s. 11).

18A:58-12. Reports to commissioner. On or before a date to be set by the commissioner, but not later than October 15 in each year, the secretary of each school district and the superintendent or, when there is no superintendent, such officer or employee delegated by the board of education to maintain enrollment records as prescribed by the commissioner, shall make and transmit a report of such information as the commissioner may require. Such report shall be certified, under the penalties of perjury, as true to the best of the knowledge and belief of the persons making it.

Source: C. 18:10-29.41 (1954, c. 85, s. 12, amended 1955, c. 252, s. 2).

18A:58-13. Estimates for budget purposes. On or before November 15 in each year, the commissioner shall estimate the amount necessary to be appropriated to carry out the provisions of this article for the succeeding school year and shall determine for budget purposes the amounts estimated to be payable to each of the counties and districts under this article for such succeeding school year.

Source: C. 18:10-29.42 (1954, c. 85, s. 13, amended 1955, c. 252, s. 3; 1966, c. 31, s. 7).

18A:58-14. Blank.

18A:58-15. Payment of state aid. The sums payable as state aid to the school districts and county vocational schools shall be payable in each school year, one quarter on October 1, one quarter on January 1, one quarter on March 1 and one quarter on May 1. Payments shall be made by the state treasurer to each board of education upon certificate of the

commissioner and warrant of the director of the division of budget and accounting.

Source: C. 18:10–29.43 (1954, c. 85, s. 14, amended 1966, c. 31, s. 8).

18A:58–16. Rules. In order to participate in any apportionment made according to the provisions of this article, a school district shall comply with the rules and standards for the equalization of opportunity which have been or which may hereafter be prescribed by law, or formulated by the commissioner or the state board pursuant to law. The commissioner is hereby authorized to withhold all or part of such apportionment for failure to comply with any rule or standard. No apportionment under this article shall be paid to any district which has not provided public school facilities for at least 180 days during the preceding school year, but the commissioner, for good cause shown, may remit the penalty.

Source: C. 18:10–29.44 (1954, c. 85, s. 15).

18A:58–17. New school districts. When the apportionment shall have been made for any year and a part of any district becomes a new school district or a part of another school district, or comes partly under the authority of a regional board of education, the commissioner shall adjust such apportionment or apportionments among the districts affected, or between the district and the regional board, as the case may be, on an equitable basis in accordance with the intent of this article.

Source: C. 18:10–29.45 (1954, c. 85, s. 16).

18A:58–18. Blank.

18A:58–19. Certain repealers saved. Section 18 of "An act concerning state aid for schools, making an appropriation therefor, and repealing P. L. 1946, c. 63, P. L. 1948, c. 66, P. L. 1951, c. 227, sections 18:10–49, 18:12–4 through 18:12–9, and 18:15–6 through 18:15–16 of the Revised Statutes and amendments and supplements thereto," approved June 30, 1954 (P. L. 1954, c. 85), is saved from repeal.

Source: C. 18:10–29.47 (1954, c. 85, s. 18).

Article 2. School Building Aid Law.

18A:58–20. Short title. This article shall be known as the "school building aid law."

Source: C. 18:10–29.49 (1956, c. 8, s. 1).

18A:58–21. Definitions. For the purposes of this article, unless the context clearly requires a different meaning:

"Resident enrollment" shall mean the number of full-time pupils who are residents of the district and are enrolled in day schools on the last day of September during the school year in which calculation of aid is made and are attending the public schools of the district or a school district or state college demonstration school to which the district of residence pays tuition; provided that no district shall count in its enrollment any pupil regularly attending on a full-time basis a county vocational school in the same county.

"Building aid allowance" shall mean a school district's annual building aid allowance as computed and determined pursuant to this article.

"Capital foundation program" shall mean the amount annually determined pursuant to section 18A:58–23.

"Capital reserve fund" shall mean a fund by that designation established by the state treasurer for each school district which elects to appropriate moneys into such fund pursuant to this article. The state treasurer shall not be required to segregate the fund for each such school district; provided, however, that each district's share shall be shown separately in the records of the state treasurer.

Source: C. 18:10–29.50 (1956, c. 8, s. 2, amended 1966, c. 31, s. 10).

18A:58–22. Aid authorized. For the school year 1956-1957 and each school year thereafter there shall be established for each school district a capital foundation program, a local share, and an annual building aid allowance as hereinafter provided.

Source: C. 18:10–29.51 (1956, c. 8, s. 3).

18A:58–23. Capital foundation program. The capital foundation program shall be computed annually for each school district as the sum of the amount appropriated by or for the school district in each school budget or in a municipal budget for purposes of (1) debt service, (2) capital outlay and (3) net addition to its capital reserve fund, but not exceeding $45.00 per pupil in resident enrollment.

Source: C. 18:10–29.52 (1956, c. 8, s. 4, amended 1958, c. 127, s. 1; 1966, c. 31, s. 11).

18A:58–24. Local share.

a. There shall be deducted from the amount of the capital foundation program of each district a local share equal to $0.075 per $100.00 (¾ mill per $1.00) upon the equalized full valuation of the taxing district or districts within the school district, as certified by the director of the state division of taxation to the commissioner, pursuant to law, for the year in which the calculation is required to be made. The remainder shall constitute the district's building aid allowance.

b. With respect to regional school districts and their component districts, however, the equalized valuations as certified by the director of taxation as described above shall be allocated among the regional district and its component districts in proportion to the number of pupils in each of them as determined for the foundation program.

c. With respect to any school district in which there are pupils whose parents live and work on federal property and for which the district has an entitlement under subsection 3 (a) of Title I of P. L. 874, as amended by Title I of P. L. 89-10, the commissioner shall adjust the equalized full valuation of the taxing district by adding thereto the equalized valuation per pupil for each such 3 (a) pupil. The equalized valuation per pupil shall be determined without such 3 (a) pupils.

Source: C. 18:10–29.53 (1956, c. 8, s. 5, amended 1966, c. 31, s. 12).

18A:58–25. Capital reserve funds. The state treasurer shall establish a school building aid capital reserve fund for each school district. The

state treasurer, upon certification of the commissioner and warrant of the director of the division of budget and accounting, shall:

(1) If the commissioner of education and the director of the division of local finance have certified that any school district or municipality is unable to pay the principal or interest of any bonds hereafter issued for school purposes, apply the amount of the building aid allowance to the payment of interest and principal on such bonds as hereinafter set forth;

(2) Pay to each school district the amount of its building aid allowance less any amount thereof which may have been applied to the payment of bonds under subsection (1) hereof and less its net appropriation to its capital reserve fund, at the times and in the manner hereinafter provided; and

(3) Credit to the capital reserve fund of each district the remainder of the building aid allowance not so required to be paid, together with an additional amount to be withheld from any state aid moneys otherwise due the district, sufficient to make the total capital reserve appropriated by the district.

The director of the division of investment shall invest and reinvest such capital reserve funds in the same manner and subject to the same requirements as are prescribed for the investment of state funds generally. Income received upon the investment of the capital reserve funds shall be credited pro rata to the capital reserve funds of the respective school districts, semiannually on November 1 and May 1.

In the event that a school district or municipality anticipates that it will be unable to meet the payment of principal or interest of any bonds hereafter issued for school purposes, it shall certify such inability to the commissioner of education and the director of the division of local finance at least 10 days prior to the date such payment is due. The state treasurer, upon certification of such inability by said commissioner and director or, in the event any such district or municipality fails to certify its anticipated inability to meet any such payments, upon notice and verification of such inability, shall withhold from the sums then or thereafter available to said district as state building aid a sum sufficient to pay the principal of and interest on such bonds. The state treasurer shall pay ratably to the claimant holders of such bonds, or their agent, first the interest and then the principal due and owing to them by the school district or municipality, as the case may be, up to the amount of the building aid allowance then or thereafter available to such district or municipality.

Source: C. 18:10-29.54 (1956, c. 8, s. 6, amended 1956, c. 123, s. 1; 1958, c. 127, s. 2).

18A:58-26. Withdrawal from reserve funds. A school district may on November 1 or May 1 in any school year draw against its capital reserve fund, up to the amount of the balance therein, to the extent that such withdrawal is anticipated as a revenue in the school budget for the then current school year or it may be applied to a capital purpose authorized by ordinance or by vote of the electors of the school district; provided, that such budget anticipation and withdrawal may not be greater than the amount

by which capital outlay and debt service in such year exceed the state school building aid applicable thereto. Such withdrawal shall be paid by the state treasurer to the board of education upon application duly made to the commissioner and upon his certification and the warrant of the director of the division of budget and accounting.

Source: C. 18:10-29.55 (1956, c. 8, s. 7, amended 1956, c. 123, s. 2; 1966, c. 31, s. 13).

18A:58-27. Debt service for school purposes. For the purposes of this article, debt service shall include annual payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations, and shall also include annual payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes.

Source: C. 18:10-29.56 (1956, c. 8, s. 8).

18A:58-28. Blank.

18A:58-29. Determination of capital aid. On or before November 15 in each year, the commissioner shall determine the maximum building aid allowance available to each school district and estimate the amount necessary to be appropriated by the state to carry out the provisions of this article, for the succeeding school year. The commissioner shall make such determination and estimate upon the basis of resident enrollment of the district, and a local fair share determined for the current calendar year. He shall promptly certify to each school district the maximum building aid allowance so determined, and the school district may include the amount so certified in its next ensuing school budget, subject to the provisions of section 18A:58-30.

Source: C. 18:10-29.58 (1956, c. 8, s. 10, amended 1966, c. 31, s. 14).

18A:58-30. Payment of capital aid. Each school district or municipality, as the case may be, may anticipate as a revenue separately stated in its budget as applicable to the capital foundation program defined in section 18A:59-23, the lesser of the following sums:

a. The sum of debt service, capital outlay and net addition to its capital reserve fund, appropriated by or for the school district in its budget or in a municipal budget, as the case may be, for such year, less the local fair share as certified by the commissioner; and

b. The maximum building aid allowance available to the district as certified by the commissioner less any amounts withheld by the state treasurer pursuant to section 18A:58-25.

The sum so anticipated, subject to audit by the commissioner, shall be payable as school building aid pursuant to this article and required to be set aside and reserved by the state treasurer pursuant hereto respectively, and shall be paid and reserved, as the case may be, in each school year, one half on November 1, and one half on May 1. Payments shall be made, by the state treasurer to each board of education, and reserve funds set aside, upon certification of the commissioner and warrant of the director of the division of budget and accounting. In the case of type I school dis-

tricts any payment of building aid allowance or withdrawal from a reserve fund shall be remitted to the chief financial officer of the municipality in which such district is located or the custodian of school moneys.

All sums so received by or set aside for a board of education or municipality shall be applied as follows: first, to debt service on bonds issued by such board of education or municipality for school purposes; secondly, to capital outlay for school purposes; and lastly, to addition to the capital reserve fund of such school district.

Source: C. 18:10-29.59 (1956, c. 8, s. 11, amended 1958, c. 127, s. 3, amended 1966, c. 31, s. 15).

18A:58-31. Reports and rules.

a. On or before a date to be set by the commissioner, but not later than October 15 in each year, the secretary of each school district and the superintendent or, if there is no superintendent, such other officer or employee as shall be delegated by the district board of education to maintain budget and appropriation records, shall make and transmit a report to the commissioner of such information as the commissioner may require to administer the provisions of this article. Such report shall be certified, under the penalties of perjury, as true to the best of the knowledge and belief of the persons making it. With respect to type I school districts, the commissioner may require that such report be accompanied by a statement of a licensed public school accountant for New Jersey certifying to the amount of debt service payments made by the municipality during the preceding school year for or on account of bonds and other obligations issued for school purposes as defined in section 18A:58-27. Such certificate may be made upon the basis of such records and other information available to the accountant and in such form, as the commissioner may by rule prescribe. The amount of the debt service so certified shall for the purpose of this act be deemed to be the debt service budgeted and appropriated by the school district.

b. In order to participate in any apportionment made according to the provisions of this article, a school district shall comply with the rules and standards for the equalization of educational opportunity, including the maintenance of minimum acceptable school building facilities, which have been or which may hereafter be prescribed by law, or formulated by the commissioner or the state board pursuant to law. The commissioner is hereby authorized to withhold all or part of such apportionment for failure to comply with any rule or standard. No apportionment under this article shall be paid to any district which has not provided public school facilities for at least 180 days during the preceding school year, but the commissioner, for good cause shown, may remit the penalty.

Source: C. 18:10-29.60 (1956, c. 8, s. 12).

18A:58-32. New school districts. When the apportionment shall have been made for any year and a part of any district becomes a new school district or a part of another school district, or comes partly under the authority of a regional school district, the commissioner shall adjust such apportionment or apportionments among the districts affected, or between the district and the regional district, as the case may be, on an equitable basis in accordance with the intent of this article.

Source: C. 18:10-29.61 (1956, c. 8, s. 13)

18A:58-33. Building aid allowance for the school year 1956-1957 saved. Section 14 of "An act to authorize the payment of state grants-in-aid to certain school districts, for school building facilities, and requiring the state treasurer to maintain capital reserve funds for the administration of such grants-in-aid and other moneys applicable thereto, supplementing Title 18 of the Revised Statutes," approved March 29, 1956 (P. L. 1956, c. 8), is saved from repeal. [This section provides for the establishment, certification and payment or credit to capital reserve funds of the amounts due for the school year 1956-1957.]

Source: C. 18:10-29.62 (1956, c. 8, s. 14).

18A:58-33.1. State aid and state building aid for school year 1966-1967 saved. Section 17 of "An act concerning state aid to education, amending and supplementing the 'state school aid act of 1954,' approved June 20, 1954 (P. L. 1954, c. 85), and amending and supplementing the 'school building aid act,' approved March 20, 1956 (P. L. 1956, c. 8), and repealing section 9 thereof," approved April 27, 1966 (P. L. 1966, c. 31), is saved from repeal.

[This section provides for payment and application of state school aid and state school building aid for the school year 1966-1967.]

Source: P. L. 1966, c. 31, s. 17.

Article 3. Funds Otherwise Available.

18A:58-34. Funds appropriated, etc., for cost of state aid to local districts for vocational education; expenditure. The commissioner may expend such sums as may be appropriated or otherwise allocated to the department to meet the state's share of the cost of aid to local school districts for vocational education.

Source: C. 18:10-29.35f (1964, c. 130).

18A:58-35. Additional state aid to vocational education. The department is hereby authorized and empowered, out of any funds now or hereafter appropriated to the department for state aid to vocational education, to employ for staff services such personnel as may be required to properly implement and carry out said state aid program of vocational education; provided, however, that the amount to be expended for such staff services shall be financed on the basis of 50% participation by the state and 50% by the federal government.

Source: C. 18:10-29.35g (1965, c. 66).

18A:58-36. State appropriation for construction of area vocational school facilities. The state board, in addition to its other budget requests concerning state aid for vocational education, shall formulate annual budget requests for state support for the construction of area vocational education school facilities. Within the limit of funds appropriated to the state board for such purposes, and in accordance with rules and regulations prescribed by the state board, the board of education of a county vocational school system, or the board of education of any school district may apply to the state board and receive state support for the construction of area vocational education school facilities in amounts not to exceed one fourth of the cost of said construction. The funds appropriated for this purpose

shall be combined with that portion of funds received from the federal government under the vocational education act of 1963 (77 Stat. 403, Public Law 88-210) required by said act to be used for construction of area vocational education school facilities.

Source: C. 18:17–10 (1967, c. 121, s. 1).

18A:58–37. Allocation and distribution of federal and state funds. Said combined funds shall be allocated and distributed pursuant to applicable federal and state statutes and rules and regulations thereunder, including rules and regulations of the state board; provided, however, that, to the extent said combined funds are sufficient, and insofar as same is permitted by federal law, the allocation of said combined state and federal funds shall be made in such amounts and over such periods of time so as to pay for, or reimburse, one half of the total cost incurred by county vocational school districts or by a local school district in constructing and equipping or either thereof of area vocational school facilities.

Source: C. 18:17–11 (1967, c. 121, s. 2).

Chapter 59. FEDERAL AID.

Note: For treatment of federal funds for vocational education, see also chapter 58, article 3.

Article 1. In General.

18A:59–1. Apportionment and distribution of federal funds; exceptions.
18A:59–2. Federal funds as trust funds; distribution.
18A:59–3. Custody of federal funds; disbursement.

Article 2. Promotion of Vocational Education.

18A:59–4. Act of congress accepted.
18A:59–5. State board empowered to act.
18A:59–6. Custodian of funds.
18A:59–7. State appropriation for training of teachers of vocational subjects.
18A:59–8. State appropriation for salaries of teachers of agricultural subjects.

Article 1. In General.

18A:59–1. Apportionment and distribution of federal funds; exceptions. Whenever moneys are made available for school purposes by any act of congress, except the act of congress referred to in article 2 of this chapter, or any agency of the federal government, or made available or deposited in any manner in accordance with any law enacted by the congress of the United States, such moneys shall be apportioned by the commissioner under plans approved by the state board, if said moneys are for use in the public school system, or by the chancellor, under plans approved by the board of higher education, if said moneys are for use in higher education. Such moneys shall be distributed as aid to the several districts or in any other manner designated for any educational purpose defined in the federal statutes or in the regulations of federal agencies making allotments or in the laws of this state.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:23–19 (1941, c. 373, s. 1).

18A:59–2. Federal funds as trust funds; distribution. All moneys mentioned in section 18A:59–1 shall be considered trust funds and shall be distributed by the commissioner or by the chancellor, as the case may be, in conformity with said plans.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–11 (1966, c. 302, s. 11); C. 18:23–20 (1941, c. 373, s. 2).

18A:59–3. Custody of federal funds; disbursement. The state treasurer is hereby appointed custodian of all moneys made available to the state of New Jersey under the provisions of section 18A:59–1. He shall receive and provide for the proper custody thereof. He shall disburse such moneys upon the warrant of the director of the division of budget and

accounting in the department of the treasury when such disbursement has been certified to said director by the officer authorized to distribute the same.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:21A-11 (1966, c. 302, s. 11); C. 18:23-21 (1941, c. 373, s. 3).

Article 2. Promotion of Vocational Education.

18A:59-4. Act of congress accepted. The provisions of the act of congress, approved February 23, 1917, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for the cooperation with the states in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure," are hereby accepted by the state of New Jersey.

Source: R.S. 18:17-1.

18A:59-5. State board empowered to act. The state board is hereby designated as the state board for the purposes of said act of congress, and shall cooperate, as in the act provided, with the federal board for vocational education in the administration of the provisions thereof. The state board shall do all that is or may be required to secure for the state of New Jersey the benefits of appropriations under the act of congress for all purposes specified therein.

Source: R.S. 18:17-2.

18A:59-6. Custodian of funds. The state treasurer is hereby appointed custodian of all money paid to the state from appropriations under said act of congress. He shall receive and provide for the proper custody thereof. He shall disburse such money upon the warrant of the director of the division of budget and accounting in the department of the treasury when such disbursement has been certified by the state board.

Source: R.S. 18:17-3.

18A:59-7. State appropriation for training of teachers of vocational subjects. To secure for the state the maximum appropriation under such act of congress for the training of teachers of vocational subjects as therein provided there shall be appropriated each year from any money in the state treasury not otherwise appropriated a sum not less than the maximum which the state can receive under such act of congress for the ensuing school year for that purpose. Such sum shall be used for the training of teachers of vocational subjects in accordance with such act of congress in one or more of the state schools or colleges or institutions under state control.

Source: R.S. 18:17-4.

18A:59-8. State appropriation for salaries of teachers of agricultural subjects. To secure for the state the advantages under such act of congress for the supervision of agricultural subjects as therein provided, there shall be appropriated each year, from any money in the state treasury not otherwise appropriated, a sum not less than $1,000.00, which sum shall be expended for the salary or salaries of teachers, supervisors, or directors of agricultural subjects, in accordance with the terms of the act of congress.

Source: R.S. 18:17-5.

Subtitle 8. STATE EDUCATIONAL INSTITUTIONS.

Part 1. IN GENERAL.

Chapter 60. TENURE AND PROTECTION AGAINST DAMAGE SUITS.

18A:60–1. Tenure.
18A:60–2. Dismissal and reduction in salary.
18A:60–3. Reduction of number of positions.
18A:60–4. Indemnity of employees against civil actions.
18A:60–5. Indemnity of employees in certain criminal actions.

18A:60–1. Tenure. The services of all professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, and other persons employed in a teaching capacity, who are or shall hereafter be employed, by the commissioner, in the Marie H. Katzenbach school for the deaf or in any other educational institution, or employed in any state college or in any county college, shall be under tenure during good behavior and efficiency:

a. after the expiration of a period of employment of three consecutive calendar years in any such institution or institutions; or

b. after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year in any such institution or institutions; or

c. after employment in any such institution or institutions, within a period of any four consecutive academic years, for the equivalent of more than three academic years.

An academic year, for the purpose of this section, means the period between the time school opens in the institution after the general summer vacation until the next succeeding summer vacation.

Source: C. 18:16–37 (1946, c. 124, s. 1); C. 18:22–112 (1962, c. 41, s. 13).

18A:60–2. Dismissal and reduction in salary. No such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity, so under tenure, shall be dismissed or subjected to a reduction in salary except for inefficiency, incapacity, conduct unbecoming a teacher, or other just cause, and only in the manner prescribed by subarticle B of article 2 of chapter 6 of this title.

Source: C. 18:16–38 (1946, c. 124, s. 2).

18A:60–3. Reduction of number of positions. Nothing contained in this chapter shall be held to limit the right of the commissioner in the case of any educational institution conducted under his jurisdiction, supervision or control, or of the board of trustees of a college, in the case of a college, to reduce the number of professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons em-

ployed in a teaching capacity in any such institution or institutions when the reduction is due to a natural diminution of the number of students or pupils in the institution or institutions. Dismissals resulting from such reduction shall not be by reason of residence, age, sex, marriage, race, religion, or political affiliation. When such professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity under tenure are dismissed by reason of such reduction those professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity having the least number of years of service to their credit shall be dismissed in preference to those having longer terms of service. Should any such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity under tenure be dismissed as a result of such reduction such person shall be and remain upon a preferred eligible list in the order of years of service for reemployment, whenever vacancies occur, and shall be reemployed by the commissioner in such order, when, and if, a vacancy in a position for which such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity shall be qualified. Such reemployment shall give full recognition to previous years of service.

Source: C. 18:16-40 (1946, c. 124, s. 4); C. 18:22-112 (1962, c. 41, s. 13).

18A:60-4. Indemnity of employees against civil actions. Whenever any civil action has been or shall be brought against any professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or any other person employed in a teaching capacity, by the state board or by the commissioner, in the Marie H. Katzenbach school for the deaf or in any other educational institution under the control of the state board, or by the department of higher education, or by the board of trustees of a state college or of the Newark college of engineering, or, by any other institution of higher education, coordinated by the board of higher education, for any act or omission arising out of and in the course of the performance of the duties of such office, position or employment, the state shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom; and the state may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

Source: C. 18:16-45 (1967, c. 166, s. 1); C. 18:21A-45 (1967, c. 165, s. 1).

18A:60-5. Indemnity of employees in certain criminal actions. Should any criminal action be instituted against any such employee for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of such employee, the state shall reimburse him for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals.

Source: C. 18:16-46 (1967, c. 166, s. 2); C. 18:21A-46 (1967, c. 165, s. 2).

Part 2. SPECIAL STATE SCHOOLS.

Chapter 61. MARIE H. KATZENBACH SCHOOL FOR THE DEAF.

18A:61-1. Purpose; name; free tuition.
18A:61-2. Supervision by commissioner.
18A:61-3. Persons admitted.
18A:61-4. Application for admission.
18A:61-5. Expense of maintaining pupil.

18A:61-1. Purpose; name; free tuition. A school shall be maintained for the purpose of training and educating deaf children. The name and title of the school shall be the "Marie H. Katzenbach school for the deaf." Tuition therein shall be free.

Source: R.S. 18:16-1, amended 1965, c. 24, s. 1.

18A:61-2. Supervision by commissioner. The commissioner, subject to the approval of the state board, shall:

a. Have the control and care of the buildings and grounds owned and used by the state for the school for the deaf;

b. Appoint and remove a superintendent, teachers and other employees, and fix the compensation of those whose compensation is not fixed by statute or otherwise determinable by authority of law;

c. Provide furniture, textbooks, school apparatus and other supplies; and

d. Make rules for the government and management of the school and the admission of pupils thereto.

Source: R.S. 18:2-9, amended 1945, c. 51, s. 3; 1948, c. 27, s. 1; 1956, c. 70, s 1.; 18:16-2, amended 1947, c. 148, s. 29.

18A:61-3. Persons admitted. Deaf persons of suitable age and capacity for instruction, who are legal residents of this state and not over 21 years of age, shall be entitled to the privileges of the school for the time, not exceeding 14 years, the state board shall determine, unless more persons apply for admission at one time than be properly accommodated, in which case the board shall so apportion the number received that each county is represented therein in the ratio of its deaf population to the total deaf population of the state.

Source: R.S. 18:16-4.

18A:61-4. Application for admission. Application for admission shall be made to the state board by a parent, guardian or friend of a proposed pupil in the manner directed by the board. The board shall require that the application be accompanied by a certificate from a judge of the county court or the county clerk of the county, a chosen freeholder or clerk of the township, the mayor or other executive officer of the municipality in which the applicant shall reside, stating:

a. That the applicant is a legal resident of the municipality claimed as his residence;

b. The age, circumstances and capacity of the proposed pupil; and

c. The ability or inability of the proposed pupil or his parent or guardian to pay any part of the expense of his care and maintenance.

Source: R.S. 18:16-5, amended 1953, c. 18, s. 30.

18A:61-5. Expense of maintaining pupil. Whenever the board is satisfied that the resources of a person applying for admission to the school or who is a pupil thereat, or those of his parent or guardian, are sufficient to defray either the whole or a part of the expense of maintenance of the pupil, the board may require the parent or guardian to pay either the whole or such portion thereof as it shall deem just and equitable.

Source: R.S. 18:16-6.

Subtitle 9. PUBLIC HIGHER EDUCATION.

Chapter 62. PUBLIC HIGHER EDUCATION IN GENERAL.

18A:62-1. Public institutions of higher education.
18A:62-2. Disbursements to denominational schools prohibited.

18A:62-1. Public institutions of higher education. The public institutions of higher education are the six state colleges; the county colleges; the public junior colleges; the New Jersey college of medicine and dentistry; the college of aeronautical and airspace science established in Atlantic County pursuant to chapter 285 of the laws of 1964; the industrial schools; Newark college of engineering; Rutgers, the state university; and any other public universities, colleges, county colleges and junior colleges now or hereafter established or authorized by law.

Source: C. 18:21A-1 (1966, c. 302, s. 1).

18A:62-2. Disbursements to denominational schools prohibited. No disbursements of the moneys appropriated by the state for the purposes of public higher education shall be made to any institution wholly or in part under the control of a religious denomination or in which a denominational tenet or doctrine is taught.

Source: C. 18:22-14.1 (1945, c. 51, s. 4).

Chapter 63. TEACHERS' SUMMER SCHOOLS AND EXTENSION COURSES.

18A:63-1. Establishment of summer schools and extension courses; curricula.

18A:63-2. Tuition and incidental fees.

18A:63-3. Fees to be paid into treasury.

18A:63-1. Establishment of summer schools and extension courses; curricula. Summer schools and extension courses for the purpose of training and educating persons, in the science of education and in the art of teaching elementary agriculture, manual training, household economics and such other subjects as may be prescribed, shall be established and maintained in the state colleges and may be provided in such other places as shall be designated by the board of higher education.

Source: R.S. 18:16-14; C. 18:21A-4 (1966, c. 302, s. 4).

18A:63-2. Tuition and incidental fees. The state colleges and state summer schools may charge such tuition and incidental fees in extension courses and summer school courses as are approved by the board of higher education.

Source: R.S. 18:16-17; 18:21A-4 (1966, c. 302, s. 4).

18A:63-3. Fees to be paid into treasury. Moneys collected for tuition and incidental fees from pupils enrolled in such summer schools and extension courses shall be paid into the general fund of the state treasurer.

Source: R.S. 18:16-18.

Chapter 64. STATE COLLEGES.

Article 1. General Provisions.

18A:64-1. Legislative finding; maintenance and location; names.
18A:64-2. Control and management.
18A:64-3. Board of trustees; membership; term; removal.
18A:64-4. Meeting and organization.
18A:64-5. Expenses; no compensation.
18A:64-6. Powers and duties.
18A:64-7. Additional powers and duties.
18A:64-8. President; powers and duties.
18A:64-9. Existing state colleges continued.
18A:64-10. Maintenance of demonstration schools.
18A:64-11. Conduct of extension courses, fees, etc.
18A:64-12. Rights of counties as to number of pupils.
18A:64-13. Tuition fees; agreement to teach.
18A:64-14. Furnishing of books and supplies by students; general school fees.
18A:64-15. Competitive examinations, eligibility; apportionment of scholarships among counties; assignment of successful candidates.
18A:64-16. Rules and regulations; scholarship; leave of absence.
18A:64-17. Work for students.
18A:64-18. Money from fees to be paid into treasury.
18A:64-19. Repairs to buildings and furniture.
18A:64-20. Employment of professors, etc., continued; tenure rights, etc., preserved.
18A:64-21. Future professors, etc., to have similar tenure rights, etc.

Article 2. Council of State Colleges.

18A:64-22. Council established.
18A:64-23. Membership; compensation.
18A:64-24. Organization.
18A:64-25. Purpose.

Article 1. General Provisions.

18A:64-1. Legislative finding; maintenance and location; names. The legislature hereby finds that it is in the best interest of the state that the state colleges shall be and continue to be given a high degree of self-government and that the government and conduct of the colleges shall be free of partisanship. Such colleges shall be maintained for the purpose of providing higher education in the liberal arts and sciences and various professional areas including the science of education and the art of teaching at such places as may be provided by law. The names of the colleges shall be designated by the board of higher education. The name of each of the

existing state colleges shall continue the same unless a new name is so designated.

Source: R.S. 18:16-19, amended 1954, c. 80, s. 12; C. 18:21A-18 (1966, c. 302, s. 18); C. 18:21A-19 (1966, c. 302, s. 19).

18A:64-2. Control and management. The government, control, conduct, management and administration of each of the colleges shall be vested in the board of trustees of the college.

Source: C. 18:21A-20 (1966, c. 302, s. 20).

18A:64-3. Board of trustees; membership; term; removal. Each such board of trustees shall consist of nine citizens of the state, not more than three of whom shall reside in any one county and of whom at least two shall be women who shall be appointed by the board of higher education, subject to the approval of the governor. The term of office of appointed members shall be for six years beginning on July 1 and ending on June 30 except that of the members first appointed, two shall be appointed for terms expiring June 30, 1967; two for terms expiring June 30, 1968; two for terms expiring June 30, 1969; one for a term expiring June 30, 1970; one for a term expiring June 30, 1971; and one for a term expiring June 30, 1972. Each member shall serve until his successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any member of a board of trustees may be removed by the governor for cause upon notice and opportunity to be heard.

Source: C. 18:21A-21 (1966, c. 302, s. 21).

18A:64-4. Meeting and organization. Each such board shall meet and organize annually at a regular meeting held during the second week of September, by the election of a chairman, vice chairman and such other officers as the board shall determine. Such officers shall serve until the following September meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired term only.

The board may meet at such other times and at such places as it may designate.

Source: C. 18:21A-21 (1966, c. 302, s. 21).

18A:64-5. Expenses; no compensation. Members of each such board shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

Source: C. 18:21A-21 (1966, c. 302, s. 21).

18A:64-6. Powers and duties. The board of trustees of a state college shall, within the general policies and guidelines set by the board of higher education, have general supervision over and shall be vested with the conduct of the college. It shall, within the general policies and guidelines set by the board of higher education, have the power and duty to:

a. Adopt and use a corporate seal;

b. Determine the educational curriculum and program of the college;

c. Determine policies for the organization, administration and development of the college;

d. Study the educational and financial needs of the college; annually acquaint the governor and legislature with the condition of the college; and prepare, and after concurrence by and jointly with the board of higher education, present the annual budget to the governor and legislature, in accordance with law;

e. Subject to the provisions of P. L. 1944, chapter 112, direct and control the expenditures of the college in accordance with the provisions of the budget and the appropriations acts of the legislature, except that with respect to transfers of funds pursuant to P. L. 1944, chapter 112, the college shall be deemed a spending agency, and as to funds received from other sources, in accordance with the terms, of any applicable trusts, gifts, bequests, or other special provisions;

f. With the approval of the board of higher education appoint and fix the compensation of a president of the college who shall be the executive officer of the college and shall serve at the pleasure of the board of trustees;

g. Appoint a treasurer and such deans and other members of the academic, administrative and teaching staffs as shall be required and fix their compensation and terms of employment in accordance with salary policies adopted by the board of higher education, which salary policies shall prescribe qualifications for the various classifications and shall limit the percentage of the education staff that may be in any given classification;

h. Appoint, remove, promote and transfer such other officers, agents or employees as may be required for carrying out the purposes of the college and assign their duties, determine their salaries and prescribe qualifications for all positions, all in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes;

i. Grant diplomas, certificates or degrees;

j. Subject to the provisions of P. L. 1954, chapter 48, to enter into contracts and agreements with the state or any of its political subdivisions or with the United States, or with any public body, department or other agency of the state or the United States or with any individual, firm, or corporation which are deemed necessary or advisable by the board for carrying out the purposes of the college;

k. Subject to the provisions of P. L. 1954, chapter 48, purchase lands, buildings, equipment, materials and supplies; employ architects, engineers and other persons desired in the planning of buildings, equipment and facilities; secure bids, enter into contracts for and supervise the construction of such buildings, equipment and facilities;

l. If necessary, take and condemn land and other property in the manner provided by chapter 1 of Title 20, Eminent Domain, of the Revised Statutes, whenever authorized by law to purchase land or other property;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this article that are necessary and proper for the administration and operation of the college and the carrying out of its purposes.

Source: R.S. 18:16-23; C. 18:21A-22 (1966, c. 302, s. 22); C. 18:21A-25 (1966, c. 302, s. 25); C. 18:21A-41 (1966, c. 302, s. 41).

18A:64-7. Additional powers and duties. The board of trustees of a state college, in addition to the other powers and duties provided herein and within the general policies and guidelines set by the board of higher education, shall have and exercise the powers, rights and privileges that are incident to the proper government, conduct and management of the college, and the control of its properties and funds and such powers granted to the college or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the state, except as otherwise provided by this article or applicable law.

Source: C. 18:21A-23 (1966, c. 302, s. 23).

18A:64-8. President; powers and duties. The president of a state college shall be responsible to its board of trustees and shall have such powers as shall be requisite, for the executive management and conduct of the college in all departments, branches and divisions, and for the execution and enforcement of the bylaws, rules, regulations and orders governing the management, conduct and administration of the college.

Source: C. 18:21A-24 (1966, c. 302, s. 24).

18A:64-9. Existing state colleges continued. The existing six state colleges presently maintained by the state of New Jersey and heretofore under the care, custody, control and administration of the commissioner and the state board shall hereafter be operated by their respective boards of trustees pursuant to the provisions of this article.

Source: C. 18:21A-25 (1966, c. 302, s. 25).

18A:64-10. Maintenance of demonstration schools. The board of trustees of each state college may maintain demonstration schools under regular teachers, in which pupils of the state colleges shall have the opportunity to observe and practice approved methods of instruction and discipline.

Source: R.S. 18:16-30; C. 18:21A-20 (1966, c. 302, s. 20).

18A:64-11. Conduct of extension courses, fees, etc. The board of trustees of each state college is authorized and empowered to conduct summer schools and extension courses through the six state colleges for the purpose of giving further training to the teachers in the public schools of this state and to charge fees therefor to be fixed by the board of higher education and to be collected by the treasurers of the several state colleges.

Source: R.S. 18:16-17; C. 18:16-20.1 (1954, c. 70); C. 18:21A-4 (1966, c. 302, s. 4); C. 18:21A-20 (1966, c. 302, s. 20).

18A:64-12. Rights of counties as to number of pupils. Each county shall be entitled to at least six times as many pupils in such colleges as it shall have representatives in the legislature. In case a county shall not have the full number of pupils to which it is entitled, pupils may be admitted from other counties.

Source: R.S. 18:16-25.

18A:64-13. Tuition fees; agreement to teach. Pupils in each state college who are residents of New Jersey shall be required to pay each year a minimum tuition fee of $50.00, and shall sign an agreement to teach for a period of two years immediately after graduation. Residents of New Jersey who do not sign such agreement and nonresidents of the state shall pay an additional fee. Such fees and any increase of the minimum tuition fee shall be determined by the board of higher education.

Source: R.S. 18:16-26; C. 18:21A-4 (1966, c. 302, s. 4).

18A:64–14. Furnishing of books and supplies by students; general school fees. Each state college may require students to furnish such textbooks and incidental supplies and to pay such general school fees as may be fixed by the board of higher education. The board of trustees shall provide apparatus and such books and supplies as are not required to be furnished by students as provided in this section.

Source: R.S. 18:16–20, amended 1947, c. 148, s. 31; 18:16–28; C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–20 (1966, c. 302, s. 20).

18A:64–15. Competitive examinations, eligibility; apportionment of scholarships among counties; assignment of successful candidates. Students shall be selected for scholarships in the order of excellence as determined by a competitive examination. Only students who have qualified for admission and demonstrate to the satisfaction of the chancellor their need for financial assistance are eligible to take this competitive examination. The total number of scholarships shall be awarded by counties in the ratio that the population of the county bears to the total population of the state. Assignment of successful candidates to the various state colleges shall be made by the chancellor upon the basis of the courses of study selected under the regulations to be provided as set forth in section 18A:64–16 of this chapter.

Source: R.S. 18:16–34; C. 18:21A–4 (1966, c. 302, s. 4).

18A:64–16. Rules and regulations; scholarship; leave of absence. The chancellor, with the approval of the board of higher education, may make (1) all rules and regulations necessary to make effective the awarding of scholarships under this chapter and (2) rules concerning leaves of absence and payment during such leaves for teachers employed in the state colleges.

Source: R.S. 18:16–21; 18:16–35; C. 18:21A–4 (1966, c. 302, s. 4).

18A:64–17. Work for students. The president of any state college may, under regulations approved by the board of trustees, provide work in or about such college for any student or students who demonstrate financial need. The value of such work as determined by the president under the aforementioned regulations shall be credited toward the payment in part or in whole of any one or combination of the following charges for such student or students: tuition, room and board; provided that the number of students aided under the provisions of this section shall not exceed 25% of the number of the full-time students of such college.

Source: C. 18:16–27.1 (1944, c. 140, s. 1, amended 1953, c. 280; 1954, c. 63); C. 18:21A–20 (1966, c. 302, s. 20).

18A:64–18. Money from fees to be paid into treasury. All moneys received in connection with the operation of the state colleges and demonstration schools shall be paid into the general fund of the state treasury.

Source: R.S. 18:16–31.

18A:64–19. Repairs to buildings and furniture. The board of trustees of each state college shall have the control and care of the building and grounds owned and used by the state for the college and shall order necessary repairs to the grounds, buildings, and furniture of the college. The director of the division of budget and accounting in the department of the treasury shall, upon bills approved by the board of trustees of the state

college, draw warrants upon the state treasurer for the payment of the cost thereof.

Source: R.S. 18:16-20, amended 1947, c. 143, s. 31; 18:16-24; C. 18:21A-20 (1966, c. 302, s. 20).

18A:64-20. Employment of professors, etc., continued; tenure rights, etc., preserved. All professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, and other persons employed by the state of New Jersey, the state board of education or the commissioner of education in the state colleges on July 1, 1967 shall continue in their respective employments in the employ of the board of trustees of their respective colleges and any and all rights of tenure, civil service, retirement, pension disability, leave of absence or similar benefits provided by or under the provisions of the laws of this state shall not be affected or interrupted by virtue of such transfer.

Source: C. 18:21A-26 (1966, c. 302, s. 26).

18A:64-21. Future professors, etc., to have similar tenure rights, etc. All professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, and other persons employed by the board of trustees of the state colleges shall have the same rights of tenure, seniority, pension, protection from liability, rights to legal counsel and all other rights and privileges of similar employees of the state board of education or the commissioner of education on July 1, 1967 in the existing state colleges.

Source: C. 18:21A-27 (1966, c. 302, s. 27).

Article 2. Council of State Colleges.

18A:64-22. Council established. There is hereby established in the department of higher education a council of state colleges.

Source: C. 18:21A-28 (1966, c. 302, s. 28).

18A:64-23. Membership; compensation. The council shall consist of the presidents and chairmen of the boards of trustees of the several state colleges. The chancellor shall ex officio be an additional member but shall be without vote.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

Source: C. 18:21A-29 (1966, c. 302, s. 29).

18A:64-24. Organization. The council shall organize annually during the month of September by the election of a chairman, vice chairman and such other officers as the council shall determine. Such officers shall serve until the following September meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired term only. The council may meet at such other times and at such places within the state as it shall deem necessary.

Source: C. 18:21A-29 (1966, c. 302, s. 29).

18A:64-25. Purpose. Under the guidance of the board of higher education and with assistance from its staff, the council will:

a. Foster communication and cooperation among the state colleges and through its chairman, provide them collective representation on the board of higher education;

b. Guide and stimulate effective planning and program development, within the general policies and guidelines set by the board of higher education, by the several state colleges;

c. Ensure diversity of development among the several state colleges in ways which will be responsive to particular needs in the several parts of the state;

d. Seek to ensure acceptable and effective lines of development in admissions policy, academic standards, programs, financing, and community relations in the several state colleges;

e. Act as an advisory body to the board of higher education in carrying out its duties and responsibilities with regard to the state colleges; and

f. Study the need for, and recommend to the board of higher education, when required, the establishment of new state colleges and their location.

Source: C. 18:21A-30 (1966, c. 302, s. 30).

Chapter 64A. COUNTY COLLEGES.

Note: Eligibility of pensioners as presidents of county colleges, see section C. 43:3-1.2.

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Article 1. General Provisions.

18A:64A–1. Definitions. As used in this chapter:

a. "County college" means an educational institution established or to be established by one or more counties, offering programs of instruction, extending not more than two years beyond the high school, which may include but need not be limited to specialized or comprehensive curriculums, including college credit transfer courses, terminal courses in the liberal arts and sciences, and technical institute type programs;

b. "Capital outlay expense" means those funds devoted to or required for the acquisition, landscaping or improvement of land; the acquisition, construction, reconstruction, improvement, remodeling, alteration, addition or enlargement of buildings or other structures; and the purchase of furniture, apparatus and other equipment;

c. "Operation expense" means those funds devoted to or required for the regular or ordinary expenses of the college, including administrative, maintenance and salary expenses but excluding capital outlay expenses;

d. "Local bond law" means the local bond law, chapters 1 and 2 of Title 40A of the New Jersey Statutes (N.J.S. 40A:1–1 et seq.).

Source: C. 18:22–100 (1962, c. 41, s. 1).

18A:64A–2. Petition to establish a college; action thereon by chancellor and board of higher education. When the board of chosen freeholders of one or more counties, after study and investigation, shall deem it advisable for such county or counties to establish a county college, such board or boards of county freeholders may petition the board of higher education for permission to establish and operate a county college. A report shall be attached to such petition and shall include information on the higher educational needs of the county or counties, a description of the proposed county college, the proposed curriculum, an estimate of the cost of establishing and maintaining such county college, and any other information or data deemed pertinent.

Upon receipt of such petition by the board of higher education, it shall be referred to the chancellor who shall make an independent study as to the higher educational needs of the county or counties, the necessity or advisability of establishing such county college, and whether the county or counties could, with the state aid provided for in this chapter, financially support such college. The chancellor shall submit a report containing his conclusions to the board of higher education and to the petitioning board or boards of chosen freeholders.

The board of higher education, after studying both the petition of the board or boards of chosen freeholders and the report of the chancellor, shall determine whether there is a need for such college and whether the county

or counties have the financial capacity to support such college. If the board of higher education finds such a need to exist and further finds that establishing and maintaining such college is financially feasible, it shall approve the petition and shall so notify the board or boards of chosen freeholders.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–101 (1962, c. 41, s. 2).

18A:64A–3. Upon approval, establishment of college by resolution; publication; public hearing; referendum petition. Whenever the board or boards of chosen freeholders receive notification that the board of higher education approves the establishment of a county college, each participating board may provide by resolution for the establishment of a county college in accordance with the provisions of this chapter and the regulations of the board of higher education. Prior to the final passage of said resolution, the board of chosen freeholders shall have published, in full, in a newspaper circulating in the county, the resolution together with the time and place of a public hearing to be had upon said resolution. Said publication shall be at least 10 days prior to the time fixed for the public hearing.

Within five days after passage, the resolution shall be published in full in a newspaper circulating in the county and a copy of said resolution shall be filed for public inspection with the clerk of the board of chosen freeholders and with the clerk of each municipality in said county. The resolution shall become effective in said county 45 days after passage unless there is filed with the county clerk within said 45 days, a petition requesting a referendum in said county signed by either five per cent or 10,000 of the registered voters of said county, whichever is lesser, or such a petition authorized by the governing body of a municipality or municipalities representing in total at least 15% of the population of said county. If such petition is so filed, the proposal for the establishment of a county college shall be submitted to the registered voters of said county at the next general election.

Where a county college is to be established by more than one county, similar resolutions authorizing the establishment of such county college shall be passed by the board of chosen freeholders in each participating county. If a petition such as is described above is filed in one or more said participating counties, then the proposal for the establishment of a county college shall be submitted to the registered voters of the county or counties in which such petition or petitions are filed.

The county clerk of each participating county shall notify the chancellor and the board of chosen freeholders of each other participating county upon the elapse of 45 days after the passage of the resolution in said county whether the question of the establishment of a county college is to be submitted to the registered voters of said county at the next general election.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–41 (1966, c. 302, s. 41); (C. 18:22–102 (1962, c. 41, s. 3).

18A:64A–4. Referendum; how conducted. If a proposal for the establishment of a county college is to be submitted to the registered voters of the county, the county clerk shall have published at least 10 days before

said general election notice thereof in a newspaper circulating in the county and the county clerk shall have printed or cause to be printed on the official ballot to be used at such general election the following:

If you favor the proposition printed below, make a cross (×), plus (+) or check (√) mark in the square opposite the word "Yes." If you are opposed thereto, make a cross (×), plus (+) or check (√) mark in the square opposite the word "No."

	Yes.	Shall a county college be established in ..... pursuant to chapter 64A of Title 18A of the New Jersey Statutes?
	No.	

If a county college is to be established in one county, the name of the county, and if it is to be established in more than one county, the names of the counties, should be inserted in the question.

In any county in which voting machines are used the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

If the question of the establishment of a county college is submitted to the people of the county, that county clerk shall send notice of the results of said election to the chancellor and the board of chosen freeholders of each of the participating counties.

Source: C. 18:21A-41 (1966, c. 302, s. 41); C. 18:22-103 (1962, c. 41, s. 4).

18A:64A-5. Upon approval, establishment of college in several counties. If at said election the proposal for the establishment of the county college is approved by a majority of all the votes cast both for and against said question in the county, then the board of chosen freeholders shall proceed to establish a county college.

Where the county college is to be established by more than one county, then the boards of chosen freeholders of the participating counties shall not establish a county college until the chancellor notifies said boards that a similar resolution of the board of chosen freeholders in each participating county has become effective upon the elapse of the 45-day period or the proposal for the establishment of a county college has been approved by a majority of the registered voters of said county at a general election.

Source: C. 18:21A-41 (1966, c. 302, s. 41); C. 18:22-104 (1962, c. 41, s. 5).

18A:64A-6. Upon unfavorable vote, limitations on resubmission. If a majority of the votes in a county are cast against a proposal for the establishment of a county college, the board of chosen freeholders of such county may not establish a county college unless thereafter the board:

a. Submits a petition to the board of higher education in accordance with the provisions of section 18A:64A-2, and

b. Submits a proposal for the establishment of a county college at a general election and has it approved by a majority of the votes of the county voting thereon.

The board of chosen freeholders shall not resubmit a proposal which has been defeated to the voters of the county before the third general election thereafter; however, an alternate proposal may be submitted at any general election.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:22-105 (1962, c. 41, s. 6).

18A:64A-7. Rules and regulations to be established by board of higher education. The board of higher education shall establish rules and regulations governing:

a. The establishment of county colleges; and

b. The operation of county colleges which shall include but need not be limited to:

(1) accounting systems, auditing and other financial controls,

(2) determining tuition rates,

(3) attendance of nonresident pupils,

(4) standards for granting diplomas, certificates or degrees, and

(5) minimum qualifications for professional staff members.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:22-106 (1962, c. 41, s. 7).

18A:64A-8. Boards of trustees; apportionment of membership where established in more than one county. For each county college there shall be a board of trustees, consisting of the county superintendent of schools and eight persons to be appointed by the director of the board of chosen freeholders with the advice and consent of that board.

When a county college is established by more than one county, the board of trustees shall be increased by two members for each additional participating county. The membership of the board of trustees shall be apportioned by the chancellor among the several counties as nearly as may be according to the number of inhabitants in each county as shown by the last federal census, officially promulgated in this state. Each apportionment shall continue in effect until a reapportionment shall become necessary by reason of the official promulgation of the next federal census or the enlargement of the board by the admission of one or more additional counties as provided for in section 18A:64A-24. Each county shall be entitled to have at least one member and the county superintendent of the schools of said county on the board of trustees.

Source: C. 18:21A-41 (1966, c. 302, s. 41); C. 18:22-107 (1962, c. 41, s. 8).

18A:64A-9. Qualifications of appointed members of boards, terms of office, etc.; filling vacancies; no compensation of members. Appointed members of the board of trustees shall be citizens of the United States who have been residents of the county appointing them for a period of four years prior to said appointment. The term of office of appointed members, except for the first appointments, shall be for four years. Each member shall serve until his successor shall have been appointed and qualified.

Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

In the case of a county college established by one county, the term of office of members initially appointed to the board of trustees shall be as follows: two persons shall receive terms of one year; two, terms of two years; two, terms of three years and two, terms of four years.

In the case of a county college established by more than one county, the chancellor shall fix the terms of the members initially appointed to the board of trustees so that as nearly as possible, one fourth of the appointed members will receive terms of four years, one fourth terms of three years, one fourth terms of two years and the remainder terms of one year. Such terms shall be allocated by the chancellor among the participating counties, in accordance with the number of members on the board of trustees appointed to each county, starting with the terms of four years, by allocating one of such terms to each of the participating counties in alphabetical order of the names of such counties, and continuing, still in such order, with the terms of three years, the terms of two years and the terms of one year.

Members initially appointed to the board may serve from the time of their respective appointments, but the term of such office shall be deemed to commence as of November 1 of the year in which the appointment was made.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–108 (1962, c. 41, s. 9).

18A:64A–10. Organization of boards. The board of trustees of a county college shall organize annually on the first Monday in November by the election of a chairman, vice chairman and such other officers as the board shall determine.

Source: C. 18:22–109 (1962, c. 41, s. 10).

18A:64A–11. Boards of trustees bodies corporate; designation, custody and responsibility for property and management and control of college; annual report. The board of trustees shall be a body corporate and shall be known as the "board of trustees of ....." (here insert the name of the county college).

The board of trustees, in accordance with the rules and regulations of the board of higher education, shall have custody of and be responsible for the property of the college and shall be responsible for the management and control of said college. The board shall make an annual report to the chancellor in the manner prescribed by the board of higher education and to the board of chosen freeholders of each participating county.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–110 (1962, c. 41, s. 11).

18A:64A–12. General powers of boards. For the effectuation of the purposes of this chapter, the board of trustees of a county college in addition to such other powers expressly granted to it by this chapter and subject to the rules and regulations of the board of higher education, is hereby granted the following powers:

a. To adopt or change the name of the county college;

b. To adopt and use a corporate seal;

c. To sue and be sued;

d. To determine the educational curriculum and program of the college;

e. To appoint and fix the compensation and term of office of a president of the college who shall be the executive officer of the college and an ex officio member of the board of trustees;

f. To appoint, upon nomination of the president, members of the administrative and teaching staffs and fix their compensation and terms of employment subject to the provisions of section 18A:64A–13;

g. To appoint or employ such other officers, agents and employees as may be required to carry out the provisions of this chapter and to fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment and retention;

h. To fix and determine tuition rates and other fees to be paid by students;

i. To grant diplomas, certificates or degrees;

j. To enter into contracts and agreements with the state or any of its political subdivisions or with the United States, or with any public body, department or other agency of the state or the United States or with any individual firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;

k. To accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

l. To acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

m. To determine that any property owned by the county college is no longer necessary for college purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the board of higher education;

n. To exercise the right of eminent domain, pursuant to the provisions of Title 20, Eminent Domain, of the Revised Statutes, to acquire any property or interest therein;

o. To make and promulgate such rules and regulations, not inconsistent with the provisions of this chapter or with the rules and regulations of the board of higher education, that are necessary and proper for the administration and operation of a county college and to implement the provisions of this chapter; and

p. To exercise all other powers, not inconsistent with the provisions of this chapter or with the rules and regulations of the board of higher education, which may be reasonably necessary or incidental to the establishment, maintenance and operation of a county college.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:22–111 (1962, c. 41, s. 12).

18A:64A-13. Teaching staff, employees and administrative officers other than president; rights and privileges. The teaching staff employees and administrative officers other than the president of the county college are hereby held to possess all the rights and privileges of teachers employed by local boards of education. The president and teaching staff members shall be eligible for membership in the teachers' pension and annuity fund.

For the benefit of its other officers and employees, the county college, as a public agency, may elect to participate in the public employees' retirement system.

Source: C. 18:22-112 (1962, c. 41, s. 13).

18A:64A-14. Selling, giving or leasing property to boards by counties, municipalities, school districts and special schools. Counties, municipalities, school districts or special schools may sell, give or lease any of their property, including county or municipal funds, to the board of trustees of a county college pursuant to the rules and regulations of the board of higher education.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:22-113 (1962, c. 41, s. 14, amended 1964, c. 69).

18A:64A-15. Boards of school estimate. Each county college shall have a board of school estimate.

In the case of a county college established by one county, such board shall consist of the chairman of the board of chosen freeholders, two members of the board of chosen freeholders appointed by that board and two members of the board of trustees appointed by that board.

In the case of a county college established by more than one county, such board shall consist of the chairman of the board of chosen freeholders from each participating county, one member of the board of chosen freeholders from each participating county appointed by that board and one member of the board of trustees from each participating county appointed by that board.

Source: C. 18:22-114 (1962, c. 41, s. 15).

18A:64A-16. Appointments to boards of school estimate; filling vacancies; secretary; powers. Appointments to the board of school estimate shall be made annually on or before December 1 and any vacancy in the board's membership by reason of the resignation, death or removal of any member thereof shall be filled by the board which originally appointed the members. The secretary of the board of trustees shall be the secretary of the board of school estimate but shall receive no additional compensation therefor.

The board of school estimate shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for use of the county college for the operation and capital outlay expenses for the school year, exclusive of the amount to be received from the state and other sources.

Source: C. 18:22-115 (1962, c. 41, s. 16, amended 1966, c. 257, s. 1).

18A:64A–17. Method of fixing amounts necessary for operation and capital outlay expenses of college; certification; apportionment between participating counties. On or before February 1 in each year, the board of trustees of the county college shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year. Said board of trustees shall, at the same time, fix a date, place and time for the holding of a public hearing by the board of school estimate with respect to said itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year and with respect to the various items and purposes for which said money is to be appropriated, which date shall be between February 1 and February 15 and which date shall be not less than seven days after the publication of said itemized statement as herein provided and shall cause notice of such public hearing and said statement to be published at least once in at least one newspaper published in the county not less than seven days prior to the date fixed for such public hearing, and said notice shall also set forth that said itemized statement will be on file and open to examination of the public, between reasonable hours to be fixed therein, and, at a place to be named therein, from the date of said publication until the date of the holding of said public hearing and said board of trustees shall cause said itemized statement to be on file and open to the examination of the public accordingly and to be produced at said public hearing for the information of those attending the same.

On the date and at the time and place so fixed by the board of trustees for such public hearing, the board of school estimate shall at a public hearing grant the taxpayers and other interested persons an opportunity to present objections and to be heard with respect to said itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year and with respect to the various items and purposes for which said money is to be appropriated and at or after said public hearing but not later than February 15 of each year, the board of shcool estimate shall fix and determine, by official action taken at a public meeting of the board, the amount of money necessary for the operation and capital outlay expenses of the college for the ensuing year, exclusive of the amount to be received from the state and from other sources.

The board of school estimate shall, on or before February 15 of each year, make a certificate of such amount signed by at least a majority of its members. Copies thereof shall be delivered to the chancellor, to the board of trustees of the college and to each participating board of chosen freeholders.

In the case of a county college established by more than one county, the amount to be raised for the annual operation and capital outlay expenses shall be apportioned among the participating counties upon the basis of appropriation valuations, as defined in section 54:4–49 of the Revised Statutes. In such case, the certificate of the board of school estimate shall certify the proportioned part of the total to be raised by each participating county.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–116 (1962, c. 41, s. 17, amended 1966, c. 257, s. 2).

18A:64A–18. Appropriation of amounts to be raised by boards of chosen freeholders and raising by taxation. The board of chosen freeholders shall, upon receipt of the certificate, appropriate the amount of the operation expenses certified therein, in the same manner as other appropriations are made by said board and the amount shall be assessed, levied and collected in the same manner as moneys appropriated for other purposes in the counties are appropriated, levied and collected.

Source: C. 18:22–117 (1962, c. 41, s. 18).

18A:64A–19. Issuance of bonds.

(1) Whenever the board of trustees of a county college shall decide that it is necessary to raise money for the purpose of acquiring or improving lands or buildings for use by the college or erecting, enlarging, improving, altering, reconstructing, furnishing or equipping buildings or other structures for use by the college, it may, in lieu of proceeding in accordance with sections 18A:64A–16 and 18A:64A–17, at any time prepare and deliver to each member of the board of school estimate a statement of the estimated cost of such purpose and of the amount of money estimated by the board of trustees to be then needed for such purpose. If the amount of money so estimated shall include any funds expected to be received for said purpose as state or federal aid, such statement shall specify the amount and source of said funds and may include an agreement by the board of trustees to repay the county, out of the said funds when received, for any amounts appropriated by any county for the county college in anticipation of said funds. After receipt of such statement, the board of school estimate shall fix and determine the sum of money then needed for the purpose specified in said statement and the amount thereof to be raised by the participating county or counties which shall, if there be two or more such counties, be apportioned among them upon the basis of apportionment valuations as defined in section 54:4–49 of the Revised Statutes and which may include amounts expected to be repaid as aforesaid by the board of trustees. The board of school estimate shall thereupon make a certificate of such sum and amount or amounts signed by at least a majority of its members, and copies thereof and of the statement received from the board of trustees shall be delivered to the chancellor, to the board of trustees and to the board of chosen freeholders of each participating county.

(2) The board of chosen freeholders of a participating county upon receipt of any such certificate shall appropriate the amount certified therein for the purpose therein specified, or upon receipt of a certificate as provided in section 18A:64A–17 shall appropriate the amount of the capital outlay expenses certified therein, either:

(a) By the method provided for in section 18A:64–18; or

(b) By a bond ordinance authorizing the issuance of bonds or notes of the county to finance such appropriation and purpose adopted in accordance with the limitations and any exceptions thereto, and in the manner or mode of procedure, prescribed by the local bond law, and the sale and issuance of said bonds or notes pursuant to the local bond law; provided, however, that no down payment shall be required and the provisions of section 40A:2–11 of the local bond law shall not be applicable to such bond ordinance and that the purpose for which the bonds or notes are to be issued may be stated and identified as and shall be the purpose

specified in said certificate notwithstanding that the appropriation therefor may be sufficient only for planning or other preliminary or initial expenses in connection therewith or may be made in anticipation of state or federal aid expected to be received for said purpose and applied to repayment to the county.

(3) The proceeds of the sale of such bonds or notes shall be paid to the treasurer of the county college and shall be paid out by him only on the warrants or orders of the board of trustees of the county college. The treasurer shall in no event disburse such proceeds, except to pay and retire any such notes and pay the expenses of issuing and selling such bonds or notes and for the purpose or purposes for which such bonds or notes were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of trustees of the county college may transfer the balance remaining unapplied to the capital outlay account of the county college.

(4) Except with the concurrence and consent of the board of chosen freeholders of the county expressed by resolution, no amount shall be appropriated under this section which, if added to the amount of bonds or notes of the county for county college purposes outstanding or authorized but unissued at the date of such appropriation, shall exceed an amount equal to one half of one per cent of the equalized valuation basis of said county as shown on the annual debt statement of the county last filed pursuant to the local bond law.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–118 (1962, c. 41, s. 19, amended 1965, c. 86, s. 1).

18A:64A–20. Emergency appropriation for college purposes. If the board of trustees shall determine that it is necessary in any school year to raise money in addition to the amount in its annual budget for such year for:

(1) current expenses for the operation and maintenance of the college when the amount necessary therefor was underestimated in the budget;

(2) repair or utilization of property destroyed or made unsuitable by accident or other unforeseen cause; or

(3) meeting emergencies arising since the preparation of such budget;

the board shall prepare and deliver to each member of the board of school estimate a statement of the amount of money determined to be necessary therefor.

The board of school estimate shall meet within a reasonable time after the delivery of the statement and fix and determine the amount necessary for such purpose or purposes. In the case of a county college established by more than one county, the board shall apportion upon the basis of the apportionment valuations as defined in section 54:4–49 of the Revised Statutes, such amount among the participating counties. The board shall then certify the amount so determined and apportioned to chancellor, the board of trustees of the college and to each participating board of chosen freeholders.

The board of chosen freeholders, upon receipt of such certificate, shall appropriate the amount certified therein and shall raise such amount in the manner provided for by sections 18A:64A–18 and 18A:64A–19.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–119 (1962, c. 41, s. 20).

18A:64A–21. First year's estimates of expenses, etc.; preparation and delivery. Notwithstanding the time limitations specified in section 18A:64A–17, during the calendar year in which the board or boards of chosen freeholders first establish a county college, the board of trustees of the county college may prepare and deliver to the board of school estimate of the college an estimate of the amount necessary to finance the county college until the first regular budget is adopted and available.

The board of school estimate shall meet within a reasonable time after the delivery of said estimate and shall fix and determine the amount necessary to so finance the county college and, if more than one county participated in establishing the county college, shall apportion said amount upon the basis of apportionment valuations as defined in section 54:4–49 of the Revised Statutes. The board shall then certify the amount so determined to the chancellor, the board of trustees of the college and to the board of chosen freeholders of each participating county.

The board of chosen freeholders shall, upon receipt of the certification, appropriate its share of said amount in the manner provided for by sections 18A:64A–18 and 18A:64A–19.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–120 (1962, c. 41, s. 21).

18A:64A–22. Annual budget requests for state support of colleges. The board of higher education shall formulate annual budget requests for state support of county colleges. Within the limits of funds appropriated to the board of higher education for such purposes and in accordance with rules and regulations prescribed by the board of higher education, the board of trustees of a county college may apply to the board of higher education and receive state support:

a. For capital projects approved by the board of higher education in amounts not to exceed one half of the cost of said capital projects, and

b. For operational costs to the extent of one half thereof or $600.00 per equated full-time student, including such students resident in other counties, whichever is the lesser amount.

State support for the operational costs of county colleges shall be made within limits of state appropriation and only after an annual review and approval by the board of higher education of the financial program for operation of the county college, including the charges to be made for student tuition and fees and the establishment of the county share of said costs.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:22–121 (1962, c. 41, s. 22, amended 1966, c. 38).

18A:64A–23. Attendance at county colleges by nonresidents of county; payment of tuition by county of residence. The county board of chosen freeholders in any county not operating a county college may, subject to regulations of the board of higher education and in accordance with uniform standards based upon scholarship and financial need, pay the tuition for any of their residents who attend any county college which is financed in part from state funds.

The board of trustees of a county college shall accept pupils from any county which does not have its own county college to the extent that the college's facilities will permit.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:22–122 (1962, c. 41, s. 23).

18A:64A-24. Joinder in operation of county colleges by other counties. If the board of trustees of a county college shall determine that it is in the best interest of the college to allow one or more additional counties to join in the operation of said county college and the board or boards of chosen freeholders of the county or counties then operating the county college shall approve, said board of trustees and the chancellor, pursuant to the rules and regulations of the board of higher education, shall fix the terms and conditions under which said additional county or counties may participate in the operation of the county college.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:21A-41 (1966, c. 302, s. 41); C. 18:22-123 (1962, c. 41, s. 24).

18A:64A-25. Referenda for other purposes permitted. Nothing in this chapter shall be construed to prohibit or prevent the referenda procedure specified in chapter 37 of Title 19 of the Revised Statutes.

Source: C. 18:22-124 (1962, c. 41, s. 25).

Article 2. Council of County Colleges.

18A:64A-26. Council established. There is hereby established in the department of higher education a council of county colleges.

Source: C. 18:21A-31 (1966, c. 302, s. 31).

18A:64A-27. Membership; compensation. The council shall consist of the presidents and chairmen of the boards of trustees of the several county colleges. The chancellor shall ex officio be an additional member without vote.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

Source: C. 18:21A-32 (1966, c. 302, s. 32).

18A:64A-28. Organization. The council shall organize annually during the month of June by the election of a chairman, vice chairman and such other officers as the council shall determine. Such officers shall serve until the following June meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired term only. The council may also meet at such other times and at such places within the state as it shall deem necessary.

Source: C. 18:21A-32 (1966, c. 302, s. 32).

18A:64A-29. Purpose. Under the guidance of the board of higher education and with assistance from its staff, the council will seek to ensure acceptable and effective lines of development in admissions policy, academic standards, programs, financing, and community relations in the several county colleges.

The council will serve as a means of communication between the county colleges, and staff from the board of higher education will constitute for the council and for the individual county colleges a resource center to aid them in planning, act as a clearing house of information, and provide continuing field services.

The council will act as an advisory body to the board of higher education in the carrying out of its duties and responsibilities deriving from this chapter.

Source: C. 18:21A-33 (1966, c. 302, s. 33).

Chapter 64B. JUNIOR COLLEGES.

18A:64B–1. Application for state support; form of application; terms defined.

18A:64B–2. Operational support by state limitation; use of funds.

18A:64B–3. Rules and regulations.

18A:64B–1. Application for state support; form of application; terms defined. The board of chosen freeholders of any county which grants financial assistance to a qualified junior college in the county, pursuant to chapter 43 of the laws of 1941 (C. 40:23–8.2 et seq.) or chapter 42 of the laws of 1962 (C. 40:23–8.2a), shall be entitled to apply to the board of higher education for and may receive state support toward the operational costs of such junior college in accordance with the provisions of this chapter.

The county's application shall be upon forms prepared and provided by the board of higher education and shall contain such information as the board of higher education shall require to carry out the provisions of this chapter. Each application shall contain a certification by the county board of chosen freeholders that the higher educational requirements of the county and surrounding areas make it necessary and in the public interest for the county and state to provide financial assistance to the junior college for which state support is sought.

For the purposes of this chapter, a "qualified junior college" or "qualified county-assisted junior college" shall mean a junior college, other than a junior college established pursuant to the provisions of chapter 64A of this title, which is certified annually, on or before January 31, by the chancellor to the state treasurer to be operated in accordance with the applicable rules and regulations relating to the operation of county junior colleges which have been adopted by the board of higher education pursuant to the provisions of chapter 64A of this title.

Source: C. 18:21A–4 (1966, c. 302, s. 4); C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–125 (1962, c. 172, s. 1).

18A:64B–2. Operational support by state; limitation; use of funds. The board of higher education shall formulate annual budget requests for funds for state support of qualified county-assisted junior colleges. Within the limits of funds appropriated to the board of higher education for such purposes, the board of chosen freeholders of any county having a qualified county-assisted junior college may apply to the board of higher education and receive state support for the operational costs of such junior college in an amount equivalent to the annual amount last appropriated and paid by the county for junior college support or $200.00 per equated full-time student in the junior college who is a resident of the state, whichever is the lesser amount.

Funds paid to a board of chosen freeholders pursuant to the provisions of this chapter shall be used by said board only for the purpose of paying the operational costs of the junior college and shall be paid to the

junior college in the manner prescribed by the board of higher education. Such funds that are unexpended at the end of a fiscal period shall be returned by the county board to the general treasury of the state unless the board of higher education and the director of the division of budget and accounting of the department of the treasury shall otherwise direct.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:22-126 (1962, c. 172, s. 2).

18A:64B-3. Rules and regulations. The board of higher education may adopt such rules and regulations as shall be necessary to implement the provisions of this chapter.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:22-127 (1962, c. 172, s. 3).

Chapter 64C. NEW JERSEY MEDICAL AND DENTAL COLLEGE.

18A:64C-1. Acquisition and operation of Seton Hall College of Medicine and Dentistry by state provided for.
18A:64C-2. Establishment of New Jersey college of medicine and dentistry; corporate powers.
18A:64C-3. Board of trustees established.
18A:64C-4. Board of trustees; number; appointment; terms; vacancies.
18A:64C-5. Members of board of trustees; oath; removal.
18A:64C-6. Organization of board; meetings; reorganization; committees.
18A:64C-7. No compensation, expenses paid.
18A:64C-8. Powers of board.
18A:64C-9. Additional powers of board.
18A:64C-9.1. Investment of funds; finance committee of board of trustees.
18A:64C-9.2. Investment of funds; authorized investments.
18A:64C-9.3. State treasurer custodian of investments; powers.
18A:64C-10. President; responsibility and powers.
18A:64C-11. College to be employer under "public employees' retirement-social security integration act."
18A:64C-11.1. Alternate program of retirement benefits; establishment, etc.
18A:64C-11.2. Persons eligible to share in alternate benefit program; applications, etc.
18A:64C-11.3. Participants in alternate benefit program ineligible for membership in public employees' retirement system; persons receiving other retirement benefits ineligible to share in alternate benefit program.
18A:64C-11.4. Contributions for benefits in alternate benefit program; payments to insurers.
18A:64C-11.5. Designation of insurers and forms of contracts.
18A:64C-11.6. Employees employed on or after July 1, 1965; special provisions as to participation.
18A:64C-11.7. Exceptions to section 18A:64C-11.6.
18A:64C-11.8. Additional agreements with employees.
18A:64C-11.9. Benefits under system to be payable only by designated insurer or insurers under contracts.
18A:64C-12. Purchases, contracts and agreements subject to P. L. 1954, chapter 48.
18A:64C-13. Board of trustees to purchase and acquire property of Seton Hall College of Medicine and Dentistry; terms of agreement.
18A:64C-14. Operation of college after acquisition.
18A:64C-15. Trustees and officers saved from liability.
18A:64C-16. Minutes of meetings; certification to and veto powers of governor.
18A:64C-17. No debt, liability, loan or pledge of state created.
18A:64C-18. Centralization of college within state university system.
18A:64C-19. New Jersey council on medical and dental education; members; terms; vacancies; powers.
18A:64C-20. Site acquisition by municipality; sale to college; bonds issued under local bond law; exception.

18A:64C-1. Acquisition and operation of Seton Hall College of Medicine and Dentistry by state provided for. The legislature hereby finds that it is vital to the best interest of the state to acquire the Seton Hall College of Medicine and Dentistry and to operate the college as a public facility having as a primary purpose the education of practicing physicians and dentists; that it is in the public interest to maintain a continuing program of medical and dental education within the state to provide an uninterrupted flow of trained personnel to assist in the staffing of the hospitals and public institutions and agencies of the state; and that it is the responsibility of the state to provide the financial support necessary to the continuation of the program of medical and dental education at said college.

Source: C. 18:22-151 (1964, c. 231, s. 2).

18A:64C-2. Establishment of New Jersey college of medicine and dentistry; corporate powers. There is hereby established in the department of higher education a body corporate and politic, with corporate succession, to be known as the "New Jersey college of medicine and dentistry." The college is hereby constituted an instrumentality exercising public and essential governmental functions and the exercise by the college of the powers conferred by this chapter in the presentation and operation of a program of medical and dental education shall be deemed to be necessary for the welfare of the state and the people of New Jersey.

Source: C. 18:21A-41 (1966, c. 302, s. 41); C. 18:22-152 (1964, c. 231, s. 3).

18A:64C-3. Board of trustees established. The government, control, conduct, management and administration of the college shall be vested in the board of trustees of the college or in such successor body as shall be provided by law.

Source: C. 18:22-153 (1964, c. 231, s. 4).

18A:64C-4. Board of trustees; number; appointment; terms; vacancies. The board of trustees shall consist of seven members. Each member of the board shall be appointed by the governor, with the advice and consent of the senate. The members appointed shall serve for a term expiring on July 1, 1970.

Any vacancies in the membership of the board of trustees shall be filled in the same manner as the original appointments but for the unexpired terms only.

Source: C. 18:22-154 (1964, c. 231, s. 5).

18A:64C-5. Members of board of trustees; oath; removal. Each member of the board of trustees before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oath shall be filed in the office of the secretary of state. Each member of the board may be removed from office by the governor, for cause, after a public hearing.

Source: C. 18:22-155 (1964, c. 231, s. 6).

18A:64C-6. Organization of board; meetings; reorganization; committees. (a) The members of the board of trustees shall meet at the call of the governor for purposes of organizing and shall select a chairman

from among the respective members. The board shall thereafter meet at such times and places as it shall designate. The board shall reorganize annually at a meeting to be held during the month of September at such time and place as shall be designated by the board. The chairman of the board and such other officers as shall be deemed necessary shall be selected by the board from among its members at the annual September meeting.

(b) The board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members, and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the college, consistent with this chapter and other applicable statutes. The board shall, on or before September 30 of each year, file in the office of the secretary of state the name of the chairman of the board and the names of any other officers elected or the members of any committees appointed.

Source: C. 18:22-156 (1964, c. 231, s. 7).

18A:64C-7. No compensation, expenses paid. Members of the board of trustees shall not receive compensation for their services as such. Each member shall be reimbursed for his actual expenses reasonably incurred in the performance of his duties as a member.

Source: C. 18:22-157 (1964, c. 231, s. 8).

18A:64C-8. Powers of board. The board of trustees shall have general supervision over and shall be vested with the conduct of the college. It shall have the power and duty to:

(a) Adopt and use a corporate seal;

(b) Sue and be sued;

(c) Determine the educational curriculum and program of the college;

(d) Determine policies for the organization, administration and development of the college;

(e) Study the educational and financial needs of the college, annually acquaint the governor and legislature with the condition of the college, and prepare, and file an annual request for appropriation with the state treasurer in accordance with law;

(f) Disburse all moneys appropriated to the college by the legislature and all moneys received from tuition, fees, auxiliary services and other sources;

(g) Direct and control the expenditures of the college in accordance with the appropriation acts of the legislature, and, as to funds received from other sources, in accordance with the terms, of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the college shall be subject to post audit by the state;

(h) In accordance with the provisions of the budget, appoint and fix the compensation and term of office of a president of the college who shall be the executive officer of the college;

(i) In accordance with the provisions of the budget appoint, upon nomination of the president, such deans and other members of the academic

administrative and teaching staffs as shall be required and fix their compensation and terms of employment;

(j) In accordance with the provisions of the budget, appoint, remove, promote and transfer such other officers, agents, or employees as may be required to carry out the provisions of this chapter and assign their duties, determine their salaries, and prescribe qualifications for all positions and in accordance with the salary schedules of the state civil service commission wherever possible;

(k) Fix and determine, with the approval of the state treasurer, tuition rates and other fees to be paid by students;

(l) Grant diplomas, certificates or degrees;

(m) Enter into contracts and agreements with the state or any of its political subdivisions or with the United States, or with any public body, department or other agency of the state or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this chapter. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

(n) Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

(o) Acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

(p) Determine that any property owned by the college is no longer necessary for college purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the state house commission;

(q) Exercise the right of eminent domain, pursuant to the provisions of Title 20, Eminent Domain, of the Revised Statutes, to acquire any property or interest therein;

(r) Adopt bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this chapter as are necessary and proper for the administration and operation of the college and to implement the provisions of this chapter.

Source: C. 18:22–158 (1964, c. 231, s. 9, amended 1967, c. 18).

18A:64C-9. Additional powers of board. The board of trustees, in addition to the other powers and duties provided herein, shall have and exercise the powers, rights and privileges that are incident to the proper government, conduct and management of the college, and the control of its properties and funds and such powers granted to the college or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the state, except as otherwise provided by this chapter.

Source: C. 18:22-159 (1964, c. 231, s. 10).

18A:64C-9.1. Investment of funds; finance committee of board of trustees. All functions, powers and duties relating to the investment or reinvestment of funds within the jurisdiction of the board of trustees including the purchase, sale or exchange of any investments or securities shall be exercised and performed by the director of the division of investment in accordance with the provisions of chapter 270, of the Laws of 1950 (C. 52:18A-79 et seq.). Before any such investment, reinvestment, purchase, sale or exchange shall be made by said director for or on behalf of the board of trustees, the director of the division of investment shall submit the details thereof to said board, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after such submission to it, file with the director its written acceptance or rejection of such proposed investment, reinvestment, purchase, sale or exchange; and the director shall have authority to make such investment, reinvestment, purchase, sale or exchange for or on behalf of said board, unless there shall have been filed with him a written rejection thereof by the board or its finance committee as herein provided. The board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by it and the amount available for investment, all of which shall be certified to the state treasurer and the director of the division of investment.

The finance committee of the board of trustees shall consist of three members of said board who shall be appointed in the same manner and for the same term as other committees of said board are appointed.

Source: C. 18:22-159.1 (1965, c. 198, s. 1).

18A:64C-9.2. Investment of funds; authorized investments. The director of the division of investment, in addition to other investments, presently or from time to time hereafter authorized by law, shall have authority, subject to any acceptance required, to invest and reinvest such funds in, and to acquire for or on behalf of the board such bonds or other evidence of indebtedness or capital stock or other securities issued by any company incorporated within the United States or within the Dominion of Canada, which shall be authorized or approved for investment by regulation of the state investment council and in which life insurance companies organized under the laws of this state may legally invest.

Source: C. 18:22-159.2 (1965, c. 198, s. 2).

18A:64C-9.3. State treasurer custodian of investments; powers. The state treasurer shall be the custodian of said board's investment funds, shall select all depositories and custodians and shall negotiate and execute

custody agreements in connection with the assets or investments of any of said funds.

Source: C. 18:22-159.3 (1965, c. 198, s. 3).

18A:64C-10. President; responsibility and powers. The president of the college shall be responsible to the board of trustees and shall have such powers as shall be requisite, for the executive management and conduct of the college in all departments, branches and divisions, and for the execution and enforcement of the bylaws, rules, regulations and orders governing the management, conduct and administration of the college.

Source: C. 18:22-160 (1964, c. 231, s. 11).

18A:64C-11. College to be employer under "public employees' retirement-social security integration act." Except as otherwise provided, the college shall be deemed to be an employer for the purposes of chapter 84 of the Laws of 1954, the "public employees' retirement-social security integration act" (C. 43:15A-1 et seq.) and shall also be deemed to be a "public agency or organization" within the meaning of section 71 of said act (C. 43:15A-71). Prior service credit shall not be extended to any officer or employee of the college who enrolls in the public employees' retirement system if he is entitled to a pension or an annuity based on such prior service under any other pension act or program.

Source: C. 18:22-161 (1964, c. 231, s. 12, amended 1965, c. 198, s. 4).

18A:64C-11.1. Alternate program of retirement benefits; establishment, etc. Beginning on March 17, 1966, the college shall provide an alternate program of benefits for certain employees in lieu of benefits under the public employees' retirement system, which program shall be known as the alternate benefit program and which shall provide for individual retirement annuity contracts, to become the property of the participants in said program individually, and group contracts providing life insurance and disability benefits for all such participants. The board of trustees of the college shall perform or provide for the performance of all things necessary to prepare and operate said program.

Source: C. 18:22-161.1 (1965, c. 198. s. 5).

18A:64C-11.2. Persons eligible to share in alternate benefit program; applications, etc. All full-time officers of the college who have been such continuously since June 29, 1965 and all full-time members of the faculty of the college shall participate in the alternate benefit program, provided that no person who was in employment with the college on December 17, 1965 and who was then a member of the public employees' retirement system shall participate in the alternate benefit program unless he shall so elect by filing an application with the public employees' retirement system within 60 days following said date declaring his election to participate in the alternate benefit program and requesting a return to him of his contributions in his account with the public employees' retirement system. The said system shall cause prompt notice of said application, and of the action taken thereon, to be given to the comptroller of the college.

"Full-time" employment shall be as defined by the board of trustees of the college by regulation of uniform application.

Source: C. 18:22-161.2 (1965, c. 198, s. 6).

18A:64C-11.3. Participants in alternate benefit program ineligible for membership in public employees' retirement system; persons receiving other retirement benefits ineligible to share in alternate benefit program. Any person participating in the alternate benefit program shall be ineligible for membership in the public employees' retirement system and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the public employees' retirement system except the right to a return of his contributions as a member of said system as herein and otherwise provided by law.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the state of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

Source: C. 18:22-161.3 (1965, c. 198, s. 7).

18A:64C-11.4. Contributions for benefits in alternate benefit program; payments to insurers. The board of trustees of the college shall make payments to the designated insurer or insurers as employer contributions for the benefit of each participant in the alternate benefit program at a rate equal to the normal contribution made by the state on behalf of the 3% interest bearing accounts of nonveteran members of the public employees' retirement system, and the comptroller of the college shall deduct from the compensation of each such participant and pay over to the said insurer or insurers for the benefit of the participant an employee contribution for the retirement annuity contract or contracts equal to 5% of the participant's compensation. The intervals for deductions and payments shall be determined by said board.

As soon as practicable after the effective date of the alternate benefit program the said board shall make payments to the designated insurer or insurers as retroactive employer contributions at the said normal contribution rate for each participant in the said program, from said effective date back to July 1, 1965 or to the date of the most recent hiring of the participant by the college, whichever is later. Said retroactive contributions shall be so paid for application to the retirement annuity contract or contracts of the participant in question.

Source: C. 18:22-161.4 (1965, c. 198, s. 8).

18A:64C-11.5. Designation of insurers and forms of contracts. The board of trustees of the college shall designate the insurer or insurers from which contracts are to be purchased under the alternate benefit program and shall approve the form and content of such contracts. In making such designation and giving such approval said board shall give due consideration to (a) the nature and extent of the rights and benefits to be provided by such contracts for employees and their beneficiaries, (b) the relation of such rights and benefits to the amount of contributions to be made under this act, (c) the suitability of such rights and benefits to the needs and interests of employees and to the interests of the college in the recruitment and retention of employees, and (d) the ability of the designated insurer or insurers to provide such suitable rights and benefits under such contracts.

Source: C. 18:22-161.5 (1965, c. 198, s. 9).

18A:64C-11.6. Employees employed on or after July 1, 1965; special provisions as to participation. Notwithstanding any other provisions of this chapter, in the case of an employee eligible to participate in the alternate benefit program who was initially employed on or after July 1, 1965, no contributions to any retirement annuity contracts shall be made by the college as employer until his completion of one year of employment and commencement of a second consecutive year of employment. Employee contributions required during this initial year of service shall be deducted and held by the comptroller. Upon the commencement of such second year the amount of the employee contributions, and such amount of the employer contribution herein required as has not theretofore been paid over for said employee, together with interest on both portions at the rate of 4% per annum, shall be paid over to the designated insurer or insurers for and on behalf of such employee. If such an employee does not commence such second year the amount of employee contributions deducted from his compensation shall be refunded to him.

Source: C. 18:22-161.6 (1965, c. 198, s. 10).

18A:64C-11.7. Exceptions to section 18A:64C-11.6. The provisions of section 18A:64C-11.6 shall not apply to any employee who, at the time of initial employment, owns a retirement annuity contract or contracts determined by the board of trustees of the college to be substantially similar to the contracts to be purchased under the alternate benefit program and issued by the designated insurer or insurers.

Source: C. 18:22-161.7 (1965, c. 198, s. 11).

18A:64C-11.8. Additional agreements with employees. The board of trustees is hereby authorized to enter into agreements with each employee participating in the alternate benefit program whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the college's agreement to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403 (b) of the federal internal revenue code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amount earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than one year upon notice in writing by either party, and provided further that not more than one such agreement shall be entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403 (b) of the federal internal revenue code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the college and any employee pursuant to this section shall not exceed 10% of the employee's salary prior to such reduction.

Source: C. 18:22-161.8 (1965, c. 198, s. 12).

18A:64C-11.9. Benefits under system to be payable only by designated insurer or insurers under contracts. No retirement, death, or other benefit shall be payable by the state or the college under the alternate benefit program. Benefits shall be payable to participating employees and their bene-

ficiaries only by the designated insurer or insurers under the terms of the contracts.

Source: C. 18:22-161.9 (1965, c. 198, s. 13).

18A:64C-12. Purchases, contracts and agreements subject to P. L. 1954, chapter 48. The college in entering into any purchases, contracts or agreements shall be subject to the provisions of P. L. 1954, chapter 48 and all amendments and supplements thereto.

Source: C. 18:22-162 (1964, c. 231, s. 13).

18A:64C-13. Board of trustees to purchase and acquire property of Seton Hall College of Medicine and Dentistry; terms of agreement. In order to carry out the purposes of this chapter and to provide the program of medical and dental education required for the benefit of the state and the people of New Jersey, the board of trustees in the name of the New Jersey college of medicine and dentistry hereby is authorized and directed to purchase and acquire, free from any encumbrances, liabilities or leasehold restrictions, from the persons having an interest in or the ownership of the Seton Hall College of Medicine and Dentistry, a body corporate of the state of New Jersey, all the outstanding right, title and interest in the Seton Hall College of Medicine and Dentistry including all licenses, accreditations and authorizations to conduct a medical and dental school held by Seton Hall College of Medicine and Dentistry and all other college property, real and personal, tangible and intangible.

Any agreement entered into by the board of trustees for the acquisition of the Seton Hall College of Medicine and Dentistry shall contain the following provisions:

(a) That the board shall agree to assume one half of the cost of the operating deficit for the 1964-1965 school year, exclusive of debt service, provided that such share of the deficit shall not exceed the sum of $300,000.00;

(b) That the value of the tangible personal property of the Seton Hall College of Medicine and Dentistry acquired by the board is not less than $3,700,000.00, which value has been certified to by a reputable independent appraiser;

(c) That the cost of acquiring the Seton Hall College of Medicine and Dentistry free from all indebtedness, liability or leasehold restrictions shall not exceed the sum of $4,000,000.00, which sum shall be paid from the funds appropriated to the board for such purpose by the provisions of this chapter; and

(d) That the board cannot create a debt or liability of the state of New Jersey nor pledge the credit of the state.

Any agreement entered into by the board of trustees for the acquisition of the Seton Hall College of Medicine and Dentistry shall be subject to the approval of the state house commission and shall be upon such other terms and conditions as shall be established by the commission that are not inconsistent with the provisions of this chapter.

Source: C. 18:22-163 (1964, c. 231, s. 14)

18A:64C–14. Operation of college after acquisition. Upon the acquisition of the Seton Hall College of Medicine and Dentistry, the board of trustees shall assume full responsibility for the operation of such college under the name of the New Jersey college of medicine and dentistry and shall take such other action as may be required to insure the continued operation of the college in the state and the compliance with all the requirements attendant to the operation of a medical and dental college including the maintenance of all necessary licenses and accreditations.

Source: C. 18:22–164 (1964, c. 231, s. 15).

18A:64C–15. Trustees and officers saved from liability. No trustee or officer of the college shall be personally liable for any debt, obligation or other liability of the college or of or incurred by or on behalf of the college or any constituent unit thereof.

Source: C. 18:22–165 (1964, c. 231, s. 16).

18A:64C–16. Minutes of meetings; certification to and veto powers of governor. Any action taken by the board of trustees of the college or by the successor board of governors shall be set forth in the minutes of the board and shall indicate therein the vote of each board member. A true copy of the minutes of every meeting of the board shall be forthwith delivered by and under the certification of the secretary thereof to the governor. No action taken at such meeting by the board shall have force and effect until 10 days after such copy of the minutes shall have been so delivered. If, in said 10-day period, the governor returns such copy of the minutes with a veto of any action taken by the board or any member thereof at such meeting, such action shall be null and of no effect. If the governor shall not return the minutes within said 10-day period, any action therein recited shall have force and effect according to the wording thereof.

Source: C. 18:22–166 (1964, c. 231, s. 17).

18A:64C–17. No debt, liability, loan or pledge of state created. No provision in this chapter contained shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, of the state of New Jersey.

Source: C. 18:22–167 (1964, c. 231, s. 18).

18A:64C–18. Centralization of college within state university system. On or after July 1, 1970, the administration of the college shall be centralized within the state university system.

Source: C. 18:22–168 (1964, c. 231, s. 20).

18A:64C–19. New Jersey council on medical and dental education; members; terms; vacancies; powers.

(a) There is hereby created a temporary commission to be known as the New Jersey council on medical and dental education which shall consist of the following members:

(1) Two members of the board of trustees of the college selected by said board;

(2) Two members of the board of governors of Rutgers, the state university, selected by said board;

(3) The state treasurer; and

(4) Two public members appointed by the governor with the advice and consent of the senate.

The members of the council shall serve for a term expiring January 1, 1970. Any vacancies in the membership of the council shall be filled in the same manner as the original appointees but for the unexpired term only.

(b) In order to encourage the orderly development of a program of medical and dental education at the college and the state university, the council, among other things, shall review the annual budgets submitted by the college and by the state university insofar as such budgets shall relate to medical and dental education and shall advise the governor and the legislature thereon but such action shall not be construed to abrogate or derogate from any of the powers vested by law in the board of governors of the state university or the board of higher education. It shall further be the responsibility of the council to review the capital development program of the college and the state university relating to medical and dental education and to review the proposals of the board of trustees of the college relating to the continued operation of the college and to recommend to the governor and legislature, at the earliest possible date and not later than January 1, 1970, a comprehensive program which would provide for the centralization of administration of the medical and dental facilities of the college and the state university and the integration of such facilities, as separate operating entities, within a common administrative system.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–169 (1964, c. 231, s. 21).

18A:64C–20. Site acquisition by municipality; sale to college; bonds issued under local bond law; exception.

(a) A municipality in which a site has been selected, under this chapter, for the college is hereby authorized to acquire such site and the governing body thereof is hereby empowered to incur indebtedness, borrow, appropriate and expend money and issue negotiable bonds for such purpose.

(b) The governing body of such municipality is hereby empowered to enter into an agreement, or declaration of intention, with the board of trustees of the college, for the sale of such site to the college without compliance with the laws relating to the sale of public property.

(c) Any bonds of the municipality authorized under this section for the acquisition of such a site (including land, clearance and relocation) shall be authorized by a bond ordinance in form and adopted by the governing body in the manner or mode of procedure prescribed by the local bond law, constituting chapter 2 of Title 40A of the New Jersey Statutes and shall be issued in the manner or mode of procedure prescribed by said law, except that said bond ordinance may be adopted notwithstanding (1) the provisions of section 40A:2–6 of said law or debt or other limit prescribed by any other law, and (2) the provisions of section 40A:2–11 of said law and no down payment shall be required, and (3) the provisions of section 40A:2–8 of said law, may authorize the issuance of bond anticipation notes in anticipation of the issuance of the bonds authorized by the bond ordinance which may mature in not exceeding one year and may be renewed from time to time for periods not exceeding one year and all such

notes, including renewals, shall mature and be payable not later than the third anniversary of the date of the original note, and (4) the provisions of section 40A:2–22 subdivision (d) and the governing body may determine that the period of usefulness for which bonds are authorized pursuant to this section, according to their reasonable life, computed from the date of the bonds, is a period not greater than 40 years.

(d) Any bonds or notes authorized by the municipality pursuant to this section shall constitute a deduction from its gross debt and shall not be considered in determining its net debt for debt incurring purposes.

Source: C. 18:22–170 (1967, c. 14).

Chapter 64D. AERONAUTICAL, AIRSPACE, etc., SCIENCES AND ENGINEERING INSTITUTION.

18A:64D-1. Authorization to establish institution, etc.

18A:64D-1. Authorization to establish institution, etc. Upon the request by resolution of the board of chosen freeholders of Atlantic County, the board of higher education is authorized at such time as funds are appropriated or otherwise made available therefor:

a. To establish and to operate an institution of higher education in Atlantic County for the purpose of providing education in the field of aeronautical and airspace science, allied sciences, and engineering at any and all levels through the master's degree.

b. To acquire, obtain and provide physical facilities necessary to accommodate the needs of the institution.

c. To enter contracts with professionally accredited institutions, governmental bodies, authorities and agencies for educational, personnel services, facilities and equipment to carry out the purposes of this chapter.

Source: C. 18:16-50 (1964, c. 285); C. 18:21A-4 (1966, c. 302, s. 4).

Chapter 64E. SCHOOLS FOR INDUSTRIAL EDUUCATION.

18A:64E–1. Appropriations for establishment and maintenance where funds raised locally.
18A:64E–2. Taxation for support of schools.
18A:64E–3. Application of moneys.
18A:64E–4. Board of trustees; appointment; terms; removal; vacancies.
18A:64E–5. Powers and duties of board.
18A:64E–6. Board body corporate; name; general powers.
18A:64E–7. Trustees; no compensation; expenses payable.
18A:64E–8. Appropriation to establish and maintain schools in cities: building fund.
18A:64E–9. Purchase of lands and buildings for schools in cities of second class.
18A:64E–10. Bond issues for lands and buildings.
18A:64E–11. Bond issues for schools for industrial education in cities.

18A:64E–1. Appropriations for establishment and maintenance where funds raised locally. Whenever the board of education in any local school district shall have certified to the governor that a sum of money not less than $3,000.00 has been contributed by voluntary subscriptions of citizens, or otherwise as authorized in section 18A:64E–2, for the establishment therein of a school or schools for industrial education, the governor shall cause to be drawn by warrant of the director of the division of budget and accounting, out of any moneys in the state treasury appropriated for that purpose, an amount equal to that contributed therefor.

When any such school or schools shall have been established in any district the state shall contribute annually in manner aforesaid, for the maintenance and support thereof a sum of money equal to that contributed each year in the district for such purpose.

The money contributed by the state as aforesaid to any locality shall not exceed in any one year the sum of $7,000.00.

Source: R.S. 18:15–17.

18A:64E–2. Taxation for support of schools. Any municipality may appropriate and raise by taxation, for the support of any such school therein, such sum of money as it may deem expedient and just.

Source: R.S. 18:15–18.

18A:64E–3. Application of moneys. All moneys raised and contributed as provided in this chapter shall be applied under the direction of a board of trustees, organized as provided in this chapter, to the establishment and support of schools for the training and education of pupils in industrial pursuits, including agriculture, so as to enable them to perfect themselves in the several branches of industry which require technical instruction.

Source: R.S. 18:15–19.

18A:64E-4. Board of trustees; appointment; terms; removal; vacancies. There shall be a board of trustees of each of such schools, which shall consist of the governor and the mayor or other chief executive officer of the municipality in which the school is located, as ex officio members, and eight other persons, residents of, or whose business interests are in, the county in which such school is located, to be appointed by the governor for terms of four years which shall commence on July 1 and expire on June 30 except that the first members appointed to any such board shall be appointed two for terms of one year, two for terms of two years, two for terms of three years and two for terms of four years, commencing and expiring accordingly. All trustees shall serve after the expiration of their terms and until their successors shall have been appointed and qualified. Trustees appointed by the governor may be removed from office by him, for cause, after notice and opportunity to be heard. Any vacancy that may occur in the board of trustees shall be filled by appointment in like manner for the unexpired term only.

Source: R.S. 18:15-20, amended 1952, c. 28; 1958, c. 55.

18A:64E-5. Powers and duties of board. The board of trustees shall have control of the buildings and grounds owned and used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment and removal of teachers, the power to prescribe the studies and exercise of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such rules as it may deem necessary for its own government. It shall report annually to the board of higher education and to the board of education of the municipality its own doings and the progress and condition of the schools.

Source: R.S. 18:15-21; C. 18:21A-4 (1966, c. 302, s. 4); C. 18:21A-14 (1966, c. 302, s. 14).

18A:64E-6. Board body corporate; name; general powers. Each board of trustees shall be created a body corporate under the name and style of "the board of trustees of schools for industrial education," with the right of perpetual succession, to sue and be sued, to purchase, lease, and hold personal and real property, and to sell and mortgage the same, and with power to accept donations and bequests of money and property to be used for the purposes for which the said boards are constituted and organized.

Source: R.S. 18:15-22.

18A:64E-7. Trustees; no compensation; expenses payable. The trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be paid upon the approval of the governor.

Source: R.S. 18:15-23.

18A:64E-8. Appropriation to establish and maintain schools in cities; building fund. Whenever in any city the board of trustees of schools for industrial education shall acquire by gift, grant, devise, or otherwise, the sum of $100,000.00, to be expended for the purchase of land and the erection and equipment of a building or buildings to be used for the purposes for which the board is constituted, and whenever such board of trustees shall

have certified to the governor that a sum of money not less than $3,000.00 has been contributed by voluntary subscription of citizens, or otherwise as authorized in section 18A:64E-2, for the establishment in the city of a school or schools for industrial education, the governor shall cause to be drawn by warrant of the director of the division of budget and accounting, approved by himself, out of any moneys in the state treasury, directly appropriated for such purpose, an amount equal to that so contributed by the city for such object.

When any such school or schools shall have been established in any city there shall be contributed annually by the state, in the manner aforesaid, for the maintenance and support thereof a sum of money equal to that contributed each year in the city for such purpose.

The moneys contributed by the state as aforesaid shall not exceed in any one year the sum of $30,000.00 for each school established and maintained as provided in this section.

Source: R.S. 18:15-24.

18A:64E-9. Purchase of lands and buildings for schools in cities of second class. The board of trustees of schools for industrial education in a city of the second class upon first obtaining the consent of the governing body of the city may build upon land already owned by it, or may purchase land and build thereon buildings or structures for the uses and purposes of the school for industrial education within its corporate limits. The cost and expense of the land purchased, and the buildings or structures to be erected as aforesaid shall not exceed in the aggregate the sum of $50,000.00.

Source: R.S. 18:15-25.

18A:64E-10. Bond issues for lands and buildings. To defray the cost and expense of the land and buildings or structures to be erected under section 18A:64E-9, the governing body of a city of the second class may issue bonds in the corporate name of the city for the aggregate amount required by the board of trustees, in the manner provided by law for the issuance of bonds in such cities. Such bonds shall have written or printed thereon the words "school for industrial education construction bonds."

The money raised by the issuance of the bonds shall be credited on the books of the city treasurer to the trustees of the school for industrial education, and shall be paid out and disbursed by the city treasurer, from time to time, on the written order or orders of the trustees, signed by their president and secretary, and countersigned by the city comptroller, in payment of the purchase price of any land purchased by the trustees, and the cost of erection of any buildings or structures thereon for the use of a school for industrial education within the corporate limits of the city.

Source: R.S. 18:15-26.

18A:64E-11. Bond issues for schools for industrial education in cities. Whenever a board of trustees of schools for industrial education in any city shall decide that it is necessary to raise money for the construction or reconstruction or enlargement or other improvement of a building or buildings to be used for the purposes for which the board is constituted, or the acquisition of lands suitable as a site therefor, or the purchase or installation therein of furnishings, equipment, machinery or apparatus

required for the proper equipment of such building or buildings, it may prepare and deliver to the governing body of said city a statement of the amount of money estimated to be necessary for such purpose or purposes. Whenever such a statement is received by the governing body of the city, such governing body may, in its discretion, appropriate and borrow such money or any part thereof for such purpose or purposes, and shall secure the repayment of the sum or sums so borrowed by the issuance of bonds or other obligations in the corporate name of said city, which shall be issued pursuant to and in the manner prescribed by, and shall be subject to the limitations imposed by chapter 24 of this title as to bonds issued for type I districts and shall be deemed to be issued for school purposes in any annual or supplemental debt statement prepared and filed to comply with the provisions of the local bond law, but not for the purposes of article 2 of chapter 58 or article 2 of chapter 21 of this title.

Source: C. 18:15-26.1 (1956, c. 35).

Chapter 64F. SCHOOLS OF PROFESSIONAL NURSING.

18A:64F-1. Definitions.
18A:64F-2. Application for state support; form of application; certificate of accreditation by New Jersey board of nursing.
18A:64F-3. Operational support by state; limitation.
18A:64F-4. Rules and regulations.

18A:64F-1. Definitions. As used in this chapter:

(a) "Full-time student" means any student who enters a school of professional nursing to begin a program of nursing instruction after July 1, 1967 and who is a resident of this state;

(b) "Operational expense" means those funds devoted to or required for the regular or ordinary expense of the school of professional nursing, including administration, maintenance and salary expenses;

(c) "School of professional nursing" means a school in New Jersey offering a program of nursing instruction not exceeding three years beyond high school, which is affiliated with a hospital and holds a certificate of accreditation issued by the New Jersey board of nursing, provided that said school is not eligible to receive state aid for its nursing program under any other law;

Source: C. 18:22-128 (1967, c. 60, s. 1).

18A:64F-2. Application for state support; form of application; certificate of accreditation by New Jersey board of nursing. A school of professional nursing may apply for and receive state aid towards the operational expense of said school. The application shall be upon forms prepared and provided by the chancellor and shall contain such information as the chancellor shall require. Each application shall be first submitted to the New Jersey board of nursing who shall certify thereon whether said school is accredited and whether or not said accreditation has been suspended or revoked.

Source: C. 18:22-129 (1967, c. 60, s. 2).

18A:64F-3. Operational support by state; limitation. The chancellor shall formulate annual budget requests for funds for state aid for qualified schools of professional nursing. Within the limits of funds appropriated to the department of higher education for said purpose, any school of professional nursing whose application has been approved by the chancellor, shall be entitled to receive state aid for the operational expense of the school to the extent of one-half thereof or $600.00 per full-time student, whichever is the lesser amount.

Source: C. 18:22-130 (1967, c. 60, s. 3).

18A:64F-4. Chancellor acting by representatives; rules and regulations. The chancellor may act by a duly designated representative and he may adopt such rules and regulations as shall be necessary to implement the provisions of this chapter.

Source: C. 18:22-131 (1967, c. 60, s. 4).

Chapter 65. RUTGERS, THE STATE UNIVERSITY.

Article 1. Short Title.

18A:65-1. Short Title.

Article 2. Definitions and Declaration of Public Trusts.

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18A:65-3. "The state university" or "the university" defined and described.

Article 3. Construction of Chapter.

18A:65-4. Vested rights, grants, charter privileges, etc., not affected; exceptions.
18A:65-5. Officers or outstanding commitments not affected.
18A:65-6. Tenure, civil service and retirement rights.
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Article 6. Property Rights.

18A:65-33. Gifts, grants, legacies, endowments, etc.; to vest in and inure to the benefit of the corporation.
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18A:65-82. Definitions.
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Article 1. Short Title.

18A:65-1. Short title. This chapter shall be known as and may be cited as the "Rutgers, the state university law."

Source: C. 18:22-15.25 (1956, c. 61, s. 1).

Article 2. Definitions and Declaration of Public Trusts.

18A:65-2. The term "the corporation" defined; trusts imposed. The term "the corporation," as used in this chapter, shall mean the said body corporate and politic, incorporated under the name of "the trustees of Queen's-College, in New Jersey," by royal charter dated November 10, 1766 (amended March 20, 1770), confirmed and amended by acts of the legislature of the state of New Jersey adopted June 5, 1781, and May 31, 1799, respectively, and having perpetual succession and existence; its name having been changed to "the trustees of Rutgers college in New Jersey" by act of the legislature adopted November 30, 1825 and to "Rutgers, the state university" pursuant to an act of the legislature, approved June 1, 1956; one of the departments maintained by which is and continues to be the land grant college of New Jersey; the property and educational facilities, rights and privileges of which are and shall continue to be impressed with a public trust for higher education of the people of the state of New Jersey; and which is the instrumentality of the state for the purpose of operating the state university. Nothing herein contained shall impress with such trust any property of the state.

Source: R.S. 18:22-15; C. 18:22-15.1 (1945, c. 49, s. 1); C. 18:22-15.2 (1945, c. 49, s. 2); C. 18:22-15.27 (1956, c. 61, s. 3).

18A:65-3. "The state university" or "the university" defined and described. The term "the state university" or "the university," as used in this chapter, shall, unless the context clearly indicates to the contrary, include and mean the educational entity conducted by the corporation, heretofore designated "the state university of New Jersey," as now and hereafter constituted, including all departments, colleges, schools, centers, branches, educational and other units and extensions thereof, including the state college for the benefit of agriculture and the mechanic arts, the agricultural experiment station, the New Jersey agricultural experiment station managed and directed by the board of managers, Douglass college, the Paterson college, the graduate school of social work, the school of ceramics, the departments of higher education, formerly maintained by the university of Newark, including the college of arts and sciences, the school of business administration and the school of law, and those, formerly maintained by the college of South Jersey, including the junior college and the school of law, and all other departments of higher education maintained by the corporation.

Source: C. 18:22-15.1 (1945, c. 49, s. 1); C. 18:22-15.14 (1946, c. 217, s. 1); C. 18:22-15.16 (1947, c. 139, s. 1); C. 18:22-15.17 (1947, c. 139, s. 2); C. 18:22-15.23 (1950, c. 116, s. 1); C. 18:22-15.28 (1956, c. 61, s. 4).

Article 3. Construction of Chapter.

18A:65-4. Vested rights, grants, charter privileges, etc., not affected; exceptions. Nothing herein contained shall be construed to impair, annul or affect any vested rights, grants, charter rights, privileges, exemptions, immunities, powers, prerogatives, franchises or advantages heretofore obtained or enjoyed by the corporation or the university or any constituent unit thereof, under authority of its charter or any act of this state or under any grant, deed, conveyance, transfer, lease, estate, remainder, expectancy, trust, gift, donation, legacy, devise, endowment or fund, all of which are hereby ratified and confirmed except insofar as the same may have expired or have been repealed or altered or may be inconsistent with this chapter or with existing provisions of law; subject, however, thereto and to all of the rights, obligations, relations, conditions, terms, trusts, duties and liabilities to which the same are subject.

Source: C. 18:22-15.54 (1956, c. 61, s. 30).

18A:65-5. Officers or outstanding commitments not affected. The enactment and adoption of this chapter shall not of itself affect the official status of any officer of the corporation or the university, or any outstanding authorization of any officer, agent or employee to take any specified action, or any outstanding commitment or undertaking of or by the corporation or the university, except to the extent that any of the same may be inconsistent with this chapter.

Source: C. 18:22-15.55 (1956, c. 61, s. 31).

18A:65-6. Tenure, civil service and retirement rights. Nothing in this chapter shall be construed so as to deprive any person of any right of tenure, or under civil service, or under any retirement system, or to any pension, disability or social security or similar benefits, to which he is entitled by law or contractually.

Source: C. 18:22-15.56 (1956, c. 61, s. 32).

18A:65-7. Board of higher education's powers not abrogated. Nothing in this chapter shall be construed to abrogate or derogate from the powers of the board of higher education of supervision and control of the university in accordance with existing law.

Source: C. 18:21A-13 (1966, c. 302, s. 13); C. 18:22-15.57 (1956, c. 61, s. 33).

18A:65-8. State's credit not pledged. No provision in this chapter contained shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, of the state of New Jersey.

Source: C. 18:22-15.58 (1956, c. 61, s. 34).

18A:65-9. Chapter liberally construed. This chapter, being deemed and hereby declared necessary for the welfare of the state and the people of New Jersey to provide for the development of public higher education in the state and thereby to increase the efficiency of the public school system of the state, shall be liberally construed to effectuate the purposes and intent thereof.

Source: C. 18:22-15.59 (1956, c. 61, s. 35).

18A:65-9.1. Certain repealers saved. Section 36 of chapter 61 of the laws of 1956 entitled "An Act concerning The Trustees of Rutgers College in New Jersey, the State University of New Jersey, changing its name to Rutgers, The State University, reorganizing the Board of Trustees thereof, and creating a Board of Governors having general supervision over and vested with the conduct of the University, amending its Charter, and repealing Section 3 of Chapter 49 of the Laws of 1945, approved March 26, 1945 (P. L. 1945, page 115), and all acts and parts of acts inconsistent with this Act," approved June 1, 1956 (P. L. 1956, c. 61), is saved from repeal. [This section repeals certain acts and also provisions of the charter and resolutions of the board of trustees of the university inconsistent with the provisions of this chapter.]

Source: C. 18:22-15.60 (1956, c. 61, s. 36).

Article 4. Name and Corporate Seal.

18A:65-10. Name. The name of the body corporate and politic, which operates the state university of the state of New Jersey, is continued as "Rutgers, the state university," hereafter referred to as the "corporation."

Source: C. 18:22-15.26 (1956, c. 61, s. 2).

18A:65-11. Corporate seal. The seal of the corporation now in use, shall continue to be the common seal of the corporation, unless and until a new or different seal be adopted by joint or concurrent action of the boards.

Source: C. 18:22-15.48 (1956, c. 61, s. 24).

Article 5. Government of the Corporation and the University.

18A:65-12. Board of governors continued, powers, etc. The board of governors of the corporation is continued and it shall have and exercise the powers, authority, rights and privileges, and be subject to the duties, obligations and responsibilities set forth and expressed in this chapter.

Source: C. 18:22-15.29 (1956, c. 61, s. 5).

18A:65-13. Board of trustees continued, powers, etc. The board of trustees of the corporation is continued and it shall have and exercise the powers, authority, rights and privileges, and be subject to the fiduciary and other duties, obligations and responsibilities, set forth and expressed in this chapter.

Source: C. 18:22-15.30 (1956, c. 61, s. 6).

18A:65-14. Board of governors, membership, classification, terms, succession. The membership of the board of governors shall be classified as follows and consist of:

a. two ex officio members, without vote, serving by virtue of their respective offices during the terms thereof, viz.,

i. the chancellor, and

ii. the president of the corporation; and

b. 11 voting members,

i. six of whom shall be appointed by the governor of the state, with the advice and consent of the senate, and

ii. five of whom shall be appointed by the board of trustees, from among their members elected and serving under the provisions of subsection I.c. or I.d. of 18A:65–15.

All members shall serve for terms of six years, except that the terms of those initially appointed by the governor which began on September 1, 1956, shall expire respectively (as designated by him) one, two, three, four, five and six years after June 30, 1956, and terms of those initially appointed by the board of trustees which began on September 1, 1956, shall expire respectively (as designated by the board) two, three, four, five and six years after June 30, 1956; all of whose respective successors shall be appointed to serve six-year terms. Governors may succeed themselves for not more than one additional term after having served one full six-year term (including an initial term beginning on September 1, 1956, and expiring on June 30, 1962).

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–15.4 (1945, c. 49, s. 4); C. 18:22–15.31 (1956, c. 61, s. 7, amended 1962, c. 47, s. 1).

18A:65–15. Board of trustees, members, classification, terms, etc.

I. The membership of the board of trustees shall be classified as follows and consist of:

a. two ex officio trustees, without vote, serving by virtue of their respective offices during the terms thereof, viz.,

i. the chancellor, and

ii. the president of the corporation;

b. 11 public trustees, appointed and to be appointed by the governor of the state, with the advice and consent of the senate, viz.,

i. five public trustees, serving under section 4 of chapter 49 of the Laws of 1945 for five-year terms expiring respectively, one, two, three, four, and five years after June 30, 1956, whose respective successors shall be appointed upon the expiration of such terms and annually thereafter to serve five-year terms; and

ii. six public trustees appointed governors under subsection b.1. of section 18A:65–14 and serving by virtue thereof for and during their respective initial and subsequent terms as governors;

c. not less than 12 nor more than 20 trustees who shall be alumni or alumnae of Rutgers, the state university, as may be determined from time to time by the board of trustees, elected by the board in accordance with such rules, regulations and schedules, and modifications thereof, as may be prepared and adopted from time to time by the board, the terms of such alumni trustees or alumnae trustees to be six years for full terms, with power in the board to provide for shorter or interim terms when deemed by it to be advisable.

d. Charter trustees: i. in the number of trustees serving as such on August 31, 1956 without definite term, who shall continue to serve indefinitely; provided, that upon the occurrence of any vacancy among such charter trustees, no successor shall be elected to fill such vacancy until such time as the number of such trustees has been reduced below 25, and thereafter vacancies within that number shall be filled by the board subject

to the following paragraph II; ii. two women elected by the board of trustees serving six-year terms expiring respectively on June 30, 1963 and 1965 and one woman elected by the board of trustees serving a five-year term expiring June 30, 1961, whose respective successors shall be elected by the board upon the expiration of such terms and thereafter to serve six-year terms.

II. All trustees elected or appointed for terms commencing on or after September 1, 1956, other than those serving ex officio pursuant to subsections I.a. and I.b.i. of this section, shall serve for terms of six years (subject to the provisions of subsection I.c. of this section and of subsection (a) of section 18A:65–16, and may succeed themselves for not more than one additional term after having served one full six-year term.

III. The ex officio members of the board of trustees as constituted on August 31, 1956, pursuant to the charter, statutes, or resolutions of the board from time to time adopted, ceased to be such members on August 31, 1956, with the exception of the president of the corporation who continued as ex officio trustee and ex officio governor, without voting power as hereinabove provided and the commissioner of education who so continued until July 1, 1967.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–15.32 (1956, c. 61, s. 8, amended 1962, c. 47, s. 2).

18A:65–16. Governors and trustees, beginning and ending of terms, vacancies.

(a) The terms of all governors and trustees which are limited shall, unless otherwise expressly provided herein, commence on July 1 in the first year, and end on June 30 in the last year, of such term.

(b) In case a governor or a trustee is elected president or appointed chancellor and he thereby becomes a nonvoting governor or trustee ex officio, a vacancy in his prior office as governor or trustee shall thereby occur.

(c) In case a trustee is appointed a governor by the governor of the state, and he thereby becomes a trustee during his term as governor, a vacancy in his prior office as trustee shall thereby occur.

(d) Any vacancy occurring during the term of any governor or trustee (other than by the expiration of his term) shall be filled for the unexpired term only, in the same manner and subject to the same provisions, as in the case of his appointment or election; subject, however, to the provisions of subsection I.d. of section 18A:65–15.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–15.33 (1956, c. 61, s. 9, amended 1962, c. 47, s. 3).

18A:65–17. Restriction on receiving certain remuneration by members of boards. No person, other than the chancellor or the president, shall be eligible to membership on the board of governors, if he is a salaried official of the state of New Jersey, or shall be eligible to membership on either the board of governors or the board of trustees, if he is receiving remuneration for services from the corporation or the university. If any member of either board shall become ineligible by reason

of the foregoing, a vacancy in his prior office as governor or trustee, as the case may be, shall thereby occur.

Source: C. 18:21A–41 (1966, c. 302, s. 41); C. 18:22–15.34 (1956, c. 61, s. 10).

18A:65–18. Oaths. Each governor and each trustee taking office, before entering on the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the state of New Jersey and of the United States, to bear allegiance to the government of the state, and to perform the duties of his office faithfully, impartially and justly, to the best of his ability.

Source: C. 18:22–15.35 (1956, c. 61, s. 11).

18A:65–19. Procedure for removal of governor or trustee.

(a) Any governor shall be subject to removal after hearing, by a majority of the board of governors, for malfeasance or conduct injurious to the interests of the corporation or the university, subject to review and confirmation (i) by the governor of the state in the case of his appointees, and (ii) by the board of trustees in the case of its appointees.

(b) Any trustee other than one serving under the provisions of subsection I.a. of 18A:65–15 shall be subject to removal after hearing for malfeasance or conduct injurious to the interests of the corporation or the university (i) by the governor of the state in the case of a trustee appointed by him or (ii) in the case of a trustee elected by the board of trustees, by a majority of the then membership of the board of trustees.

Source: C. 18:22–15.36 (1956, c. 61, s. 12).

18A:65–20. No compensation; expenses paid. The governors and trustees shall not receive compensation for their services as such. Each governor and trustee shall be reimbursed for his actual expenses reasonably incurred in the performance of his duties or in rendering service as a member of or on behalf of either board or any committee of either board.

Source: C. 18:22–15.37 (1956, c. 61, s. 13).

18A:65–21. No personal liability. No governor, trustee or officer of the corporation shall be personally liable for any debt, obligation or other liability of the corporation or of, or incurred by or on behalf of, the university or any constituent unit thereof.

Source: C. 18:22–15.38 (1956, c. 61, s. 14).

18A:65–22. Quorums.

a. Six members of the board of governors shall constitute a quorum.

b. Such number, not less than 12, of the board of trustees as shall be determined by the board, and until so determined, 12 members, shall constitute a quorum.

c. A quorum of a joint meeting of the boards shall be present if six governors and not less than a majority of the trustees then in office (other than those who are governors), are present.

Source: C. 18:22–15.39 (1956, c. 61, s. 15).

18A:65–23. Chairman of each board to be elected. The board of governors and the board of trustees shall each elect its own chairman from among its respective members.

Source: C. 18:22–15.40 (1956, c 61, s. 16).

18A:65–24. Government, control, administration, etc., of corporation and the university. The government, control, conduct, management and administration of the corporation and of the university shall be respectively vested in and allocated between the board of governors and the board of trustees as set forth and expressed in this chapter.

Source: C. 18:22–15.41 (1956, c. 61, s. 17).

18A:65–25. Authority and responsibility of board of governors. The board of governors shall have general supervision over and be vested with the conduct of the university. It shall have the authority and responsibility to:

a. Determine policies for the organization, administration and development of the university;

b. Study the educational and financial needs of the university, annually acquaint the governor and legislature with the condition of the university, and prepare and, jointly with the board of higher education, present the annual budget to the governor and legislature, in accordance with law;

c. Disburse all moneys appropriated to the university by the legislature, moneys received from tuition, fees, auxiliary services and other sources, and from or by direction of the board of trustees;

d. Direct and control the expenditures of the corporation and the university in accordance with the appropriation acts of the legislature, and, as to funds received from the trustees and other sources, in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions. All acounts of the university shall be subject to post audit by the state;

e. Borrow money for the needs of the corporation and the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, with the consent and advice of the board of trustees; provided, that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds (other than moneys appropriated for that purpose) of the state;

f. 1. Purchase all lands, buildings, equipment, materials and supplies; and

2. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

g. Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

h. In accordance with the provisions of the budget, have the sole power (subject to the provisions of section 18A:65–31) to elect, appoint, remove, promote or transfer all corporate, official, educational and civil administrative personnel, and fix and determine their salaries in accordance with salary schedules adopted by the board of governors and approved by the board of higher education. Such salary schedules shall prescribe qualifications for the various classifications and shall limit the percentage of the educational staff that may be appointed or promoted to any given classification;

i. In accordance with the provisions of the budget, appoint, remove, promote and transfer all other officers, agents, or employees, assign their duties, determine their salaries, and prescribe qualifications for all positions, and in accordance with the salary schedules of the state civil service commission wherever possible; and

j. Authorize any new educational department or school which will require, at the time of establishment or thereafter, an additional expenditure of money, if the establishment thereof is approved by the board of higher education and provision is made therefor in the annual or a supplemental appropriation act or a special act of the legislature or otherwise.

Source: C. 18:21A–13 (1966, c. 302, s. 13); C. 18:22–15.42 (1956, c. 61, s. 18).

18A:65–26. Board of trustees; control of properties, funds, trusts, investments, etc.; committee memberships. The board of trustees:

(1) Shall act in an overall advisory capacity;

(2) Shall (a) control (i) properties, funds and trusts vested, as of August 31, 1956, in the corporation in possession or remainder or expectancy (other than and expressly excluding properties and funds owned by or title to which is in the state of New Jersey or which are held upon an express trust for the use of the state, or which have been acquired by the use of moneys appropriated by the state or by the federal government to the use of the corporation or the land grant college of New Jersey, including but not limited to real estate, buildings, improvements, fixtures, and appurtenances thereto, and tangible personal property); and (ii) properties, funds and trusts received by the corporation on or after September 1, 1956, by private gift, donation, bequest or transfer, in any manner, under the terms of any applicable trust, gift, bequest or donation dated or delivered (aa) prior to September 1, 1956, unless otherwise designated, or (bb) on or after September 1, 1956, if so designated; provided, however, that all property, educational facilities, rights and privileges which are impressed with a public trust for higher education of the people of the state of New Jersey shall continue to be so impressed; and (b) make available (after meeting all expenses of its administration) to the board of governors the income from such funds and the use of or income from such properties, subject to the provisions stated hereinafter in section 18A:65–27;

(3) Shall have sole authority over the investment of funds under its control;

(4) Shall have power to maintain such administrative staff and incur and pay such expenses as it deems reasonably necessary to the effective exercise of its functions and responsibilities under this chapter or by reason of any other fiduciary responsibilities to which it is subject; and

(5) Shall be represented on the membership of the committees of the several colleges.

Source: C. 18:22–15.43 (1956, c. 61, s. 19).

18A:65–27. Public policy of state.

I. It is hereby declared to be the public policy of the state of New Jersey that:

a. the corporation and the university shall be and continue to be given a high degree of self-government and that the government and conduct of the corporation and the university shall be free of partisanship; and

b. resources be and continue to be provided and funds be and continue to be appropriated by the state adequate for the conduct of a state university with high educational standards and to meet the cost of increasing enrollment and the need for proper facilities.

II. In consideration of the utilization by the state for the purposes of public higher education of privately donated properties and funds valued as at September 1, 1956 at approximately $50,000,000, and the prospect of future private donations, the state by this chapter agrees with the board of trustees and its successors that:

a. if the properties and funds controlled by the trustees shall not be properly applied in accordance with the provisions of subsection (d) of section 18A:65–25 for the purpose of higher education and in accordance with the terms of any applicable testamentary, trust, or other special provision; or

b. if, without the consent of the board of trustees,

(1) the university is not continued to be designated and maintained as the state university of New Jersey, or

(2) the name of the university shall be changed, or

(3) a vacancy in the office of the president of the university shall be filled otherwise than by appointment of the board of governors with the advice and consent of the board of trustees, or

(4) the provisions for the essential self-government of the university, viz., the provisions of sections 18A:65–12 to 18A:65–16, inclusive, 18A:65–19, 18A:65–24 to 18A:65–26, inclusive, 18A:65–28, subsection (b) of 18A:65–29, 18A:65–30, subsection (c) of 18A:65–31, 18A:65–33, 18A:65–6, 18A:65–9 and 18A:65–4, or any of them or of this section 18A:65–27, are amended or altered in any substantial respect or repealed; or

c. if provision shall not be made by the state sufficient to enable the board of trustees to discharge its trust to apply the trust assets described in subsection 2 of section 18A:65–26 for public higher education through the conduct of a university with high educational standards, the board of trustees, after careful consideration and on not less than 60 days' prior written notice to the board of governors and to the board of higher education or its successors, shall have and may exercise the right to withhold or withdraw the use of the properties and funds above described in subsection 2 of section 18A:65–26, or any part of them, (aa) subject to adjudication by the courts of the state, and (bb) subject to their proper application for the purposes of public higher education and in accordance with the terms of any applicable testamentary, trust or other special provision.

Source: C. 18:21A–13 (1966, c. 302, s. 13); C. 18:22–15.44 (1956, c. 61, s. 20).

18A:65–28. Boards' powers, rights, etc., incident to their responsibilities. The boards shall have and exercise the powers, rights and privileges that are incident to their respective responsibilities for the government, conduct and management of the corporation, and the control of its properties and funds, and of the university, and the powers granted to the

corporation or the boards or reasonably implied, may be exercised without recourse or reference to any department or agency of the state, except as otherwise expressly provided by this chapter or other applicable statutes. The provisions of sections 11 and 13 of chapter 20 of the Laws of 1944 shall not be deemed or construed to be applicable to the corporation or the university.

Source: C. 18:22–15.45 (1956, c. 61, s. 21).

18A:65–29. Joint sessions of boards.

a. The boards may meet in joint session for the purpose of consultation and discussion, or to act upon any matter which requires joint or concurrent action of both boards.

b. The boards by joint or concurrent action may adopt, and from time to time amend, bylaws, ordinances, statutes, rules, regulations and orders applicable to such matters as require or are subject to the exercise of joint responsibility or action, and each board may adopt, and from time to time amend, bylaws, ordinances, statutes, rules, regulations and orders applicable to such matters as require or are subject to the exercise of its responsibility or its action, subject, in either case, to the provisions of this chapter and other applicable statutes.

Source: C. 18:22–15.46 (1956, c. 61, s. 22).

18A:65–30. Each board to appoint and regulate duties, functions, etc., of committees. Each board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the corporation and the university, consistent with this chapter and other applicable statutes. The board of governors may appoint trustees who are not governors to membership on its committees, without vote.

Source: C. 18:22–15.47 (1956, c. 61, s. 23).

18A:65–31. President of corporation; powers; term; filling vacancy.

a. There shall be a president of the corporation and of the university.

b. He shall be responsible to the boards, and shall have such powers as shall be requisite, for the executive management and conduct of the corporation and the university in all departments, branches and divisions, and for the execution and enforcement of the bylaws, ordinances, rules, regulations, statutes and orders governing the management, conduct and administration thereof. He shall hold office at the pleasure of the board of governors.

c. In case of a vacancy in the office, the president shall be elected by the board of governors, with the advice and consent of the board of trustees.

Source: C. 18:22–15.51 (1956, c. 61, s. 27).

18A:65–32. Annual report; contents; filing. The corporation shall, annually on or before July 31, file in the office of the secretary of state a report (a) of the election and appointment of the, and the names and residences of the, members of the board of governors and of the board of trustees, and (b) of the election and appointment of the executive officers

of the corporation, including the president, provost, vice president if any, secretary, assistant secretaries, treasurer and assistant treasurers, and the comptroller and assistant comptroller, at the time in office.

Source: C. 18:22-15.52 (1956, c. 61, s. 28).

Article 6. Property Rights.

18A:65-33. Gifts, grants, legacies, endowments, etc.; to vest in and inure to the benefit of the corporation. Every gift, grant, legacy, bequest, devise, endowment, estate, remainder, or expectancy, contained in any will, deed, declaration of trust, transfer, or other instrument, to or for or inuring to the benefit of the corporation or the university, or any constituent unit thereof, whenever established or acquired, and every chose in action, to which the corporation is or shall be entitled, in whatever name and under whatever title, made heretofore or hereafter to become effective or to be made, shall continue to be vested or shall vest in and shall inure to the benefit of the corporation as completely and effectually as though expressly made to it in its name and for its use and benefit; and none of the same shall lapse, terminate or revert by reason of the enactment of this chapter; subject, however, to the provisions of this chapter and other applicable laws, and to all of the rights, obligations, relations, conditions, terms, trusts, duties and liabilities to which the same are subject; and it may effectually execute and give receipts and discharges therefor and other instruments in its name or in the name in which the same may have been made or given for its use and to its benefit.

Source: C. 18:22-15.53 (1956, c. 61, s. 29).

18A:65-33.1. Care, custody and control of state property. The corporation shall have the care, custody and control of such property as the state now has or shall hereafter acquire at the university, subject to the visitorial powers of the board of higher education.

Source: C. 18:21A-13 (1966, c. 302, s. 13); C. 18:22-15.9 (1945, c. 49, s. 9).

Article 7. Board of Higher Education; Visitorial, etc., Powers.

18A:65-34. Visitorial powers of supervision and control. The visitorial general powers of supervision and control of the board of higher education over Rutgers, the state university, are continued and are defined as the powers to visit the university to examine into its manner of conducting its affairs and to enforce an observance of its laws and regulations and the laws of the state.

Source: C. 18:21A-13 (1966, c. 302, s. 13); C. 18:22-15.8 (1945, c. 49, s. 8).

18A:65-35. Board of governors and board of higher education; recommendations to the governor and the legislature. The board of governors shall advise with the board of higher education to the end that the facilities and services of the university may be so utilized as to increase the efficiency of the public school system and provide higher education for the people of the state and the board of higher education shall investigate and, jointly with the board of governors, make recommendations to the governor and the legislature, respecting the needs for the facilities and services, of the university, as an instrumentality of the state for said purposes.

Source: C. 18:21A-13 (1966, c. 302, s. 13); C. 18:22-15.10 (1945, c. 49, s. 10).

Article 8. The State College for the Benefit of Agriculture and the Mechanic Arts.

18A:65–36. State college for benefit of agriculture and the mechanic arts continued. The state college for the benefit of agriculture and the mechanic arts maintained by the university is continued as part of the university.

Source: R.S. 18:22–15.

18A:65–37. Payments, in lieu of interest, on proceeds of public land scrip. The sum which is paid by the state annually in semiannual payments pursuant to the certificates of indebtedness which were issued under section 2 of the act entitled "A supplement to the act entitled 'An act appropriating scrip for the public lands granted to the state of New Jersey by the act of congress, approved July 2, 1862,' approved April 4, 1864," approved June 13, 1895 (L. 1895, c. 417, s. 2, p. 805), together with the amendment thereto approved March 30, 1896 (L. 1896, c. 135, p. 192), upon the payment or transfer to the state sinking fund of the fund of $116,000.00 which arose from the sale of the scrip for public lands granted to the state by the act of congress approved July 2, 1862, shall be paid to the corporation for the special purposes and upon the special conditions set forth in sections 18A:65–38, 18A:65–39 and 18A:65–40 incl.

Source: R.S. 18:22–16.

18A:65–38. Moneys devoted to courses in agriculture and mechanic arts. The corporation shall devote the moneys paid to it under the provisions of section 18A:65–37 wholly and exclusively to the maintenance of such courses of instruction as shall carry out the intent of the act of congress mentioned in said section, in the manner specially prescribed by section 4 of said act of congress.

Source: R.S. 18:22–17.

18A:65–39. Free scholarships; number; qualifications and terms. The university shall, in each year, furnish gratuitous education in the courses of instruction described in section 18A:65–38, in such manner as may be prescribed by the legislature, or otherwise, to such number of students of the university as would expend for their instruction in the university a sum equal to one half of the payment, under section 18A:65–37, for said year, if they were required to pay therefor at the regular rates charged therefor to other students.

The students so nominated and received shall be citizens of this state, and shall be admitted into the university upon the same terms, and subject to the same rules and discipline, as apply to all other students of the university, save that they shall not be required to pay for their instruction.

Source: R.S. 18:22–18.

18A:65–40. Annual reports of board of governors. The board of governors shall annually make and distribute the reports required by paragraph 4 of section 5 of the act of congress cited in section 18A:65–37.

Source: R.S. 18:22–21.

18A:65–41. Payment for agricultural college; application; courses of instruction. The moneys received and to be received by this state under the act of congress approved August 30, 1890, shall immediately and as soon as received be paid over by the state treasurer, upon the warrant of the director of the division of budget and accounting in the department of the treasury and the order of the corporation, to the treasurer of the corporation, for the more complete endowment and maintenance of the agricultural college or agricultural department of the college, established in accordance with the act of congress approved July 2, 1862, for the benefit of agriculture and the mechanic arts, to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life and to the facilities of such instruction, in accordance with the acts of congress relating thereto.

Source: R.S. 18:22–26.

18A:65–42. Maintenance of courses. The corporation shall maintain therein a college or department which shall provide nondegree courses in agriculture, equipped and designed for the practical education of students, in both general and specific lines of farming.

Source: R.S. 18:22–29.

18A:65–43. Subjects of instruction. The college or department shall offer special instruction in agricultural fields including forestry, horticulture, nutrition and biochemistry, food science, wildlife conservation – conservation biology, environmental science (including air and water pollution), meteorology and climatology, plant and animal pathology, plant and animal physiology, entomology, nematology, soils and crops, agricultural marketing and economics, dairy, poultry, and animal husbandry, turf management, weed control, agricultural crop breeding and genetics, soil microbiology, and agricultural engineering.

Source: R.S. 18:22–30.

18A:65–44. Buildings, apparatus and machinery. The college or department shall be provided with suitable buildings for stock judging, butter making, milk testing, and lecture rooms. The buildings shall be equipped with the necessary apparatus and machinery for carrying out the specific instruction provided for in section 18A:65–43.

Source: R.S. 18:22–31.

18A:65–45. Instructors. The corporation shall employ competent instructors of the necessary educational and scientific acquirements, to conduct the college or department. They shall teach the theoretical and practical part of the subjects provided for in section 18A:65–43.

Source: R.S. 18:22–32.

Article 9. Agricultural Experiment Stations.

18A:65–46. Board of managers of agricultural experiment station; number; appointment; terms; vacancies. The board of managers of the New Jersey agricultural experiment station shall consist of the president

of the university, the director of the New Jersey agricultural experiment station and the secretary of agriculture ex officio and of one member appointed from the residents in each county in the state, who shall be appointed by the board of governors for terms of three years, beginning on July 1 and ending on June 30, in such manner that so far as practicable the various agricultural and other institutions served by the station shall be represented thereby and vacancies in the appointed membership shall be filled in the same manner but for the unexpired terms only.

Source: C. 18:22-15.5 (1945, c. 49, s. 5).

18A:65-47. Appointed members in office, retained. The appointed members of the board of managers in office upon the effective date of this chapter shall continue in office until the expiration of the respective terms for which they were appointed.

Source: C. 18:22-15.5 (1945, c. 49, s. 5).

18A:65-48. Members, no compensation except for expenses. The members of the board of managers shall receive no compensation for their services but shall be reimbursed for actual expenditures incurred in the performance of their duties.

Source: C. 18:22-15.5 (1945, c. 49, s. 5).

18A:65-49. Board of managers, functions, powers and duties. The board of managers shall act as agent of the board of governors in managing and directing the New Jersey agricultural experiment station.

Source: C. 18:22-15.5 (1945, c. 49, s. 5).

18A:65-50. Appropriations. Appropriations for the maintenance of the New Jersey agricultural experiment station and for the utilization of its services shall be separately made by line items.

Source: C. 18:22-15.6 (1945, c. 49, s. 6).

18A:65-51. Designation of the corporation to receive federal appropriations. The assent of the state to the grants of moneys for the purposes, upon the terms and in accordance with the several conditions and provisions of the acts of congress hereinafter enumerated having been heretofore signified and expressed, and certified copies of the acts giving such assent having been transmitted to the secretary of the treasury of the United States, the corporation, being the state agricultural college of New Jersey, at which the state agricultural experiment station is established and located, is designated the college to receive the benefit of the said acts of congress, and the corporation is designated as the public educational corporation to which all moneys appropriated by congress under such acts, or supplements thereto, shall be paid for the purposes mentioned therein:

a. The act approved March 2, 1887;

b. The act approved March 16, 1906;

c. The act approved February 24, 1925.

Source: R.S. 18:22-47.

Article 10. Extension Works in Agriculture and Home Economics.

18A:65-52. Authority of corporation to receive federal appropriations and conduct the work. The assent of the legislature having been heretofore given to the provisions and requirements of the act of congress of May 8, 1914, and May 22, 1928, the corporation is authorized and empowered to receive the grants of money appropriated under said acts and to organize and conduct extension work in agriculture and home economics in connection with the state agricultural college, in accordance with the terms and conditions expressed in said acts of congress.

Source: R.S. 18:22-27.

18A:65-53. Supplemental appropriations by counties or municipalities. In all cases where agricultural extension, home demonstration or boys' and girls' club work receives, or shall receive, funds or aid from the federal government or the state government, the board of chosen freeholders of any county or the governing body of any municipality may appropriate such sums of money as shall seem to it just and proper, to be expended in the county or municipality making such appropriation under the direction of the corporation in the New Jersey agricultural experiment station, for the purpose of promoting or carrying out such agricultural extension, home demonstration or boys' and girls' club work.

Appropriations made by any county or municipality shall be used only in such county or municipality in addition to the funds appropriated by the federal government or the state government in furtherance of the projects contemplated by this section.

Source: R.S. 18:22-28.

Article 11. School of Ceramics.

18A:65-54. School of ceramics continued. The corporation shall maintain a department in the university known as the school of ceramics which shall offer undergraduate and graduate instruction in accordance with recognized standards of engineering education in the fields of ceramics and ceramic engineering. It may also offer campus or extension courses, lectures, conferences, or other formal or informal educational activities for the benefit of the ceramic industry and of persons engaged in it or related fields.

Source: R.S. 18:22-34.

18A:65-55. Ceramic research station. The corporation shall in the school of ceramics establish programs of research in the field of ceramics to aid in carrying on its programs of instruction and to assist the ceramic industry of the state in the solution of technical problems and in the development of new ceramic products and processes. The research activities of the school may be conducted, as heretofore, under the title of the "New Jersey ceramic research station."

Source: R.S. 18:22-35.

Article 12. Graduate School of Social Work.

18A:65-56. Graduate school of social work continued. The corporation shall maintain in the university a graduate school of social work to be known as the graduate school of social work.

Source: R.S. 18:22-53.

18A:65-57. Courses of instruction. The school of social work shall offer courses of instruction in accordance with professional standards in the field of social work for persons preparing to enter this profession. It shall also provide part-time instruction for the benefit of persons already employed as social workers. Its instruction shall be conducted with particular reference to the training of personnel for the public and private social agencies located within the state of New Jersey and serving the people of this state.

Source: R.S. 18:22-54.

18A:65-58. Advisory committee for school of social work. In order that the school of social work may be responsive to the needs of the New Jersey social agencies, the corporation may appoint an advisory committee for the school of social work which shall be broadly representative of the profession of social work in New Jersey. The advisory committee shall advise the university with respect to any matters affecting the welfare of the school of social work and the conduct of its program. The commissioner of institutions and agencies of the state of New Jersey shall be a member of the advisory committee ex officio.

Source: R.S. 18:22-56.

18A:65-59. Programs of research. The school of social work shall establish programs of research in the field of social work to aid in carrying on its program of instruction and to improve the standards of social service in New Jersey.

Source: R.S. 18:22-55.

Article 13. Integration with State Colleges.

18A:65-60. Reciprocal use of university and state colleges buildings. The board of trustees of any state college may permit the use, in whole or in part, of any of the buildings or other facilities of the state college, by the university and the corporation may permit the use, by the state college of any part of the buildings or other facilities of the university, in whole or in part, in order to integrate the state colleges and the university in such manner that the training of teachers for the public schools and other branches of higher education conducted in the university shall be conducted cooperatively by the state colleges and the university, to the end that higher educational services may be made more widely available to the people of the state.

Source: C. 18:21A-20 (1966, c. 302, s. 20); C. 18:22-15.18 (1947, c. 140, s. 1).

18A:65-61. Care, custody and control of buildings jointly used. The care, custody and control of any building used jointly by any state college and the corporation shall be vested in the board of trustees of the state college or in the corporation, as the case may be. The care, custody and

control of any building of a state college wholly utilized by the corporation shall be exercised by the corporation subject to the visitorial power of the board of higher education and the care, custody and control of any building of the corporation wholly utilized for any state college shall be exercised by the board of trustees of the state college.

Source: C. 18:21A-4 (1966, c. 302, s. 4); C. 18:21A-22 (1966, c. 302, s. 22); C. 18:22-15.21 (1947, c. 140, s. 4).

18A:65-62. Laws affecting students. Students enrolled in courses conducted by the university in the divisions thereof established in the state colleges pursuant to this article shall not be subject to the provisions of law affecting students enrolled in courses for the training of teachers for the public schools conducted by such colleges.

Source: C. 18:22-15.20 (1947, c. 140, s. 3).

Article 14. Institute of Management and Labor Relations.

18A:65-63. Institute of management and labor relations continued. The corporation shall maintain in the university an institute of management and labor relations.

Source: C. 18:22-49 (1947, c. 307, s. 2).

18A:65-64. Purpose. The purpose of this article is to promote harmony and cooperation between management and labor, and greater understanding of industrial and labor relations, thereby to enhance the unity and welfare of the people of the state.

Source: C. 18:22-48 (1947, c. 307, s. 1).

18A:65-65. Advisory council. The corporation shall appoint an advisory council for the institute of management and labor relations consisting of representatives of labor, management and the public, in equal numbers. The advisory council shall advise the corporation as to the manner of carrying out the purposes of this article. Members of the advisory council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses.

Source: C. 18:22-52 (1947, c. 307, s. 5).

18A:65-66. Programs of research. The corporation shall establish in the institute programs of research in the field of management and labor relations in order to develop new material and techniques to aid in carrying on the educational activities required by this article, and otherwise to carry out its purposes.

Source: C. 18:22-51 (1947, c. 307, s. 4).

18A:65-67. Programs of instruction.

(a) The corporation shall establish in the institute programs of instruction at convenient centers throughout the state designed to achieve the purposes set forth in section 18A:65-64, and to bring about among management, labor and the public better understanding of their mutual problems and obligations.

(b) These programs of instruction may consist of instruction given in classes, or by means of lectures, conferences, institutes, demonstrations,

forums or other informal educational services found to be particularly effective in teaching adults.

(c) Tuition for all instruction in the institute of management and labor relations in programs or courses not offered for academic credit to students who are candidates for degrees in the university shall be free to residents of New Jersey, but the corporation may establish a registration fee or other incidental fees in connection with the operation of such educational activities; provided, however, that the corporation may charge its usual tuition fees for courses offered by the institute of management and labor relations for academic credit to students who are candidates for degrees in the university.

Source: C. 18:22-50 (1947, c. 307, s. 3, amended 1953, c. 319).

Article 15. Medical Education.

18A:65-68. Necessity of and establishment of program. The legislature and governor of the state of New Jersey hereby find that the establishment and operation of a program of medical education by Rutgers, the state university, is in the best interest of the state and find, declare and affirm, as a matter of public policy of the state, that the Rutgers medical school shall be developed from a two-year to a four-year institution. They further find that it is the responsibility of the state to provide funds necessary to establish and operate such a program of education and hereby declare that it is the intention of the legislature and the governor to provide, within the terms of section 18A:65-69, the funds which will be necessary to enable the board of governors of the corporation and the university to meet the financial obligations which have been incurred by said board pursuant to the provisions of this article.

Source: C. 18:22-15.63 (1964, c. 232, s. 1); C. 18:22-15.68 (1967, c. 207, s. 1).

18A:65-69. Borrowing or commission of funds; expenditures. In addition to any existing power of the board of governors to borrow funds, the board of governors is hereby authorized to borrow or commit the corporation and the university to the expenditure of such sums of money, not in excess of $6,000,000.00 plus interest thereon, as shall be required, in addition to the sums already available to the corporation from the federal government or other sources, to construct the capital facilities necessary to the operation of a two-year program of medical education to be conducted by the university. Any agreement to borrow or any commitment to expend such a sum of money entered into under the provisions of this article shall provide that the board of governors cannot create a debt or liability of the state of New Jersey nor pledge the credit of the state; and that the provisions for the repayment of borrowed sums, to the extent they are based upon the representation set forth in section 18A:65-68, are dependent upon appropriations provided by law from time to time.

Source: C. 18:22-15.64 (1964, c. 232, s. 2).

18A:65-70. Inclusion of necessary funds in budget of university. The board of governors shall include in its annual budget requests to the governor and the legislature such sum as shall be necessary to carry out the terms of any commitments or agreements entered into pursuant to the provisions of sections 18A:65-68 and 18A:65-69 commencing with a request for $1,000,000.00 in the budget for the fiscal year ending June 30, 1966, and

in order to assure initiation of a four-year curriculum by 1972 such sums thereafter as will provide appropriations, by the end of the fiscal year 1972, of at least $30,000,000.00 for the purposes of this article.

Source: C. 18:22-15.65 (1964, c. 232, s. 3); C. 18:22-15.69 (1967, c. 207, s. 2).

18A:65-71. No debt, liability, loan or pledge of credit of state to be established. No provision in this article contained shall be deemed or construed to create a debt, liability or a loan or pledge of the credit of the state of New Jersey.

Source: C. 18:22-15.66 (1964, c. 232, s. 4).

18A:65-72. No abrogation or derogation of powers. Nothing in this article shall be construed to abrogate or derogate from any of the powers vested in the board of governors of the university or the board of higher education.

Source: C. 18:21A-13 (1966, c. 302, s. 13); C. 18:22-15.67 (1964, c. 232, s. 5).

Article 16. Pension Rights of Officers, Employees, etc.

18A:65-73. Membership in public employees' retirement system of New Jersey. Any person holding office, position or employment in the university who was a member of the public employees' retirement system of New Jersey on April 16, 1945 may continue his membership therein and any person thereafter appointed to any office, position or employment in the university shall be eligible to membership therein on the same terms and conditions as persons holding office, position or employment under the state, except as otherwise provided in this article.

Source: C. 18:22-15.11 (1945, c. 49, s. 11); C. 18:22-15.11d (1967, c. 192, s. 4).

18A:65-74. Alternate program of retirement benefits, establishment, etc.; additional death benefits.

(a) Notwithstanding the provisions of section 73 of the public employees' retirement-social security integration act (P. L. 1954, c. 84), as amended and supplemented, on or before February 11, 1968, the university shall provide an alternate program of benefits for certain employees in lieu of benefits under the public employees' retirement system, which program shall be known as the alternate benefit program and which shall provide for individual retirement annuity contracts, both fixed and variable in nature, to become the property of the participants in said program individually; and group contracts providing life insurance which, notwithstanding any other provision of law, shall be in an amount equal to 1½ times the base annual salary of said participant in the event of death prior to retirement; and which may provide insurance coverage after retirement in an amount not to exceed 3/16 of the participant's base annual salary at the time of retirement; and disability benefits for all such participants. The board of governors of the university shall perform or provide for performance of all things necessary to prepare and operate said program.

(b) The university may also provide for additional death benefit coverage in accordance with rules and regulations as adopted by it from time to time on the basis of factors deemed appropriate by it. A member of the alternate benefit program will be eligible to purchase the additional

death benefit coverage provided that he or she selects such coverage within one year after the effective date of membership. A schedule of employee contributions shall be established by the university on a basis it deems appropriate which schedule shall be subject to adjustment from time to time for the purpose of meeting the entire cost of the additional death benefit coverage.

(c) Any other provisions of this article notwithstanding, the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

Source: C. 18:22-15.11a (1967, c. 192, s. 1).

18A:65-75. Persons eligible to share in alternate benefit program; election; transfer of accumulated deductions. All full-time faculty members, except those persons in ineligible categories designated in the regulations of the university, which regulations shall be of uniform application, shall participate in the alternate benefit program, provided that no person who was in employment with the university on August 15, 1967, and who was then a member of the public employees' retirement system shall participate in the alternate benefit program unless he shall so elect by filing an application with the public employees' retirement system within 90 days following the establishment of the alternate benefit program by the university declaring his election to participate in the alternate benefit program.

Upon such election, the public employees' retirement system shall cause prompt notice of said election to be given to the university and shall transfer to the individual's account in the alternate benefit program, the amount of accumulated deductions standing to his credit in the annuity savings fund of the public employees' retirement system as of the date of transfer.

Source: C. 18:22-15.11b (1967, c. 192, s. 2).

18A:65-76. Transfers from contingent reserve fund; determination of pension. There shall also be transferred from the contingent reserve fund to the individual's account in the alternate benefit program, the pension reserve, as defined in section 6 of the public employees' retirement-social security integration act (P. L. 1954, c. 84), as amended and supplemented, required as of the date of his transfer to provide a pension for each year of service credited to the account of the member as set forth in section 38 or section 48 of said act, as of August 15, 1967. Such transfer from the contingent reserve fund shall be made at the time of the member's transfer to the alternate benefit program in the case of any such member who has then met the eligibility requirements for a pension under the aforementioned section 38 or section 48. In the case of any member who elects to participate in the alternate benefit program who has not then met the eligibility requirements for a pension under section 38 or section 48, the transfer from the contingent reserve fund shall be effected at the time such requirements have been met, taking into account for the purpose of such eligibility requirement his years of membership service at the time of his election and his subsequent years of service as a full-time member of the faculty of the university or at the time he shall have 10 years of

credit for New Jersey service and become physically incapacitated for the performance of duty.

The annuity to be used in determining the amount of pension is the actuarial equivalent of the member's accumulated deductions, as defined in said section 6 of said act, transferred from the public employees' retirement system to the date the member attains 60 years of age, if subsequent to the date of election. The amount of pension is that established by formula within section 48 of said act as of August 15, 1967, and changes to section 48 enacted subsequent to this date shall have no application to the provisions of this article.

In the event that the eligibility requirement under section 38 is changed at some future date to permit members to become eligible for such benefit prior to the completion of 15 years of service, the transfer of the reserve from the contingent reserve fund shall be effected as of the date the member who had elected the alternate benefits program meets the amended eligibility requirement or the effective date of the amendment, if later.

In the event an option is available with respect to the distribution of employee and employer contributions between fixed and variable annuities under the alternate benefit program, the employee shall have the right to determine the percentage distribution of these funds subject to any limitations imposed by the designated insurer or insurers.

Source: C. 18:22-15.11c (1967, c. 192, s. 3).

18A:65-77. Participants ineligible for membership in PERS. Any person participating in the alternate benefit program shall be ineligible for membership in the public employees' retirement system and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the public employees' retirement system as a member of said system except as herein and otherwise provided by law.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the state of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

Source: C. 18:22-15.11d (1967, c. 192, s. 4).

18A:65-78. Deduction of employee contributions; state contributions. The university shall deduct from the compensation of each participant in the alternate benefit program an employee contribution equal to 5% of the participant's compensation and pay this amount to the insurer or insurers for the individual's retirement annuity contract or contracts. The intervals for deductions and payments shall be determined by the university. Based on a certification by the university of the number and base salary of participants, the state shall make payments to the university as employer contributions to the alternate benefit program at a rate equal to the normal contribution made by the state on behalf of nonveteran members of the public employees' retirement system, which moneys the university shall pay to the designated insurer or insurers for the benefit of each participant.

Source: C. 18:22-15.11e (1967, c. 192, s. 5).

18A:65–79. Designation of insurers; approval of contracts. The board of governors of the university shall designate the insurer or insurers from which contracts are to be purchased under the alternate benefit program and shall approve the form and content of such contracts. In making such designation and giving such approval the board shall give due consideration to (a) the nature and extent of the rights and benefits to be provided by such contracts for employees and their beneficiaries, (b) the relation of such rights and benefits to the amount of contributions to be made under this article, (c) the suitability of such rights and benefits to the needs and interests of employees and to the interests of the university in the recruitment and retention of employees, and (d) the ability of the designated insurer or insurers to provide such suitable rights and benefits under such contracts.

Source: C. 18:22–15.11f (1967, c. 192, s. 6).

18A:65–80. No contributions by university until second year.

(a) Notwithstanding any other provisions of this article, no contributions to any retirement annuity contracts shall be made by the university until the completion of one year of employment and commencement of a second consecutive year of employment. Employee contributions required during this initial year of service shall be deducted and held by the university. Upon the commencement of such second year the amount of the employee contributions, and such amount of the employer contribution herein required as has not theretofore been paid for said employee, together with interest on both portions at the rate of 4% per annum, shall be paid over to the designated insurer or insurers for and on behalf of such employee. If such an employee does not commence such second year the amount of employee contributions deducted from his compensation shall be refunded to him.

(b) The provisions of subsection (a) of this section shall not apply to any employee who, at the time of initial employment, owns a retirement annuity contract or contracts determined by the board of governors of the university to be substantially similar to the contracts to be purchased under the alternate benefit program and issued by the designated insurer or insurers.

Source: C. 18:22–15.11g (1967, c. 192, s. 7).

18A:65–81. Agreements with employees for reduction in salary. The board of governors of the university is hereby authorized to enter into agreements with each employee participating in the alternate benefit program whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the agreements of the university to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403 (b) of the federal internal revenue code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than one year upon notice in writing by either party, and provided further that not more than one such agreement shall be

entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403 (b) of the federal internal revenue code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the university and any employee pursuant to this section shall not exceed 10% of the employee's salary prior to such reduction.

Source: C. 18:22-15.11h (1967, c. 192, s. 8).

18A:65-82. Definitions. "Full-time" faculty shall be as defined by the board of governors of the university by regulation of uniform application, and shall also include the president, vice-presidents, secretary, and treasurer of the university.

Source: C. 18:22-15.11i (1967, c. 192, s. 9).

18A:65-83. Brokerage commission savings; credits; reduced premiums. Notwithstanding any other provision of law, any insurance company or companies, issuing such policy or policies may credit the university, in the form of reduced premiums, with savings by said company or companies in the event that no brokerage commission or commissions are paid by said company or companies on the issuance of such policy or policies.

Source: C. 18:22-15.11j (1967, c. 192, s. 10).

18A:65-84. Dividends or retrospective rate credits. Any dividend or retrospective rate credit allowed by an insurance company shall be used for purposes of the alternate benefit program and shall be credited to the funds available to purchase the contracts provided for in section 18A:65-74 in an equitable manner.

Source: C. 18:22-15.11k (1967, c. 192, s. 11).

18A:65-85. Benefits payable by insurer. No retirement, death, or other benefit shall be payable by the state or the university under the alternate benefit program. Benefits shall be payable to participating employees and their beneficiaries only by the designated insurer or insurers under the terms of the contracts.

Source: C. 18:22-15.11*l* (1967, c. 192, s. 12).

Subtitle 10. PENSIONS AND ANNUITIES.

Chapter 66. PENSIONS AND ANNUITIES.

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Article 1. Teachers' Pension and Annuity Fund-Social Security Integration Law.

18A:66–1. Short title. This article shall be known as the "teachers' pension and annuity fund-social security integration law."

Source: C. 18:13–112.3 (1955, c. 37, s. 1).

18A:66–2. Terms defined. As used in this article:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by him, including interest credited prior to January 1, 1956, standing to the credit of his individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from contributions made by a member as provided in this article.

c. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this article.

d. "Compensation" means the contractual salary for services as a teacher as defined in this article.

e. "Employer" means the state, the board of education or any educational institution or agency of or within the state by which a teacher is paid.

f. "Final compensation" means the average annual compensation for which contributions are made for the five years of creditable service in New Jersey immediately preceding his retirement, or it shall mean the average annual compensation for which contributions are made during any five fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

g. "Fiscal year" means any year commencing with July 1, and ending with June 30, next following.

h. "Pension" means payments for life derived from appropriations made by the state or employers to the teachers' pension and annuity fund.

i. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this act, computed on the basis of such mortality tables as the board of trustees adopts, with regular interest.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted to a member from the teachers' pension and annuity fund computed on the basis of such mortality tables as the board of trustees adopts, with regular interest.

k. "Present-entrant" means any member of the teachers' pension and annuity fund who has established status as a "present-entrant member" of said fund prior to January 1, 1956.

l. "Rate of contribution initially certified" means the rate of contribution certified based upon the member's age when last he became a member.

m. "Regular interest" shall mean interest as determined from time to time by the board of trustees. The regular interest rate shall be limited to a minimum of 3% per annum, and a maximum of 4% per annum.

n. "Retirement allowance" means the pension plus the annuity.

o. "School service" means any service as a "teacher" as defined in this section.

p. "Teacher" means any regular teacher, special teacher, helping teacher, teacher clerk, principal, vice principal, supervisor, supervising principal, director, superintendent, city superintendent, assistant city superintendent, county superintendent, state commissioner or assistant commissioner of education and other members of the teaching or professional staff of any class, public school, high school, normal school, model school, training school, vocational school, truant reformatory school, or parental school, and of any and all classes or schools within the state conducted under the order and superintendence, and wholly or partly at the expense of the state board of education, of a duly elected or appointed board of education, board of school directors, or board of trustees of the state or of any school district or normal school district thereof, and any such persons under contract or engagement to perform one or more of these functions. No person shall be deemed a teacher within the meaning of this article who is a substitute teacher or is a teacher not regularly engaged in performing one or more of these functions as a full-time occupation outside of vacation periods. In all cases of doubt the board of trustees shall determine whether any person is a teacher as defined in this article.

q. "Teachers' pension and annuity fund" hereinafter referred to as the "retirement system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this article including the several funds placed under the management of the board of trustees of said system. By that name all its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

r. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any army, air force or navy of the allies of the United States in world war I between July 14, 1914, and November 11, 1918, or who served in any army, air force or navy of the allies

of the United States in world war II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose his United States citizenship, and any officer, soldier, sailor, marine, airman, nurse or army field clerk who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions or emergencies, and who has presented to the board of trustees evidence of such record of service in form and content satisfactory to said board of trustees:

(1) The Indian wars and uprisings during any of the periods recognized by the war department of the United States as periods of active hostility;

(2) The Spanish-American war between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the war department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World war I, between April 6, 1917, and November 11, 1918;

(10) World war II, between September 16, 1940, and September 2, 1945, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under the army specialized training program or the navy college training program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies any part of which 90 days was served between said dates; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not he has completed the 90-day service as herein provided;

(11) Korean conflict after June 23, 1950, and prior to July 27, 1953, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under the army specialized training program or the navy college training program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided, that any person receiving an actual service-in-

curred injury or disability shall be classed as a veteran whether or not he has completed the 90-day service as herein provided; and provided further, that any member classed as a veteran pursuant to this subsection prior to August 1, 1966, shall continue to be classed as a veteran whether or not he completed the 90-day service between said dates as herein provided;

(12) Viet Nam conflict after December 31, 1960, and prior to the date of termination as proclaimed by the Governor, who shall have served at least 180 days in such active service on overseas duty, exclusive of any period he was assigned (1) for a course of education or training under the army specialized training program or the navy college training program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 180 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the army national guard or as a reserve for service in the army reserve, naval reserve, air force reserve, marine corps reserve, or coast guard reserve.

Source: C. 18:13-112.4 (1955, c. 37, s. 2, amended 1964, c. 292, s. 1; 1966, c. 218, s. 1).

18A:66-3. Teachers' pension and annuity fund continued. Notwithstanding the repeal of sections 24 to 110, inclusive, of chapter 13 of Title 18 of the Revised Statutes, with all amendments and supplements thereto, as of January 1, 1956, by section 3 of chapter 37 of the laws of 1955, saved from repeal in section 18A:66-91 of this article, and the further repeal of all of the other sections of said chapter 13 of Title 18 of the Revised Statutes by section 18A:76-3 of this law, the teachers' pension and annuity fund is continued with its membership and all of its securities, investments and other assets and, except as otherwise provided in this article, all obligations and liabilities existing as of the effective date of this article, shall be hereafter administered in accordance with the provisions of this article and any benefits and allowances granted under the statutes repealed by said section prior to the effective date of this article shall be continued in the same manner and under the same conditions as originally granted.

Source: C. 18:13-112.5 (1955, c. 37, s. 3).

18A:66-4. Membership. The membership of the retirement system shall consist of:

(a) all members of the teachers' pension and annuity fund enrolled as such as of December 31, 1955;

(b) any person becoming a teacher on or after January 1, 1956, except any person who has attained the age of 60 years prior to becoming a teacher after June 30, 1958;

(c) every teacher veteran as of January 1, 1956, who is not a member of the "teachers' pension and annuity fund" as of such date and who shall not have notified the board of trustees within 30 days of such date that he does not desire to become a member;

(d) any teacher employed on January 1, 1956, who is not a member of the teachers' pension and annuity fund and who elects to become a member under the provisions of section 18A:66-10.

No person in employment, office or position, for which the annual salary or remuneration is fixed at less than $500.00 shall be eligible to become a member of the retirement system.

Source: C. 18:13-112.6 (1955, c. 37, s. 4, amended 1956, c. 145, s. 1; 1958, c. 164, s. 1).

18A:66-5. Classes of members. The board of trustees shall classify the members in such group or groups by age or sex as it may determine for actuarial purposes.

The board shall further classify the membership by benefit rates as class A or class B members, as follows:

"Class A" shall include those members whose annuity shall be based on a per centum of salary, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to $\frac{1}{140}$ of his final compensation for each year of service as a member.

"Class B" shall include those members who shall hereafter contribute to the annuity savings fund at a higher rate per centum, computed to be sufficient, with regular interest, to procure for the member, on retirement for service, an annuity equal to $\frac{1}{120}$ of his final compensation for each year of service as a member.

Any member on December 31, 1955, may by his election contribute to the retirement system at the rate of contribution applicable to class B members of the public employees' retirement system as of January 2, 1955, based upon the member's age when he last became a member. He shall thereafter be classified as a class B member. Any such member may elect to increase his accumulated deductions by the amount deemed necessary by the board of trustees on the advice of the actuary in order to receive credit as a class B member for all or part of his service prior to the date of such election. The board of trustees shall establish the necessary rules governing the election by members of class B credit for all service.

Any member on December 31, 1955, who is not a veteran and who does not elect to receive class B credit for all or any portion of his service shall receive credit as a class A member for all service not credited as class B service. Any such member who does not elect class B membership shall contribute at the rate of contribution initially certified to him upon his last becoming a member; provided, however, that any such person who became a member after June 30, 1946, shall have his contributions on and after January 1, 1955, based on the rates of contribution applicable on June 30, 1946, for his age and sex at the time he last became a member.

Source: C. 18:13-112.7 (1955, c. 37, s. 5).

18A:66-6. New members placed in class B. Any person becoming a member on or after January 1, 1956, shall become a class B member as a condition of his employment, and thereafter shall participate in the retirement system under the same conditions and with the same rights and privileges as other members, except as hereinafter provided.

Source: C. 18:13-112.8 (1955, c. 37, s. 6, amended 1958, c. 164, s. 2; 1966, c. 218, s. 2).

18A:66-7. Cessation of membership. Membership of any person shall cease:

(a) if, except as provided in section 18A:66-8, he shall discontinue his service for more than two consecutive years;

(b) upon the withdrawal by a member of his accumulated deductions as provided in this article;

(c) upon resignation and election to receive, in lieu of the return of his accumulated deductions, the benefits provided in section 18A:66-36 and 18A:66-37;

(d) upon retirement;

(e) at death;

but not otherwise except as provided in this article.

The pension fund shall send written notice in care of the last employer of a member at least 60 days in advance of the date on which his inactive membership shall expire as provided in subsection (a) of this section.

Source: C. 18:13-112.9 (1955, c. 37, s. 7; 1966, c. 218, s. 3).

18A:66-8. Continuance of membership. If a teacher is dismissed by his employer by reason of reduction in number of superintendents of schools, assistant superintendents, principals or teachers employed in the school district when in the judgment of the board of education it is advisable to abolish any office, position or employment for reasons of a reduction in the number of pupils, economy, a change in the administrative or supervisory organization of the district, or other good cause; or if a teacher becomes unemployed by reason of the creation of a regional school district or a consolidated school district; or if a teacher has been discontinued for service through no fault of his own or through leave of absence granted by his employer or permitted by any law of this state; and if such teacher has not withdrawn his accumulated contributions, his membership may continue in the retirement system notwithstanding any provisions of this article if such member returns to service within a period of five years from the date of such dismissal, or the beginning of such unemployment or leave of absence, and no credit for retirement purposes shall be allowed except as provided hereinafter in this section. In computing the service or in computing final compensation no time after September 1, 1919, during which a member was employed as a teacher at an annual salary or remuneration fixed at less than $500.00 shall be credited, except that in the case of a veteran member credit shall be given for service rendered prior to January 1, 1955, in an employment, office or position if the annual salary or remuneration therefor was fixed at not less than $300.00 and such service consisted of the performance of the full duties of such employment, office or position. In computing service for retirement purposes or in computing final compensation no time during which such teacher was absent on such leave shall be credited unless such absence was for a period of less than three months or unless the service was allowed for retirement purposes within one year following his return to service after completion of such leave, both by his employer and by the board of trustees, or unless the period of leave was specifically allowed for retirement purposes by the provisions of any law of this state. Any such member shall be required to contribute, either in a lump sum or by installment payments, an amount calculated, in accordance with the rules and regulations of the board of trustees, to cover the period of such official leave of absence without pay.

Source: C. 18:13-112.10 (1955, c. 37, s. 8, amended 1956, c. 145, s. 2; 1958, c. 164, s. 3; 1966, c. 218, s. 4).

18A:66-9. Resumption of discontinued membership. If a teacher who has withdrawn his accumulated deductions from the retirement system as provided in section 18A:66-34 is reenrolled as a member, he may purchase credit for all of his previous membership service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase, to his salary at that time. Such purchase may be made in regular installments, equal to at least one half the full normal contribution to the retirement system, over a maximum period of 10 years. In order to give to such person the same credit for such services as he had at the time of withdrawal, his pension credit shall be restored as it was at the time of his withdrawal upon the completion of one year of membership after his election to make the purchase and the payment of at least one half the total amount due, except that in the case of retirement pursuant to sections 18A:66-36, 18A:66-37, 18A:66-44 and 18A:66-71 the credit granted for the service being purchased shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation.

Source: C. 18:13-112.11 (1955, c. 37, s. 9; 1966, c. 218, s. 5).

18A:66-10. Nonmembers may join. Any person who was employed as a teacher prior to January 2, 1955 and who did not join the teachers' pension and annuity fund, may join at any time. Such person shall have the option of joining the retirement system as a new member upon proper application with no credit for previous service, or he may purchase membership credit for this previous service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase, to his salary at that time. Such purchase may be made in regular installments, equal to at least one half the full normal contribution to the retirement system, over a maximum period of 10 years.

In the case of any person coming under the provisions of this section, full pension credit for the period of employment for which arrears are being paid shall be given upon the payment of at least one half the total arrearage obligation and the completion of one year of membership and the making of such arrears payments, except that in the case of retirement pursuant to sections 18A:66-36, 18A:66-37, 18A:66-44 and 18A:66-71 the total membership credit for such service shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation.

Any person coming under the provision of this section shall not be allowed any of the death benefits established by sections 18A:66-38, 18A:66-41, 18A:66-42, 18A:66-44, 18A:66-46 and 18A:66-53 unless he becomes a member within 12 months after January 1, 1956, or furnishes satisfactory evidence of insurability.

Source: C. 18:13-112.12 (1955, c. 37, s. 10, amended 1956, c. 145, s. 3; 1966, c. 218, s. 6).

18A:66-11. Teachers in military service may enroll. Any teacher who had entered or shall hereafter enter into the active air, military or naval service of the United States before making application for enrollment in the retirement system shall be accepted as a member upon his filing application; provided, such application is made within three months after January 1, 1956 or within three months after entry into such active air, military or naval service, whichever is later, and his regular salary deduc-

tion as determined by the board of trustees shall be paid to the retirement system by the employer as provided by chapter 252 of the laws of 1942, as amended by chapter 326 of the laws of 1942.

Source: C. 18:13-112.13 (1955, c. 37, s. 11).

18A:66-12. Blank.

18A:66-13. Prior service credit. A member may file a detailed statement of school service and service in a similar capacity in other states rendered by him prior to becoming a member for which he desires credit and on account of which he desires to contribute, and of such other facts as the retirement system may require. He shall have the right to purchase credit for the prior service evidenced therein, up to the nearest number of years and months, but not exceeding 10 years. No application shall be accepted after January 1, 1956, for the purchase of credit for such prior service, however, if, at the time of application, the member has a vested right to retirement benefits in another retirement system based in whole or in part upon that service.

He may purchase credit for such service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase to his salary at that time. Such purchase may be made in regular installments, equal to at least one half the full normal contribution to the retirement system, over a maximum period of 10 years.

Any member electing to contribute toward such service, who retires prior to completing payments as agreed with the retirement system for the purchase of such service will receive pro rata credit for service purchased prior to the date of retirement but if he so elects at the time of retirement, he may make such additional lump sum payment at that time as will be necessary to provide full credit.

Source: C. 18:13-112.15 (1955, c. 37, s. 13, amended 1961, c. 116; 1966, c. 218, s. 7).

18A:66-14. Credit for temporary service. Any person employed temporarily as a teacher and whose temporary employment resulted in permanent employment or any person employed as a substitute immediately prior to permanent employment shall be permitted to make contributions covering such service in accordance with the rules and regulations of the board of trustees and receive the same annuity and pension credits as if he had been a member during such service.

Source: C. 18:13-112.16 (1955, c. 37, s. 14, amended 1964, c. 292, s. 2).

18A:66-15. Service credit for retirement. In computing for retirement or for purposes of resignation or separation from service under sections 18A:66-36 and 18A:66-37 the total service of a member about to be retired, the retirement system shall credit him with all service rendered by him since he last became a member and in addition, with all the service to which he is entitled and with no other service. Except as otherwise provided in this article, such service credit shall be final and conclusive for retirement purposes, or for purposes of resignation under sections 18A:66-36 and 18A:66-37, unless the member shall discontinue his service for more than two consecutive years.

For the purpose of computing service for retirement purposes, the board of trustees shall fix and determine by appropriate rules and regulations how much service in any year shall equal a year of service and part of a year of service. Not more than one year shall be credited for all service in a calendar year.

Source: C. 18:13-112.17 (1955, c. 37, s. 15; 1966, c. 218, s. 8).

18A:66-15.1. Prior service credits given in TPAF for membership in PERS; rules and regulations. A person who has been a member of the public employees' retirement system and who has taken or shall take office, position or employment in any position covered by the teachers' pension and annuity fund and is a member of said fund shall be entitled, upon application, to prior service credit for the length of his membership in such system in the teachers' pension and annuity fund or who shall become a member of the public employees' retirement system, and who has taken or shall take office, position or employment in any position covered by the teachers' pension and annuity fund, shall be entitled upon application therefor, to membership in the fund, upon transferring his interests from the public employees' retirement system or the state employees' retirement system to the fund. If he has withdrawn his interests from the public employees' retirement system or the state employees' retirement system, he shall be entitled to membership in the fund upon paying into the latter fund such sum as shall be required by the trustees therefor for that purpose. For the purpose of carrying out the provisions of this section, the board of trustees may make all necessary rules and regulations.

Source: C. 18:13-112.95 (1961, c. 35).

18A:66-16. Funds created. There shall be in the retirement system the contingent reserve fund, annuity savings fund, retirement reserve fund, pension fund, special reserve fund, interest fund, and the members' death benefit fund.

Source: C. 18:13-112.18 (1955, c. 37, s. 16).

18A:66-17. Expenses paid by state; reimbursement. The expenses of administration of the retirement system shall be paid by the state of New Jersey. Each employing school district shall reimburse the state for a proportionate share of the amount paid by the state for administrative expense. This proportion shall be computed as the number of members under the jurisdiction of such employing school district bears to the total number of members in the system. The pro rata share of the cost of the administrative expense shall be included with the certification by the board of trustees to the commissioner of education, the state treasurer and to each employing school district. The commissioner shall deduct the amount so certified from the certification, to the state treasurer and the director of the division of budget and accounting, of state aid payable to such employing school district under the provisions of chapter 85, P. L. 1954.

Source: C. 18:13-112.19 (1955, c. 37, s. 17, amended 1966, c. 66, s. 1).

18A:66-18. Contingent reserve fund. The accumulated reserves in the former pension accumulation fund are hereby transferred to the contingent reserve fund, which shall be the fund in which shall be credited contributions made by the state and other employers.

a. Upon the basis of such tables as the board of trustees adopts, and regular interest, the actuary of the board shall compute annually the amount of contribution, expressed as a proportion of the compensation paid to all members, except veteran members who were employed as teachers on January 1, 1955, which, if paid monthly during the entire prospective service of such members, will be sufficient to provide for the pension reserves required at the time of discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account, and to provide for the amount of the death and accidental disability benefits payable on their account, and which amount is not covered by contributions to be made as provided in subsections b. and c. of this section and the funds in hand available for such benefits.

b. Upon the basis of such table as the board of trustees adopts, and regular interest, the actuary of the board shall compute, annually, the amount of the liability which has accrued by reason of the establishment of class B credit by nonveteran members and which has not already been covered by state contributions to the retirement system. Using the total amount of this liability remaining as a basis, he shall compute the amount of the flat annual payments which, if paid in each succeeding fiscal year commencing with July 1, 1957, for a period of 30 years, will provide for this liability.

c. The actuary of the board shall compute, annually, a "deficiency contribution" which shall not be less than an amount which, if paid in each succeeding fiscal year commencing with July 1, 1956, for a period of 11 years, will be sufficient to liquidate the accrued liability of the pension fund which has not already been covered by previous deficiency contributions and is not covered by other prospective contributions on account of members.

d. Upon the basis of such tables as the board of trustees adopts, and regular interest, the actuary of the board shall compute annually the amount of the total liability for past service and all prospective service for veteran members who were employed as teachers on January 1, 1955, which has not already been covered by state and employer contributions to the retirement system and, except as provided by section 18A:66–70, by past or prospective contributions by such veteran members and which will be sufficient to provide for the pension reserves required at the time of discontinuance of active service, to cover all pensions to which they may be entitled or which are payable on their account, and to provide for the amount of death and accidental disability benefits payable on their account. Using the total amount of this liability remaining as a basis, he shall compute the amount of the flat annual payment, which, if paid in each succeeding fiscal year commencing with July 1, 1957, for a period of 30 years, will provide for this liability.

e. The board of trustees shall estimate and certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in subsections a, b, c, and d, of this section, and which shall be paid into the contingent reserve fund in the manner provided by section 18A:66–33.

f. Except as provided in sections 18A:66–26 and 18A:66–53, the death benefits payable under the provisions of this article upon the death of a member in active service shall be paid from the contingent reserve fund.

g. Any other provision of this article notwithstanding, no payment shall be made to the contingent reserve fund on behalf of service of veteran members until the fiscal year commencing July 1, 1957. This shall not affect the payment of benefits to, and on behalf of, veteran members prior to said date, and any such disbursements for benefits not covered by reserves in the system on account of veterans shall be met by direct contribution of the state.

Source: C. 18:13-112.20 (1955, c. 37, s. 18, amended 1956, c. 145, s. 4).

18A:66-19. Annuity savings fund. The annuity savings fund shall be the fund in which shall be credited accumulated deductions and contributions to the fund by members as provided in section 18A:66-13.

The accumulated deductions of a member withdrawn as provided in section 18A:66-34 shall be paid out of the annuity savings fund. In the case of a withdrawal, an amount equivalent to the difference between the amount of the accumulated deductions and the amount of the accumulated deductions calculated by the use of interest at the rate specified for withdrawals shall be transferred to the interest fund to meet the interest to be annually credited by the board of trustees to the various funds pursuant to section 18A:66-25.

Source: C. 18:13-112.21 (1955, c. 37, s. 19).

18A:66-20. Excess contributions returned. Any contributions made by a member which are in excess of (a) those required on the basis of the rate of contribution initially certified and any changes in such rate in accordance with section 18A:66-5, and (b) any contributions made by the member for the purchase of prior service credit, shall be refunded with regular interest to January 1, 1956, to the member or his beneficiary or estate or shall, at his request, be used at retirement with regular interest, to provide an annuity of equivalent actuarial value which shall be in addition to his retirement allowance as computed in accordance with section 18A:66-44.

Upon the submission of such evidence as the board of trustees may require, the board of trustees shall refund to any member, at his request, that part of his accumulated deductions which were paid into the retirement system as a result of deductions based on payments to him over and above compensation as defined in this article.

Source: C. 18:13-112.22 (1955, c. 37, s. 20).

18A:66-21. Retirement reserve fund. The reserves held as of January 1, 1956 in the former annuity reserve fund for beneficiaries other than beneficiaries of the pension fund, and those held in the former pension reserve fund are hereby transferred to the retirement reserve fund. The retirement reserve fund shall be the fund from which all retirement allowances shall be paid except those payable from the pension fund as provided in section 18A:66-22. Upon the retirement of a member other than a present-entrant, the accumulated deductions of the member together with regular interest after January 1, 1956, shall be transferred to the retirement reserve fund from the annuity savings fund. The reserve needed to produce the balance of the retirement allowance shall be transferred from the contingent reserve fund.

Any surplus or deficit developing in the retirement reserve fund shall be adjusted from time to time by transfer to or from the contingent reserve fund by appropriate action of the board of trustees.

Source: C. 18:13–112.23 (1955, c. 37, s. 21, amended 1956, c. 145, s. 5).

18A:66–22. Pension fund. The pension fund of the retirement system is the fund in which shall be accumulated the reserves for the payment of pensions to present-entrant members other than veterans, and from it shall be paid all retirement allowances of such present-entrant members and of all beneficiaries of the teachers' pension and annuity fund who, as of January 1, 1956, were receiving pensions from the pension fund. All reserves for the payment of annuities to persons receiving pensions from the pension fund, as of January 1, 1956 are hereby transferred from the former annuity reserve fund to the pension fund. Upon the retirement of a present-entrant member, the accumulated deductions of the member shall be transferred from the annuity savings fund to the pension fund. The board of trustees shall annually transfer from the contingent reserve fund to the pension fund the annual state and employer contributions on account of present-entrant members as computed in accordance with subsection a. of section 18A:66–18, the accrued liability contribution for present-entrants in accordance with subsection b. of section 18A:66–18, and the deficiency contribution made by the state in accordance with subsection c. of section 18A:66–18. Any surplus or deficit developing in the pension fund shall be adjusted from time to time by transfer to or from the contingent reserve fund by the appropriate action of the board of trustees.

Source: C. 18:13–112.24 (1955, c. 37, s. 22, amended 1958, c. 164, s. 4).

18A:66–23. Blank.

18A:66–24. Interest fund. There is hereby created an interest fund in which shall be accumulated interest received on the securities, funds and investments of the retirement system. From this fund the board of trustees shall periodically credit interest to the other funds of the system as provided in this article. Any surplus or deficit developing in the interest fund shall be adjusted from time to time by transfer to or from the contingent reserve fund by appropriate action of the board of trustees. Interest payable to a member or his beneficiary under any provision of this article shall be paid from the interest fund.

Source: C. 18:13–112.26 (1955, c. 37, s. 24).

18A:66–25. Interest allowed. The board of trustees at the end of each fiscal year shall allow interest on the balance of the contingent reserve fund, the annuity savings fund, the retirement reserve fund, pension fund and the members' death benefit fund as of the beginning of said fiscal year at the regular interest rate applicable thereto to cover the interest creditable to the respective funds for the year. The amount so allowed shall be due and payable to said funds and shall be credited annually thereto by the board.

Source: C. 18:13–112.27 (1955, c. 37, s. 25, amended 1956, c. 145, s. 6).

18A:66–26. Death benefit fund. The members' death benefit fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their additional death benefits under the provisions of section 18A:66–53. Upon the death of a member electing the

additional death benefit, the additional death benefit payable shall be paid from the member's death benefit fund.

Source: C. 18:13-112.28 (1955, c. 37, s. 26).

18A:66-27. Special reserve fund. The special reserve fund shall be the fund to which all profits on the sale of securities and any earnings in excess of the amounts annually allowed under the provisions of section 18A:66-25 shall be transferred. No additional amounts shall be credited to the special reserve fund at any time when the total accumulations in such fund shall equal 1% of the book value of the investments of the retirement system. In this event, any such excess shall be credited to the contingent reserve fund. All losses from the sale of securities shall be charged against the special reserve fund.

Source: C. 18:13-112.29 (1955, c. 37, s. 27, amended 1963, c. 52).

18A:66-28. Examination of funds. The various funds created by this article shall be subject to examination by the commissioner of banking and insurance. The commissioner of banking and insurance shall have the power, whenever he deems the same expedient, to make or cause to be made an examination of all the assets and liabilities, method of conducting business and all other affairs of the retirement system and shall make such examination at least once every three years.

For the purpose of such examination the commissioner of banking and insurance may employ such persons to conduct the same or to assist therein as he may deem advisable. For the purpose of such examination all securities, books, papers or other documents owned by, in the possession of, or relating to the retirement system shall be made available on demand for the inspection of the commissioner or any of his duly authorized assistants. The reasonable expenses of such examination shall be fixed and determined by the commissioner of banking and insurance and he shall collect the same from the retirement system, which shall pay the same when appropriated by the legislature. The report on such examination shall be filed in the department of banking and insurance and a copy thereof shall be transmitted to the board of trustees of the system and to the governor. Neither the commissioner nor any appointee thereof shall be liable for any statement included therein.

Source: C. 18:13-112.30 (1955, c. 37, s. 28).

18A:66-29. Board to set contribution rates. Upon the basis of such tables as the board adopts, and regular interest, the actuary of the board shall determine for each member the proportion of compensation, exclusive of the rate for any additional death benefit provided under section 18A:66-53, which, when deducted from each payment of his prospective earnable compensation prior to service retirement and accumulated at regular interest until he retires, shall be computed to be sufficient to provide, at that time, an annuity equal to one half of the retirement allowance then allowable for service as a member after the establishment of the retirement system.

Any member of the retirement system as of January 1, 1956, shall pay the proportion of compensation as provided by section 18A:66-5 applicable to the age at enrollment, which proportion shall not be increased during the continuation of membership other than as provided in section 18A:66-67, and shall make any special payments either as lump sums or as installment

payments as required by the board of trustees as a result of election by the member to obtain additional service credit. Members enrolling on and after January 1, 1956 shall contribute at the proportions applicable to class B members of the "public employees' retirement system" as of January 2, 1955, except that the board of trustees may from time to time adopt for employees becoming members thereafter new proportions of compensation to be determined as provided in the preceding paragraph. No member shall be required during the continuation of his membership to increase the proportion of compensation certified at the time of becoming a member as payable by him other than as provided in section 18A:66–67.

Source: C. 18:13–112.31 (1955, c. 37, s. 29).

18A:66–30. Employee's consent to deductions. Every teacher to whom this article applies shall be deemed to consent and agree to any deduction from his compensation required by this article and to all other provisions of this article. Notwithstanding any other law, rule or regulation affecting the salary, pay, compensation, other perquisites, or tenure of a person to whom this article applies or shall apply, and notwithstanding that the minimum salary, pay or compensation or other perquisite provided by law for him shall be reduced thereby, payment, less such deductions, shall be a full and complete discharge and acquittance of all claims and demands for service rendered by him during the period covered by such payment.

Source: C. 18:13–112.32 (1955, c. 37, s. 30).

18A:66–31. System to certify contribution rates. The retirement system shall certify to each employer the proportion of each member's compensation to be deducted in accordance with rules and regulations established by the board of trustees, and to facilitate the making of deductions the retirement system may modify the deduction required by a member of such amount as shall not exceed $\frac{1}{10}$ of 1% of the compensation upon the basis of which the deduction is to be made.

Except as provided in sections 18A:66–26 and 18A:66–27 there shall be credited in the annuity savings fund to the individual account of each member any amounts so deducted or contributed by him.

Source: C. 18:13–112.33 (1955, c. 37, s. 31; 1966, c. 218, s. 9).

18A:66–32. Employer's duties. Upon the employment of a person to whom this article may apply, his employer shall inform him of his duties and obligations under this article as a condition of his employment; the employer shall notify the retirement system of such appointment within 10 days thereafter; it shall keep such records and from time to time furnish such information as the retirement system may require; deduct the proportion of salary and extra salary deductions as certified by the retirement system, transfer each of the amounts so deducted to the retirement system; and shall transmit to the retirement system monthly or at such intervals as the system designates a detailed statement of all amounts so paid. Where there is a delay of more than 30 days in the transmittal of such amounts, there shall be an interest charge of 6% per annum. Any failure on the part of the employer to comply with the provisions of this section shall constitute a default, and the state department of education may withhold school moneys from the district until the default is made good.

Where an employer fails to notify the retirement system of a teacher's employment and more than one year has elapsed from the compulsory enrollment date of such teacher, the employer shall be liable for the payment, with interest of 6% per annum, to the contingent reserve fund which would otherwise have been required of, and timely paid, by the state.

Source: C. 18:13–112.34 (1955, c. 37, s. 32; 1966, c. 218, s. 10).

18A:66–32.1. Workmen's compensation.

a. If any member of the retirement system receives periodic benefits payable under the workmen's compensation law during the course of his active service, in lieu of his normal compensation, his regular salary deductions shall be paid to the retirement system by his employer. Such payments shall be computed at the full rate of contribution on the base salary subject to the retirement system, just prior to the receipt of the workmen's compensation benefits. The moneys paid by the employer shall be credited to the member's account in the annuity savings fund and shall be treated as employee contributions for all purposes. The employer will terminate the payment of these moneys when the periodic benefits payable under the workmen's compensation law are terminated.

The member for whom the employer is making such payments, will be considered as if he were in the active service and shall be permitted to continue to make contributions to purchase the additional death benefit coverage provided by section 18A:66–53.

b. No application for retirement benefits may be approved by the board of trustees while the member, applying for such benefits, is in receipt of periodic benefits under the workmen's compensation law.

Source: C. 18:13–112.34a (1966, c. 218, s. 22).

18A:66–33. Employer and state contributions.

a. Each employer as of January 1, 1955, of a veteran member who was employed as a teacher on January 1, 1955, shall pay the liability for such veteran member as computed by the actuary in accordance with subsection d. of section 18A:66–18; provided, however, that no annual payment by an employer other than the state shall be greater than the annual payment certified as provided below for the fiscal year beginning July 1, 1958, except as modified from time to time as a result of additional information received by the board of trustees subsequent to June 30, 1957 which would affect the computations provided for in subsection d. of section 18A:66–18.

The board of trustees shall annually certify, for a period of 30 years beginning July 1, 1957, to the commissioner of education, the state treasurer, and to each employer of a veteran member who was employed as a teacher on January 1, 1955, the contributions due on behalf of such veteran members as described above payable by the employer to the contingent reserve fund. The commissioner shall deduct the amount so certified from the certification, to the state treasurer and the director of the division of budget and accounting, of state aid payable to such employer under the provisions of chapter 85, P. L. 1954.

The state treasurer, upon warrant of the director of the division of budget and accounting, shall pay the amounts so deducted to the retirement system. In the event that no state aid is payable under chapter 85, P. L.

1954, to such employer, the board of trustees shall certify the amount due on behalf of such veteran members to the chief fiscal officer of such employer.

The contributions so certified by the board of trustees shall be paid to the retirement system on July 1 in each year commencing with July 1, 1957.

b. Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund and the maintenance of retirement allowances and other benefits granted by the board of trustees under the provisions of this article, except the amounts payable by other employers under the provisions of this section, are hereby made obligations of the state. Except as provided in section 18A:66–27, all income, interest, and dividends derived from deposits and investments authorized by this article shall be used for payment of these obligations of the State.

Upon the basis of each actuarial determination and appraisal provided for in this article, the board of trustees shall prepare and submit to the governor in each year an itemized estimate of the amounts necessary to be appropriated by the state to provide for payment in full on July 1 of the ensuing fiscal year of the obligations of the state accruing during the year preceding such payment. The legislature shall make an appropriation sufficient to provide for such obligations of the state. The amounts so appropriated shall be paid into the contingent reserve fund.

Source: C. 18:13–112.35 (1955, c. 37, s. 33, amended 1958, c. 164, s. 5).

Note to 18A:66–33: For the increase of the liabilities established pursuant to subsection a. of section 33 of chapter 37 of the laws of 1955, revised in this law as subsection a. of 18A:16–33, on account of veteran members employed as teachers on January 1, 1955, proportionately for each school district to cover the additional liabilities, created by section 11 of chapter 66 of the laws of 1966, abolishing the social security offset, for all veterans who were employed as teachers on January 1, 1955 and who are employed as teachers on June 30, 1966 and the payment of such increased liabilities annually in the manner prescribed by said subsection a. of section 33 over the remainder of the 30-year period established for the liquidation of the liabilities and for the computation by the actuary of the addition to the amounts required of the state and other employers pursuant to sections 18 and 33 of chapter 37 of the laws of 1955, revised in this law as sections 18A:66–18 and 18A:66–33, created by the provisions of chapter 66 of the laws of 1966, except for those provided for under section 12 of said act, and the payment by the state beginning July 1, 1967 through

(a) an increase in the normal rate of contribution, and

(b) an accrued liability contribution

which, if paid in each fiscal year, for a period of 30 years, will provide for this accrued liability, and for the recomputation by the actuary of the liability created by chapter 108 of the laws of 1962 and its addition to the additional liabilities created by the provisions of chapter 66 of the laws of 1966 and the payment of the recomputed liability by the state as part of the payment established by subsection a. of section 13 of chapter 66 of the laws of 1966 allowing a credit for the payment already made by the state toward the funding of this liability. See section 18A:66–93 of this article.

18A:66–34. Withdrawals. A member who withdraws from service or ceases to be a teacher for any cause other than death or retirement shall receive all of the accumulated deductions standing to the credit of his individual account in the annuity savings fund, plus regular interest on contributions made after January 1, 1956, less any loan outstanding, and except that for any period after June 30, 1944, the interest payable shall be such proportion of the interest determined at the regular rate as 2% per annum bears to the regular rate of interest; provided, however, that no interest shall be payable if such a member does not have three years of membership service at the time of withdrawal from service or cessation of employment.

Except as provided for in sections 18A:66–7 and 18A:66–8, he shall cease to be a member two years from the date he discontinued service as a teacher, or, if prior thereto, upon payment to him of his accumulated deductions. No member shall be entitled to withdraw the amounts contributed by his employer covering his military leave unless he shall have returned to the payroll and contributed to the retirement system for a period of 90 days.

Source: C. 18:13–112.36 (1955, c. 37, s. 34; 1966, c. 218, s. 11).

18A:66–35. Loans. After January 1, 1959, any member who has at least three years of service to his credit as a member may borrow from the retirement system, an amount equal to not more than 50% of the amount of his accumulated deductions, but not less than $50.00; provided, that the amount so borrowed, together with interest thereon, can be repaid by additional deductions from compensation, not in excess of 25% of the member's compensation, made at the same time compensation is paid to the member, but not after the attainment of age 60. The amount so borrowed, together with interest at the rate of 4% per annum on any unpaid balance thereof, shall be repaid to the retirement system in equal installments by deduction from the compensation of the member at the time the compensation is paid or in some other manner but such installments shall be at least equal to the member's full rate of contribution to the retirement system and at least sufficient to repay the amount borrowed with interest thereon by the time the member attains age 60. Not more than two loans may be granted to any member in any calendar year. Notwithstanding any other law affecting the salary or compensation of any person or persons to whom this article applies or shall apply, the additional deductions required to repay the loan shall be made. Any unpaid balance of a loan at the time any benefit may become payable shall be deducted from the benefit otherwise payable.

Loans may be made to a member from his accumulated deductions. In addition the board of trustees is hereby authorized to set aside moneys within the contingent reserve fund from which loans to members may be made. If such moneys are used for the purpose of making loans, the interest earned on such loans shall be treated in the same manner as interest earned from investments of the retirement system.

Source: C. 18:13–112.37 (1955, c. 37, s. 35, amended 1956, c. 145, s. 7; 1958, c. 164, s. 6; 1966, c. 218, s. 12).

18A:66–36. Vesting. Should a member, after having completed 15 years of service, be separated voluntarily or involuntarily from the service, before reaching service retirement age, and not by removal for conduct unbecoming a teacher or other just cause under the provisions of sections 18A:28–4 to

18A:28–5 and 18A:28–9 to 18A:28–13 inclusive, such person may elect to receive, in lieu of the payment provided in section 18A:66–34:

a. the payments provided for in section 18A:66–37, if he so qualified under said section; or

b. a deferred retirement allowance, beginning at age 60, which shall be 1/70 of his final compensation for each year of service credited as class A service and 1/60 of his final compensation for each year of service credited as class B service, calculated in accordance with section 18A:66–44, with optional privileges provided for in section 18A:66–47 if he exercises such optional privilege at least 30 days before his attainment of the normal retirement age; provided, that such election is communicated by such member to the retirement system in writing stating at what time subsequent to the execution and filing thereof he desires to be retired; and provided, further, that such member may later elect: (1) to receive the payments provided for in section 18A:66–37, if he had qualified under that section at the time of leaving service, except that in order to avail himself of the optional privileges pursuant to section 18A:66–47, he must exercise such optional privilege at least 30 days before the effective date of his retirement; or (2) to withdraw his accumulated deductions with interest as provided in section 18A:66–34. If such member shall die before attaining service retirement age, then his accumulated deductions, plus regular interest after January 1, 1956, shall be paid in accordance with section 18A:66–38, or if such member shall die after attaining service retirement age and has not withdrawn his accumulated deductions, there shall be paid an amount equal to 3/16 of the compensation received by the member in the last year of creditable service to such person if living, as he shall have nominated by written designation duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate.

Source: C. 18:13–112.38 (1955, c. 37, s. 36, amended 1961, c. 70, s. 1; 1964, c. 292, s. 3; 1966, c. 218, s. 13).

18A:66–37. Early retirement. Should a member resign after having established 25 years of creditable service before reaching age 60, he may elect "early retirement," on which he shall receive, in lieu of the payment provided in section 18A:66–34, a total retirement allowance of 1/70 of his final compensation for each year of service credited as class A service and 1/60 of his final compensation for each year of service credited as class B service, calculated in accordance with section 18A:66–44, reduced by ½ of 1% for each month that the member lacks of being age 60, except that in the case of a member who has not attained age 53, the reduction is equal to 42% plus 1/6 of 1% for each month the member lacks of being age 53, and with the optional privileges provided for in section 18A:66–47; provided, however, that upon the receipt of proper proofs of the death of such a member after he shall have reached 60 years of age there shall be paid to his beneficiary an amount equal to 3/16 of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

Source: C. 18:13–112.39 (1955, c. 37, s. 37, amended 1956, c. 145, s. 8; 1966, c. 218, s. 14).

18A:66–38. Death benefits; contribution not required when leave is due to illness. Except as provided in section 18A:66–69, upon the receipt of proper proofs of the death of a member in service on account of which no

accidental death benefit is payable under section 18A:66–46, there shall be paid to such member's beneficiary:

(a) The member's accumulated deductions at the time of death together with regular interest after January 1, 1956; and

(b) An amount equal to one and one half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained age 70, the amount payable shall equal 3/16 of such compensation instead of one and one-half times such compensation.

For the purpose of this section and section 18A:66–53, a member shall be deemed to be in service for a period of no more than two years while on official leave of absence without pay; provided, that satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to illness. For the purposes of this section and section 18A:66–53, a member shall be deemed to be in service for a period of not more than 93 days while on official leave of absence without pay when such leave of absence is due to any reason other than illness. In order for a member to be covered for the optional death benefits provided by section 18A:66–53, he shall continue to make contributions for same during the period such member is on official leave of absence without pay, except that when such official leave of absence without pay is due to illness, no contributions shall be required of the member during the period he is deemed to be in service while on such leave of absence.

Source: C. 18:13–112.40 (1955, c. 37, s. 38, amended 1956, c. 145, s. 9; 1960, c. 65; 1966, c. 218, s. 15).

18A:66–39. Disability retirement.

a. Before June 9, 1971, a member, who shall have been a teacher and a member of the retirement system for each of the 10 years next preceding his retirement, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees, on a regular disability allowance if he is under 60 years of age and on a service allowance if he has reached or passed that age. The physician or physicians designated by the board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired.

b. On and after June 9, 1971, a member, under 60 years of age, who has 10 or more years of credit for New Jersey service, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees. The physician or physicians designated by the board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired.

c. A member, under 65 years of age, shall, upon the application of his employer or upon his own application or the application of one acting in his

behalf, be retired by the board of trustees, if said member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, on an accidental disability allowance.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of an application for accidental disability allowance by the board of trustees, the physician or physicians designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired, and the employer shall have certified to the board that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular and assigned duties, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that the member should be retired.

Source: C. 18:13-112.41 (1955, c. 37, s. 39, amended 1966, c. 66, s. 2).

18A:66-40. Conditions of disability, retirement, examination, restoration to service.

a. Once each year the board of trustees may, and upon his application shall, require any disability beneficiary who is under the age of 60 years to undergo medical examination by a physician or physicians designated by the board. The examination shall be made by the beneficiary's personal physician or a physician designated by the board at the residence of the beneficiary or any other place mutually agreed upon. If the physician or physicians thereupon report and certify to the board that the disability beneficiary is not totally incapacitated either physically or mentally for the performance of duty, or if he is engaged in an occupation, then the amount of his pension shall be reduced to an amount which, when added to the amount then earned by him, shall not exceed the amount of the salary now attributable to his former position. If his earnings have changed since the date of his last examination, then the amount of his pension may be further altered; but the new pension shall not exceed the amount of pension originally granted.

If a disability beneficiary, while under the age of 60 years, refuses to submit to at least one medical examination in any year by a physician or physicians designated by the board, his pension shall be discontinued until withdrawal of his refusal. If the report of the medical board shall show that such beneficiary is able to perform either his former duty or other

comparable duty which his former employer is willing to assign to him, the beneficiary shall report for duty. If the beneficiary fails to return to duty within 10 days after being ordered so to do, or within such further time as may be allowed by the board of trustees for valid reason, as the case may be, the pension shall be discontinued during such default.

b. Before June 9, 1971, upon application to the employer by whom he was employed at the time of his retirement, any beneficiary, while under the age of 60 years, may, in the discretion of the employer, be restored to active service. No disability beneficiary restored to service shall be compelled or permitted to become a member, or to receive any benefits other than those previously awarded to him, as long as his annual rate of compensation is less than his final compensation at the time of his retirement. Any beneficiary under the age of 60 years, who is restored to active service at an annual rate of compensation equal to or greater than his final compensation at the time of his retirement, or whose annual rate of compensation is increased at any time after his restoration to service, to a rate equal to or greater than his final compensation at the time of his retirement, shall thereupon again become a member of the retirement system. His retirement allowance shall be canceled, and deductions shall be made from his compensation at the rate applicable to him prior to his retirement. Any service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and he shall be credited with all service as a member standing to his credit at the time of his retirement; except that such a beneficiary again becoming a member after having attained the age of 50 years shall receive a retirement allowance on subsequent retirement based on all his service as a member since his last return to membership, and in addition he shall receive a retirement allowance equal to the retirement allowance on which he was retired at the time of his last retirement, but the total retirement allowance upon subsequent retirement shall not be a greater proportion of his final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement.

c. On and after June 9, 1971, upon application to the employer by whom he was employed at the time of his retirement, any beneficiary, while under the age of 60 years, may, in the discretion of the employer, be restored to active service. No disability beneficiary restored to service shall be compelled or permitted to become a member, or to receive any benefits other than those previously awarded to him as long as his annual rate of compensation is less than his final compensation at the time of his retirement. Any beneficiary under the age of 60 years, who is restored to active service at an annual rate of compensation equal to or greater than his final compensation at the time of his retirement, or whose annual rate of compensation is increased at any time after his restoration to service, to a rate equal to or greater than his final compensation at the time of his retirement, shall thereupon again become a member of the retirement system. His retirement allowance shall be canceled, and deductions shall be made from his compensation at the rate applicable to him prior to his retirement. Any service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and he shall be credited with all service as a member standing to his credit at the time of his retirement; except that such a beneficiary again becoming a member shall

receive a retirement allowance on subsequent retirement based on all his service as a member since his last return to membership, and in addition he shall receive a retirement allowance equal to the retirement allowance on which he was retired at the time of his last retirement, but the total retirement allowance upon subsequent retirement shall not be a greater proportion of his final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement.

Source: C. 18:13-112.42 (1955, c. 37, s. 40, amended 1956, c. 145, s. 10; 1966, c. 66, s. 3).

18A:66-41. Ordinary disability allowances. A member upon retirement for ordinary disability shall receive a retirement allowance which shall consist of:

(a) an annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement together with regular interest after January 1, 1956 and

(b) a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 1½% of final compensation multiplied by his number of years of creditable service; and provided further, that in no event shall the allowance be less than 40% of final compensation, except that in no case shall the rate of allowance exceed 9/10 of the rate of allowance which the member would have received had he remained in service to age 60.

Except as provided in section 18A:66-69, upon the receipt of proper proofs of the death of a member who has retired on an ordinary disability retirement allowance, there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate, an amount equal to one and one half times the compensation received by the member in the last year of creditable service if such death occurs before the member shall have reached 60 years of age but if such death occurs thereafter an amount equal to 3/16 of the compensation received by the member in the last year of creditable service. The death benefits provided in this section shall apply to any member who has retired or shall retire on or after January 1, 1956.

Source: C. 18:13-112.43 (1955, c. 37, s. 41, amended 1956, c. 145, s. 11; 1966, c. 66, s. 4).

18A:66-42. Accidental disability allowances. A member under 65 years of age upon retirement for accidental disability shall receive a retirement allowance which shall consist of:

(a) an annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement together with regular interest after January 1, 1956; and

(b) a pension, in addition to the annuity, of two thirds of his actual annual compensation for which contributions were being made at the time of the occurrence of the accident.

Except as provided in section 18A:66-69, upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance, there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with

the board of trustees, otherwise to the executor or administrator of the member's estate, an amount equal to one and one half times the compensation received by the member in the last year of creditable service if such death occurs before the member shall have reached 60 years of age but if such death occurs thereafter an amount equal to 3/16 of the compensation received by the member in the last year of creditable service. The death benefits provided in this section shall apply to any member who has retired or shall retire on or after January 1, 1956.

Source: C. 18:13-112.44 (1955, c. 37, s. 42, amended 1956, c. 145, s. 12; 1966, c. 66, s. 5).

18A:66-43. Retirement for service age limits. Retirement for service shall be as follows:

(a) A member who shall have reached 60 years of age may retire from service by filing with the board of trustees a written statement, duly attested, stating at which time subsequent to the execution and filing thereof he desires to be retired. The board of trustees shall retire him at the time specified or at such other time within 30 days after the date so specified as the board finds advisable.

(b) Each and every member who shall have reached 70 years of age shall be retired by the board of trustees for service forthwith, or at such time within one year thereafter as it deems advisable.

Source: C. 18:13-112.45 (1955, c. 37, s. 43, amended 1966, c. 66, s. 6).

18A:66-44. Service retirement allowances. A member, upon retirement for service, shall receive a retirement allowance consisting of:

(a) an annuity which shall be the actuarial equivalent of his accumulated deductions, together with interest after January 1, 1956, less any excess contributions as provided in section 18A:66-20; and

(b) a pension which, when added to the annuity, will produce a retirement allowance of 1/70 of his final compensation for each year of service credited as class A service and 1/60 of his final compensation for each year of service credited as class B service.

In the case of a member who was age 60 or over on January 1, 1956, who if he had retired immediately would have had an annuity in excess of 1/140 of his annual final compensation for each year of membership service, the amount of such excess annuity determined as of such date shall not be used in determining the pension on immediate or subsequent retirement.

Except as provided in section 18A:66-69, upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate, an amount equal to 3/16 of the compensation received by the member in the last year of creditable service.

Source: C. 18:13-112.46 (1955, c. 37, s. 44, amended 1956, c. 145, s. 13).

18A:66-45. Thirty-five year present-entrant allowances. Any present-entrant member who has had 35 years of service as a teacher to his credit shall be retired at his request, irrespective of his age, and shall receive a retirement allowance, calculated in accordance with section 18A:66-44, con-

sisting of not less than 1/70 of his final compensation for each year of credited service at retirement.

Source: C. 18:13-112.47 (1955, c. 37, s. 45).

18A:66-46. Accidental death benefits. Upon the death of a member in active service as a result of an accident arising out of and in the course of his employment and not as the result of his willful negligence, an accident death benefit shall be payable, if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. Evidence must be submitted to the board of trustees proving that the natural and proximate cause of his death was an accident arising out of and in the course of employment at some definite time and place.

Upon application by or on behalf of the dependents of such deceased member, in addition to the payment of his accumulated deductions with regular interest, an allowance of one half of the final compensation of such member, if the member was a male teacher, shall be payable as a pension to his widow, to continue during her widowhood; or, if no widow, or in case the widow dies or remarries before the youngest child of such deceased member attains age 18, or if the member was a married female employee, then to the child or children of such member under age 18, to continue until the youngest surviving child dies or attains age 18. If there be no widow or child under age 18 surviving such member, then there shall be paid a cash sum equal to one and one half times the amount of his or her final compensation to his or her beneficiary. In no case shall the accident death benefit under this section be less than that provided for ordinary death benefit under the provisions of section 18A:66-38.

No such application shall be valid or acted upon unless it is filed in the office of the retirement system within two years of the date of the accident; but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action.

Source: C. 18:13-112.48 (1955, c. 37, s. 46; 1966, c. 218, s. 16).

18A:66-47. Options. At the time of his retirement a member shall receive his benefits in a retirement allowance payable throughout life, or he may on retirement elect to receive the actuarial equivalent of his retirement allowance, in a lesser retirement allowance payable throughout life, with the provision that:

Option 1. If he dies before he has received in payments the present value of his retirement allowance as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation acknowledged and filed with the retirement system, either in a lump sum or by equal payments over a period of years at the option of the payee. If the member shall have designated a natural person as the payee, said payee may elect to receive such payments in the form of a life annuity.

Option 2. Upon his death, his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of his retirement.

Option 3. Upon his death, one half of his retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the retirement system at the time of his retirement.

Option 4. Some other benefit or benefits shall be paid either to the member or to whomever he nominates, if such other benefit or benefits, together with the lesser retirement allowance, shall be certified by the actuary to be of equivalent actuarial value. In no case, however, shall the lesser retirement allowance be smaller than that provided under Option 2.

Except in the case of members who have elected to receive (1) a deferred retirement allowance pursuant to section 18A:66–36 or (2) early retirement allowances pursuant to section 18A:66–37 after separation from service pursuant to section 18A:66–36, if a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, his retirement allowance shall not become effective and he shall be considered an active member at the time of death.

Source: C. 18:13–112.49 (1955, c. 37, s. 47, amended 1958, c. 164, s. 7; 1966, c. 218, s. 17).

18A:66–48. Monthly payments; payment upon death of retirant. A pension, an annuity or a retirement allowance granted under the provisions of this article shall be effective only on the first day of a month, shall be paid in equal monthly installments, and shall not be decreased, increased, revoked, or repealed, except as otherwise provided in this article; provided, however, that at the time any benefit becomes payable, any unpaid balance of a loan or arrearage outstanding shall be deducted from any benefit otherwise payable.

Upon the death of a retirant, any unpaid benefits due him shall be paid in one lump sum to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the retirant's estate. No pension, annuity or retirement allowance shall be due to a retirant or a beneficiary unless it constitutes a payment for an entire month.

Source: C. 18:13–112.50 (1955, c. 37, s. 48, amended 1958, c. 164, s. 8; 1966, c. 66, s. 7).

18A:66–49. Benefits of TRF retirants. Any member or beneficiary of the teachers' pension and annuity fund who was a member of the teachers' retirement fund as created by L. 1896, c. 32; L. 1899, c. 178; L. 1900, c. 96; L. 1902, c. 36; L. 1903 (2nd Sp. Sess.), c. 1; L. 1905, c. 95; L. 1906, c. 314; L. 1907, c. 139; prior to his becoming a member of the teachers' pension and annuity fund, shall receive in addition to his retirement allowance otherwise payable a pension which shall be the actuarial equivalent of the contributions, without interest, which he paid to the teachers' retirement fund prior to September 1, 1919, which he has not otherwise received.

Source: C. 18:13–112.51 (1955, c. 37, s. 49).

18A:66–50. Blank.

18A:66–51. Allowances exempt from taxes. The right of a person to a pension, an annuity, or a retirement allowance, to the return of contributions, any benefit or right accrued or accruing to a person under the provisions of this article, and the moneys in the various funds created under this article, shall be exempt from any state or municipal tax and from levy

and sale, garnishment, attachment or any other process arising out of any state or federal court, and, except as in this article otherwise provided, shall be unassignable.

Source: C. 18:13-112.53 (1955, c. 37, s. 51).

18A:66-52. Veterans not covered under R.S. 43:4-1.3. No veteran eligible for membership in the teachers' pension and annuity fund shall be eligible for, or receive, retirement benefits under sections 43:4-1, 43:4-2 and 43:4-3 of the Revised Statutes.

Source: C. 18:13-112.54 (1955, c. 37, s. 52).

18A:66-53. Optional death benefits.

a. Each member who is a member on January 1, 1958 and each person who thereafter becomes a member will be eligible to purchase the additional death benefit coverage hereinafter described, provided that he selects such coverage within one year after January 1, 1958 or after the effective date of membership, whichever date is later.

b. The board of trustees shall establish schedules of contributions to be made by the members who elect to purchase the additional death benefit coverage. Such contributions shall be so computed that the contributions made by or on behalf of all covered members in the aggregate shall be sufficient to provide for the cost of the benefits established by subsections c. and e. of this section. Such schedules of contributions shall be subject to adjustment from time to time, by the board of trustees, as the need may appear.

c. Upon the receipt of proper proofs of the death in service of any such member while covered for the additional death benefit coverage there shall be paid to such person, if living, as the member shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate, an amount equal to one and one half times the compensation received by the member in the last year of creditable service or some lesser amount as may be provided by the board of trustees and elected to purchase by the members; provided, that if such death in service shall occur on or after July 1, 1956, and after the member has attained age 70, the amount payable shall equal $\frac{3}{16}$ of the compensation received by the member in the last year of creditable service instead of one and one half times such compensation.

d. The board of trustees may also provide, effective as of January 1, 1961, for additional death benefit coverage, as described in subsection e. of this section, for former members who are receiving retirement allowances pursuant to the provisions of this article, subject to the provisions hereinafter stated, and the board may terminate such coverage at any time. The additional death benefit coverage to be so provided shall be in accordance with rules as determined by the board from time to time on the basis of dates of retirement or other factors deemed appropriate by it. In no event shall the additional death benefit coverage described in subsection e. of this section apply to any former member receiving a retirement allowance unless such member was covered by the additional death benefits described in subsection c. of this section during the member's last month of creditable service. No contributions toward the cost of additional death benefit coverage described in subsection e. of this section shall be required of a

former member while he is receiving a retirement allowance pursuant to the provisions of this article.

e. Upon receipt of proper proofs of the death of a former member who was covered for the additional death benefit coverage pursuant to subsection d. of this section, there shall be paid to such person, if living, as the member shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate, an amount equal to 3/16 of the compensation received by the member in the last year of creditable service.

f. The contributions of a member for the additional death benefit coverage shall be deducted from his compensation, but if there is no compensation from which such contributions may be deducted it shall be the obligation of the member to make such contributions directly to the board of trustees or as directed by the board; provided, however, that no contributions shall be required while a member remains in service after attaining age 70 but that his employer shall be required to pay into the fund on his behalf in such case an amount equal to the contributions otherwise required by the board of trustees in accordance with this section.

g. Any other provisions of this article notwithstanding, the contributions of a member for the additional death benefit coverage under this section shall not be returnable to the member or his beneficiary in any manner, or for any reason whatsoever, nor shall any contributions made for the additional death benefit coverage be included in any annuity payable to any such member or to his beneficiary.

h. A member who has elected to purchase the additional death benefit coverage provided by this section may file with the board of trustees, and alter from time to time during his lifetime, as desired, a duly attested, written, new nomination of the payee of the death benefit provided under this section. Such member may also file and alter from time to time during his lifetime, as desired, a request with the board of trustees directing payment of said benefit in one sum or in equal annual installments over a period of years or as a life annuity. Upon the death of such a member, a beneficiary to whom a benefit is payable in one sum may elect to receive the amount payable in equal installments over a period of years or as a life annuity.

i. All other provisions of this section notwithstanding, this section and the benefits provided under this section shall not come into effect until a required percentage of the members shall have applied for the additional death benefit coverage under this section. This required percentage shall be fixed by the board of trustees. Any such percentage may be made applicable to male or female members only or to other groupings as determined by the board of trustees. Applications for such additional death benefit coverage shall be submitted to the secretary of the board of trustees in such manner and upon such forms as the board of trustees shall provide.

j. Any person becoming a member of the retirement system after benefits provided under this section shall have come into effect, who is, by sex or other characteristic, within the grouping to which the additional death benefit coverage under this section is applicable, for the first year of his membership in the retirement system shall be covered by the additional death benefit coverage provisions of this section with the benefit in the

event of death, in the first year of membership only, being based upon contractual salary instead of compensation actually received and shall make contributions as fixed by the board of trustees during such period. Such member shall have the right to continue to be covered by the benefits of this section and to contribute therefor after his first year of membership has been completed. This subsection shall not apply in the case of such a member who has already attained his sixtieth birthday prior to becoming a member of the retirement system unless he shall furnish satisfactory evidence of insurability at the time of becoming a member.

Source: C. 18:13-112.55 (1955, c. 37, s. 53, amended 1956, c. 145, s. 14; 1961, c. 70, s. 2; 1965, c. 136, s. 1).

18A:66-53.1. Beneficiary of member or retirant; designation; change; options. The designation of beneficiary by a member or retirant shall be made in writing on a form satisfactory to the retirement system, and filed with the retirement system. The member or retirant may, from time to time and without the consent of his death benefit designee, change the beneficiary by filing written notice of the change with the system on a form satisfactory to it. The new nomination will be effective on the date the notice, in proper form, is received by the system, and any prior nomination shall thereupon become void.

If more than one beneficiary is nominated and in such nomination the member or retirant has failed to specify their respective interests, the beneficiaries shall share equally. If any beneficiary predeceases the member or retirant, the interest of such beneficiary shall terminate and shall be shared equally by such of the beneficiaries as survive the member or retirant, unless the member or retirant has made written request to the contrary in his beneficiary nomination.

Any amounts due for which there is no beneficiary at the death of a member, retirant or beneficiary shall be payable to the estate of such member, retirant or beneficiary.

Except with regard to the payment of the member's accumulated deductions with regular interest and the payment, upon the death of a retirant after attaining the age of 60 years, of the death benefits provided in sections 18A:66-36, 18A:66-37, 18A:66-38, 18A:66-41, 18A:66-42, 18A:66-44 and 18A:66-53, a member may elect, by making written request to the retirement system, that the whole or any part of his death benefits be made payable in accordance with rules and regulations of the board of trustees to his beneficiary either as a life annuity or in annual installments over a period of years specified in such election, and may alter such election from time to time during his lifetime by again making such written request. In the event of a change of beneficiary, any previous arrangement by the member or retirant under this paragraph shall be void. The election set forth in this paragraph shall not apply or be available when the beneficiary is an estate, or a corporation, partnership, association, institution, trustee, or any fiduciary.

If, at the member's or retirant's death, an amount of death benefit would be payable to the beneficiary in a single sum, any election with regard to such amount which was available to the member or retirant immediately prior to his death in accordance with the provisions of the im-

mediately preceding paragraph shall then be available to such beneficiary for the benefit of such beneficiary.

The provisions of this section shall be construed separately with respect to each of the death benefits for which a beneficiary is designated by the member or retirant.

Source: C. 18:13-112.55a (1966, c. 218, s. 20).

18A:66-53.2. Reemployment of retirant, reenrollment, subsequent retirement. If a former member of the retirement system who has been granted a retirement allowance for any cause other than disability, becomes employed again in a position which makes him eligible to be a member of the retirement system, the pension portion of his retirement allowance, together with any optional selection pursuant to section 18A:66-47 and the right to any death benefit as a result of his former membership, shall be suspended until he again retires.

Such person shall be reenrolled in the retirement system and shall contribute thereto at a rate based on his age at the time of reenrollment. Such person shall be treated as an active member for determining disability or death benefits while in service and no benefits pursuant to an optional selection with respect to his former membership shall be paid if his death shall occur during the period of such reenrollment.

Upon subsequent retirement of such member, the pension portion of his former retirement allowance shall be reinstated together with any optional selection, pursuant to section 18A:66-47, based on his former membership. In addition, such member shall receive an additional retirement allowance, computed in accordance with applicable provisions of this article including the optional privileges of section 18A:66-47; provided, however, that his total retirement allowance upon such subsequent retirement shall not be a greater proportion of his final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement. Any death benefit to which such member shall be eligible shall be based on his latest retirement, but shall not be less than the death benefit that was applicable to his former retirement.

Source: C. 18:13-112.56a (1966, c. 218, s. 21).

18A:66-54. Hospitalization payments from allowances. Whenever any beneficiary of the teachers' pension and annuity fund shall, in writing, request the board of trustees to make deductions from his retirement allowance for the payment of premiums for any hospital service plan or medical surgical plan or both, the board of trustees may make such deductions and transmit the sum so deducted to the company carrying the policy or policies. Any such written authorization may be withdrawn by any member upon filing notice of such withdrawal with the board of trustees.

Source: C. 18:13-112.56 (1955, c. 37, s. 54).

18A:66-55. Powers and privileges of a public corporation. The teachers' pension and annuity fund shall for purposes of this article possess the powers and privileges of a public corporation, and any real property held by it as an investment and occupied by the state or any agency thereof shall be deemed for all purposes to be equivalent to and to have the same status as real property owned by the state.

Source: C. 18:13-112.57 (1955, c. 37, s. 55, amended 1960, c. 6, s. 10).

18A:66–56. Board of trustees; oaths, expenses, etc. Subject to the provisions of chapter 70 of the laws of 1955, the general responsibility for the proper operation of the teachers' pension and annuity fund and for making effective the provisions of this article shall be vested in the board of trustees. Subject to the limitations of the law, the board shall, from time to time, establish rules and regulations for the administration and transaction of its business and for the control of the funds created by this article and shall perform any other functions required for the execution of this article. The membership of the board shall consist of the following:

(a) The state treasurer or the deputy state treasurer, when designated for that purpose by the state treasurer;

(b) One trustee appointed by the governor for a term of three years;

(c) Three trustees from among the members of the retirement system, elected by the membership or by delegates elected for this purpose by the membership, one of whom shall be elected each year for a three-year term commencing on January 1, following such election in such manner as the board of trustees may prescribe;

(d) One trustee not a teacher nor an officer of the state, elected by the other trustees for a term of three years.

The terms of office of the members of the board of trustees on the effective date of this article shall continue for the periods for which they were appointed or elected. A vacancy occurring in the board of trustees shall be filled for the unexpired term in the same manner as provided in this section for regular appointment or election to the position where the vacancy exists.

Each member of the board shall, upon appointment or election, take an oath of office that, so far as it devolves upon him, he will diligently and honestly administer the board's affairs, and that he will not knowingly violate or willfully permit to be violated any provision of law applicable to this article. The oath shall be subscribed to by the member making it, certified by the officer before whom it is taken and filed immediately in the office of the secretary of state.

Each trustee shall be entitled to one vote in the board and a majority of all the votes of the entire board shall be necessary for a decision by the board of trustees at a meeting of the board. The board shall keep a record of all its proceedings, which shall be open to public inspection.

The members of the board shall serve without compensation but shall be reimbursed for any necessary expenditures. No employee shall suffer loss of salary or wages through serving on the board.

The board of trustees shall designate a medical board to be composed of three physicians as the board shall designate who are not eligible to participate in the retirement system. The medical board shall pass upon all medical examinations required under the provisions of this article, shall investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

Source: C. 18:13–112.58 (1955, c. 37, s. 56, amended 1958, c. 164, s. 9; 1966, c. 66, s. 8).

18A:66–57. Chairman, actuary, secretary. The board shall elect annually from its membership a chairman and may also elect a vice chairman, who shall have all the power and authority of the chairman in the event of the death, absence or disability of the chairman. It shall appoint an actuary.

The actuary shall be the technical adviser of the board on matters regarding the operation of the funds created by the provisions of this article and shall perform such other duties as are required in connection therewith.

The attorney general shall be the legal adviser of the retirement system.

The chief or assistant chief of the office of secretarial services of the division of pensions of the state department of the treasury, shall be the secretary of the board. The chief and assistant chief of the office of secretarial services shall be in the competitive division of the state classified service. The secretary presently in office shall hold the position as chief of the office of secretarial services subject to all of the provisions of Title 11 of the Revised Statutes and shall not be removed from said office except in the manner provided under the provisions of said title relating to permanent employees in the competitive division of the state classified service. The board of trustees shall select its secretary from among the eligible candidates.

Source: C. 18:13–112.59 (1955, c. 37, s. 57, amended 1966, c. 66, s. 9).

18A:66–58. Actuary's report. The actuary appointed by the board shall recommend, and the board shall keep in convenient form, such data as shall be necessary for actuarial valuation of the various funds created by this article. Once in every five-year period the actuary shall make an actuarial investigation into the mortality, service and compensation or salary experience of the members and beneficiaries as defined in this article and shall make a valuation of the assets and liabilities of the various funds created by this article. Upon the basis of such investigation and valuation the board shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary;

(b) Certify the rates of deduction from compensation computed to be necessary to pay the annuities authorized under the provisions of this article; and

(c) Certify the rates of contribution, expressed as a proportion of the compensation of members, which shall be made by the state to the contingent reserve fund.

Source: C. 18:13–112.60 (1955, c. 37, s. 58).

18A:66–59. Annual reports. The board shall publish annually a report showing a valuation of the assets and liabilities of the funds created by this article, certifying as to the accumulated cash and securities of the funds and stating any other facts, recommendations and data which may be of use in the advancement of knowledge concerning teachers' pensions and annuities. The board shall submit the report to the governor and furnish a copy to every employer for use of the members and the public.

Source: C. 18:13–112.61 (1955, c. 37, s. 59).

18A:66-60. No interest in fund by trustees and employees. Except as otherwise herein provided, no trustee and no employee of the board of trustees shall have any direct interest in the gains or profits of any investments made by the board of trustees; nor shall any trustee or employee of the board directly or indirectly, for himself or as an agent, in any manner use the moneys of the retirement system, except to make such current and necessary payments as are authorized by the board of trustees; nor shall any trustee or employee of the board of trustees become an endorser or surety, or in any manner an obligor for moneys loaned to or borrowed from the board of trustees.

Source: C. 18:13-112.62 (1955, c. 37, s. 60).

18A:66-61. Trustees to control funds, investment council member. The board of trustees shall be and are hereby constituted trustees of the various funds and accounts established by this article; provided, however, that all functions, powers and duties relating to the investment or reinvestment of moneys of, and purchase, sale or exchange of any investments or securities, of or for any fund or account established under this article, shall be exercised and performed by the director of the division of investment in accordance with the provisions of chapter 270, of the laws of 1950. Before any such investment, reinvestment, purchase, sale or exchange shall be made by said director for or on behalf of the board of trustees, the director of the division of investment shall submit the details thereof to such board of trustees, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after such submission to it, file with the director its written acceptance or rejection of such proposed investment, reinvestment, purchase, sale or exchange; and the director shall have authority to make such investment, reinvestment, purchase, sale or exchange for or on behalf of such board of trustees, unless there shall have been filed with him a written rejection thereof by such board of trustees or its finance committee as herein provided. The board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by this article and the amount available for investment, all of which shall be certified to the state treasurer and the director of the division of investment.

A member of the board of trustees to be designated by a majority vote thereof shall serve on the state investment council as a representative of said board of trustees, for a term of one year and until his successor is elected and qualified.

The finance committee of the board of trustees shall be appointed on or before July 1 of each calendar year by the chairman of the board of trustees to serve through June 30 of the ensuing calendar year and until their successors are appointed. The finance committee of the board of trustees shall consist of three members of the board of trustees, one of whom shall be the state treasurer.

Source: C. 18:13-112.63 (1955, c. 37, s. 61, amended 1956, c. 145, s. 15).

18A:66-62. Treasurer custodian of funds. The state treasurer shall be the custodian of the funds created by this article, shall select all depositories and custodians and shall negotiate and execute custody agreements in connection with the assets or investments of any of said funds.

All payments from the funds shall be made by him only upon voucher signed by the chairman and countersigned by the secretary of the board of trustees. No voucher shall be drawn, except upon the authority of the board duly entered in the record of its proceedings.

Source: C. 18:13-112.64 (1955, c. 37, s. 62).

18A:66-63. Correction of errors by trustees. If any change or error in records results in a member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, then on discovery of the error, the board of trustees shall correct it and, so far as practicable, adjust the payments in such a manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.

Source: C. 18:13-112.65 (1955, c. 37, s. 63).

18A:66-64. False statements to defraud, misdemeanors. A person who knowingly makes a false statement, or falsifies or permits to be falsified any record of the retirement system, in an attempt to defraud the system as a result of such act shall be guilty of a misdemeanor.

Source: C. 18:13-112.66 (1955, c. 37, s. 64).

18A:66-65. Agreement on social security. The authorization and direction of the state agency, with the approval of the governor, to enter on behalf of the state into an agreement with the secretary of the United States department of health, education and welfare for the purposes of extending the provisions of the federal old-age and survivors insurance system to service performed by employees in positions covered by the provisions of sections 24 to 110, inclusive, of chapter 13 of Title 18 of the Revised Statutes of New Jersey or by this article; provided, however,

(a) That such employees are members of a retirement system coverage group within the meaning of the social security act as amended;

(b) That the agreement shall not be made applicable to services in such positions so long as said positions are barred from coverage by the provisions of the social security act as amended;

(c) That the agreement shall be consistent with the terms and provisions of this article. It shall cover all employment in positions covered by the teachers' pension and annuity fund on June 1, 1955 and each board of education or other employer in the state shall be deemed to have submitted a plan in accordance with the provisions of section 5 of chapter 253, of the laws of 1951; and

(d) That the effective date of said social security agreement shall be January 1, 1955;

is continued and action heretofore taken pursuant thereto is ratified and confirmed.

Source: C. 18:13-112.67 (1955, c. 37, s. 65).

18A:66-66. State to pay employer's social security obligations. The amount of the employer's share of the social security contributions for members shall be provided from the contingent reserve fund for service from January 1, 1955, to June 30, 1956; thereafter the state of New Jersey shall provide such amounts by appropriations upon certification by the

state treasurer as to the amounts required; provided, however, that the state's provision for such social security contributions shall be limited to contributions upon compensation upon which members' contributions to the retirement system are based. The employer shall pay the employer's share of social security contribution upon all other wages.

Source: C. 18:13-112.68 (1955, c. 37, s. 66).

18A:66-67. Member's social security contributions. Prior to January 1, 1960, amounts equal to the social security contributions by each member upon compensation upon which such member's contributions to the retirement system are based shall be deducted from the contributions required to be paid to the retirement system by such member as provided in section 18A:66-29. On and after January 1, 1960, and prior to January 1, 1967, amounts equal to the social security contributions by each member upon compensation upon which such member's contributions to the retirement system are based shall be deducted from the contributions required to be paid to the retirement system by such member to the extent of the social security rate of contributions in effect on December 31, 1959. Effective January 1, 1967, and thereafter, an amount equal to 2% of the compensation subject to social security, upon which such member's contributions to the retirement system are based, shall be deducted from the contributions required to be paid to the retirement system by such member as provided in sections 18A:66-29 and 18A:66-70. Any change in the rate of contribution to the social security fund after December 31, 1959, shall result in a corresponding change in the amount of contributions payable by the member to social security.

Contributions by members of the retirement system to the social security fund shall be made in the manner prescribed by the state agency for social security. Contributions to the social security fund shall not be subject to any provision of this article dealing with the withdrawal of contributions, loans, or the payment of any annuities, pension, disability or death benefits.

In the event a member of the retirement system is also a member of another retirement system, supported in whole or in part by the state or by an interstate instrumentality in which this state participates, which provides for a reduction in the amount of the retirement allowance by the amount of the member's social security benefit, the amount of the social security contribution to be deducted from the member's contribution to this retirement system shall be computed on the basis of the proportion that the member's compensation subject to this retirement system bears to the member's total compensation subject to such systems.

Source: C. 18:13-112.69 (1955, c. 37, s. 67, amended 1963, c. 54, s. 1; 1966, c. 66, s. 10).

18A:66-68. Effect of abolition of social security offset. The repeal, by section 11 of chapter 66 of the laws of 1966, saved from repeal in section 18A:66-92 of this article, of section 68 of chapter 37 of the laws of 1955, chapter 218 of the laws of 1956, chapter 123 of the laws of 1960, chapter 108 of the laws of 1962, chapter 190 of the laws of 1964, shall not be construed to provide for any retroactive effect and where a member's retirement allowance was reduced by the amount of the old age insurance benefit under Title II of the social security act, paid or payable to him, whether received

or not, such reduction ceased, or if such reduction was to be made upon the member's attainment of 65, no such reduction shall be made, on or after July 1, 1966.

Source: C. 18:13-112.70f (1966, c. 66, s. 11).

18A:66-69. Effect of lack of social security coverage. Any other provision of this article notwithstanding, any member who is not covered under the old-age and survivors insurance provisions of Title II of the federal social security act as a teacher shall not be eligible for the death benefit provisions of sections 18A:66-36, 18A:66-37, 18A:66-38, 18A:66-41, 18A:66-42, 18A:66-44 and 18A:66-53, except for the payment of accumulated deductions together with regular interest.

Source: C. 18:13-112.71 (1955, c. 37, s. 69; 1966, c. 218, s. 18).

18A:66-70. Veterans' free membership in fund.

a. Each veteran member shall have returned to him, except as provided in subsection d. of this section, his accumulated deductions as of January 1, 1956, less contributions based on his compensation for the year 1955 at the rate of contribution provided in subsection b. All service rendered in office, position, or employment of this state or of a county, municipality, or school district, board of education or other employer by such veteran member previous to January 1, 1955, for which evidence satisfactory to the board of trustees is presented within one year of the effective date of this section, shall be credited to him as a "class B" member and the accrued liability for such credit shall be paid by the employer as provided in section 18A:66-33.

b. Each veteran member as of January 1, 1956, shall make contributions to the retirement system at the rates of contribution applicable to class B members of the public employees' retirement system as of January 2, 1955, except that the board of trustees may from time to time adopt for employees becoming members after January 1, 1956, new proportions of compensation to be determined as provided in section 18A:66-29. Each veteran member shall pay the proportion of compensation applicable to his age at the commencement of employment, position or office with the state, any county, municipality or school district, board of education or other employer, except that where such service has not been continuous, the veteran member shall pay the proportion of compensation applicable to the age resulting from the subtraction, as of January 1, 1955, of his years of service from his age. No veteran member shall be required during the continuation of his membership to increase the proportion of compensation certified on January 1, 1956, or at the time of becoming a member, if later, as payable by him, except as required by changes in the rate of contributions to the social security fund.

c. In the event that a veteran who prior to January 1, 1956, rendered service in office, position, or employment of this state or of a county, municipality, or school district, board of education or other employer, but who is not in such office, position or employment on January 1, 1956, shall later become a member of the retirement system, such veteran member shall receive service credit for service rendered prior to January 1, 1955, for which evidence satisfactory to the board of trustees is presented, and shall pay the proportion of compensation applicable to the age resulting from the

subtraction of his years of such prior service from his age on the date of his becoming a member of the retirement system. The state shall pay the liability on behalf of such prior service, and such liability shall be paid in such a manner that the total obligation will be met within the period of time fixed for the liquidation of all accrued liabilities under this article.

d. Any veteran who has contributed to the teachers' pension and annuity fund on account of any prior teaching service outside of New Jersey shall have the option, within one year of January 1, 1956, of receiving, at his request, the return of such contributions, and, if such contributions are returned to him, he shall not have service credit based upon such prior service.

Source: C. 18:13-112.72 (1955, c. 37, s. 70, amended 1956, c. 145, s. 16).

18A:66-71. Veterans' privileges.

a. Any veteran member in office, position or employment of this state or of a county, municipality, or school district, board of education or other employer on January 1, 1955, who remains in such service thereafter and who has or shall have attained the age of 60 years and who has or shall have been for 20 years in the aggregate in office, position or employment of this state or of a county, municipality or school district, board of education or other employer, shall have the privilege of retiring for service and of receiving, instead of the retirement allowance provided under section 18A:66-44, a retirement allowance of one half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made with the optional privileges provided for in section 18A:66-47.

b. Any veteran becoming a member after January 1, 1955, who shall be in office, position or employment of this state or of a county, municipality or school district, board of education or other employer, and who shall have attained 62 years of age and who has 20 years of aggregate service credit in such office, position or employment shall have the privilege of retiring for service and of receiving, instead of the retirement allowance provided under section 18A:66-44, a retirement allowance of one half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made with the optional privileges provided for in section 18A:66-47. The provisions of this subsection shall also apply to any veteran who was a member on January 1, 1955, but whose service was not continuous thereafter.

c. Any veteran member who has been for 20 years in the aggregate in office, position or employment of this state or of a county, municipality or school district, board of education or other employer as of January 1, 1955, shall have the privilege of retiring for ordinary disability and of receiving, instead of the retirement allowance provided under section 18A:66-41, a retirement allowance of one half of the compensation received during the last year of employment upon which contributions to the annuity savings fund or contingent reserve fund are made with the optional privileges provided for in section 18A:66-47. Such retirement shall be subject to the provisions governing ordinary disability retirement in sections 18A:66-39 and 18A:66-40.

d. The death benefit provided in section 18A:66–44 shall apply in the case of any member retiring under the provisions of subsections a. and b. of this section. The death benefit provided in section 18A:66–41 shall apply in the case of any member retiring under the provisions of subsection c. of this section.

Source: C. 18:13–112.73 (1955, c. 37, s. 71; 1966, c. 218, s. 19).

18A:66–72. Blank.

18A:66–73. Adoption of social security act, etc., continued. The referendum held, on October 26 and 27, 1955, under which a majority of the active contributing members of the teachers' pension and annuity fund, qualified to vote therein as required by section 218 (d) (3) of the social security act, voted to be covered by that act, the official certification on November 9, 1955 by the governor of the result of such referendum and the contract, dated December 29, 1955, entered into by the state for the covering of such members under the social security act, and the results thereof are continued, ratified and confirmed.

Source: New.

18A:66–74. Authorization to purchase group life insurance. The state treasurer is hereby authorized and permitted to purchase from one or more life insurance companies, as determined by him, a policy or policies of group life insurance to provide for the benefits specified in sections 18A:66–37, 18A:66–38, 18A:66–41, 18A:66–42 and 18A:66–44. The board of trustees of the teachers' pension and annuity fund is hereby authorized and permitted to purchase from one or more life insurance companies, as determined by it, a policy or policies of group life insurance to provide for the benefits specified in section 18A:66–53. Whenever such policy or policies of group insurance shall be in effect, the benefits payable thereunder shall be in lieu of the above mentioned death benefits provided by said sections.

Source: C. 18:13–112.76 (1957, c. 142, s. 1, amended 1960, c. 80, s. 2).

18A:66–75. Requirements for insurance company to qualify. Any life insurance company must meet the following requirements in order to qualify under section 18A:66–74: (a) be licensed under the laws of the state of New Jersey to transact life and accidental death insurance, and (b) the amount of its group life insurance in the state of New Jersey shall at the time said insurance is to be purchased equal at least 1% of the total amount of such group life insurance in the state of New Jersey in all life insurance companies.

Source: C. 18:13–112.77 (1957, c. 142, s. 2).

18A:66–76. Discretion in purchase of coverage. The state treasurer may, in his discretion, determine to purchase group insurance coverage for the noncontributory death benefit provisions as provided in this article, or may determine not to purchase any group insurance coverage for the death benefit provisions heretofore mentioned. The board of trustees of the teachers' pension and annuity fund may, in its discretion, determine to purchase group insurance coverage for additional death benefit coverage as provided for in section 18A:66–53 or may also, in its discretion, determine

not to purchase any contributory group insurance coverage for the additional death benefit provisions provided in section 18A:66–53.

Source: C. 18:13–112.78 (1957, c. 142, s. 3, amended 1960, c. 80, s. 3).

18A:66–77. Premiums paid from special funds. In the event the state treasurer shall determine to purchase group insurance coverage for the noncontributory death benefits, premiums for the same shall be paid from a special fund, hereby created, called the "group insurance premium fund." The state treasurer shall estimate annually the amount of premiums which will be required for such benefits for the ensuing fiscal year and shall certify such amounts to the state and other participating employers as due and owing from them. The state and other participating employers shall pay over to the state treasurer the amount for premiums so certified and the state treasurer shall deposit these amounts in the group insurance premium fund. During the period such group insurance policy or policies are in effect the state treasurer shall in no way commingle moneys in this fund with any pension fund established under this article.

In the event that the board of trustees of the teachers' pension and annuity fund shall determine to purchase group coverage for the additional death benefits, premiums for same shall be paid from a special fund hereby created called the "contributory group insurance premium fund." While such group coverage shall be in force, the contributions from the compensation of members to provide such additional death benefits shall be accumulated in said contributory group insurance premium fund. Any dividend or retrospective rate credit allowed by an insurance company shall be credited to the aforesaid funds in an equitable manner.

Source: C. 18:13–112.79 (1957, c. 142, s. 4, amended 1960, c. 80, s. 4).

18A:66–78. Additional death benefits; contributions; adjustment. In the event that the board of trustees of the teachers' pension and annuity fund shall determine to purchase group insurance coverage for the additional death benefit coverage, each member selecting the additional death benefit coverage shall agree to the deduction of a percentage of his compensation determined from a schedule of contributions to be established by the board of trustees of the teachers' pension and annuity fund. The schedule of contributions shall be established by said board of trustees on a basis it deems appropriate and shall be subject to adjustment by said board of trustees from time to time for the purpose of maintaining the contributory group insurance premium fund at a level sufficient to meet the obligations of the fund for the cost of the insurance.

Source: C. 18:13–112.80 (1957, c. 142, s. 5, amended 1960, c. 80, s. 5).

18A:66–79. Policy to include conversion privilege; proof of insurability after conversion. Any such group policy or policies shall include, with respect to any insurance terminating because the member ceases to be in service, the conversion privilege available upon termination of employment as prescribed by the law relating to group life insurance; and shall also include, with respect to insurance terminating because of termination of the group policy resulting from a termination of the death benefits for all members established under sections 18A:66–37, 18A:66–38, 18A:66–41, 18A:66–42, 18A:66–44 and 18A:66–53, the conversion privilege available upon termination of the group policy as prescribed by such law. Any such group

policy or policies shall also provide that if a member dies during the 31-day period during which he would be entitled to exercise the conversion privilege, the amount of insurance with respect to which he could have exercised the conversion privilege shall be paid as a claim under the group policy.

If any member who has exercised the conversion privilege under the group policy or policies again becomes a member of the teachers' pension and annuity fund, and the individual policy obtained pursuant to the conversion privilege is still in force, he shall not again be eligible for any of the death benefits provided by this article unless he furnishes satisfactory evidence of insurability.

Source: C. 18:13-112.81 (1957, c. 142, s. 6).

18A:66-80. Payment of benefits. Benefits under such group policy or policies shall be paid by the company to such person, if living, as the member shall have nominated by written designation duly executed and filed with the insurance company through the policyholder, otherwise to the executors or administrators of the member's estate, except that if a member dies in active service as a result of accident and claim is made and allowed under section 18A:66-46, the death benefit payable under the policy in such case, exclusive of any additional death benefit provided by section 18A:66-53, shall, in lieu of being paid as aforesaid be paid to the state treasurer. A member may file with the insurance company through the policyholder and alter from time to time during his lifetime, as desired, a duly attested written nomination of his payee for the death benefit.

Source: C. 18:13-112.82 (1957, c. 142, s. 7, amended 1960, c. 80, s. 6).

18A:66-81. Arrangements for payment of benefits. Any such group policy or policies shall provide that payment of any death benefits which are payable by the insurance company may be made in one sum directly to the beneficiary as hereinafter provided, in equal annual installments over a period of years or as a life annuity or in such other manner as may be made available by the insurance company. A member may make such arrangements for settlement, and may alter from time to time during his lifetime any arrangement previously made, by making written request to the insurance company through the policyholder. Upon the death of a member, a beneficiary to whom a benefit is payable in one sum by the insurance company may likewise arrange for a settlement as described above. If a member's or beneficiary's request for settlement of any death benefit in equal annual installments over a period of years or as a life annuity pursuant to the foregoing is approved by the policyholder, the amount of such annual installments or such life annuity, as the case may be, shall be determined on the basis of such applicable mortality tables and rates of interest as shall have been adopted by the retirement system and are in effect at the member's death. Any arrangement for payment under the group policy to a beneficiary shall be in lieu of that provided by sections 18A:66-37, 18A:66-38, 18A:66-41, 18A:66-42, 18A:66-44 and 18A:66-53.

Source: C. 18:13-112.83 (1957, c. 142, s. 8, amended 1960, c. 80, s. 7).

18A:66-82. Policyholder credited in form of reduced premiums. Notwithstanding any other provision of law, any insurance company or companies issuing such policy or policies may credit the policyholder, in the form of reduced premiums, with savings by said company or companies in

the event that no brokerage commission or commissions are paid by said company or companies on the issuance of such policy or policies.

Source: C. 18:13-112.84 (1957, c. 142, s. 9, amended 1960, c. 80, s. 8).

18A:66-83. Investment in and acquisition of real property. The director of the division of investment in the department of the treasury, in addition to other investments authorized by law, shall have authority, subject to the approval and acceptance by the board of trustees of the teachers' pension and annuity fund, to invest in and acquire real property in the state of New Jersey on behalf of and in the name of the teachers' pension and annuity fund, and to erect buildings and structures and make other improvements thereon, and to rent, lease, sell and dispose of the same, said lands, buildings, structures and improvements to be initially rented to the state of New Jersey for its use in accordance with the provisions of this article.

Source: C. 18:13-112.85 (1960, c. 6, s. 1).

18A:66-84. Limit on investment. Any investment authorized pursuant to this article shall not exceed 2½% of the book value of the total investments of such fund at the time of the making of the investment or $11,500,000.00, whichever is the smaller amount.

Source: C. 18:13-112.86 (1960, c. 6, s. 2, amended 1960, c. 162; 1962, c. 12).

18A:66-85. Carried as an asset of the fund. Any real estate investment made pursuant to this article shall at all times during its ownership by the fund be carried as an asset of the fund.

Source: C. 18:13-112.87 (1960, c. 6, s. 3).

18A:66-86. Terms of rental or lease; transfer of land to fund. If the property is rented or leased to the state, it shall be on terms calling for level periodic rental payments, not more than one year apart, in such amounts as will amortize the total actual cost of the investment, including cost of land, construction, improvement and supervision of construction, over a period of 20 years from the beginning of the term of its first rental, together with income to be derived therefrom for the benefit of the fund at the rate of 4% per annum on the depreciated value of the asset which shall be its total actual cost to the fund less a depreciation allowance equal in amount to the aggregate sums received toward amortization of the investment. Such portion of the rentals as shall exceed the amounts received toward amortization shall be treated as investment income.

It is the purpose of this section to provide for the accounting basis upon which the real property investment shall be carried and depreciated and for the treatment, as between capital and income, of the amounts received for the use of the property by way of rental, in order to maintain the integrity and actuarial soundness of the funds established by this article.

In order to carry out the purposes of this article such rental arrangement or lease may include, on behalf of the state, permission to construct a building or buildings, which will constitute the real property in which the investment is made, upon lands owned by the state, and to transfer title to such lands to the said teachers' pension and annuity fund.

Source: C. 18:13-112.88 (1960, c. 6, s. 4); C. 18:13-112.92 (1960, c. 6, s. 8).

18A:66-87. Purchase provisions during occupancy. Should such real estate investment be sold to the state during its occupancy as tenant, the board of trustees of the fund shall accept, in full payment therefor, as well as for any state lands theretofore conveyed to it in connection therewith, the total actual cost thereof. In the event that any sums shall have been paid to the fund toward amortization of the investment, the aggregate amount thereof at the time of closing of title shall be credited against the purchase price.

Source: C. 18:13-112.89 (1960, c. 6, s. 5).

18A:66-88. Rental or lease arrangements; trustees to execute and deliver, etc. Any rental arrangement or lease to the state for the use of such real property shall provide that all costs and expenses for the operation, maintenance, repair and management of the real property shall be paid for by the state, as tenant, at its sole cost and expense, in addition to the level rental payments; but this shall not preclude the making of enlargements, betterments or other capital improvements on behalf of the fund as a further investment or investments, in like manner and subject to the same requirements and restrictions as are applicable to the initial investment in such real property made under this article.

The board of trustees is authorized to execute and deliver to the appropriate state officers or agencies such leases, contracts or agreements, which may include options to purchase, agreements for appropriate state officers or agencies to act as agent for the fund in connection with the purchase of land, construction of buildings or other improvements, and otherwise as may be necessary or appropriate in order to execute the purposes of this article.

Source: C. 18:13-112.90 (1960, c. 6, s. 6); C. 18:13-112.91 (1960, c. 6, s. 7).

18A:66-89. Selection of site, and acquisition of land. The director of the division of purchase and property, subject to the approval of the state house commission, shall be responsible for the selection of a site, planning of any building to be constructed on behalf of the teachers' pension and annuity fund as an investment under this article, as well as the acquisition of lands, negotiation and approval of leases, contracts, options and other instruments and agreements, in order that the location of and plans for the building shall be coordinated with the master plan to be developed pursuant to P. L. 1959, chapter 5.

Source: C. 18:13-112.93 (1960, c. 6, s. 9).

18A:66-90. Federal funds; state to be reimbursed; ascertainment of amount. On or before September 1 of each year, on the basis of the most recent actuarial valuation of the teachers' pension and annuity fund and on the basis of the appropriate social security rate of contribution, the director of the division of pensions in the state department of the treasury shall certify to the commissioner of education of the state department of education the percentage of salaries which the department and each board of education, school district or agency of this state must appropriate in its next fiscal year project budget to cover the amount of the increase and the cost of pension, group life insurance, social security and other benefits provided by this article attributable to carrying out the programs financed by "The elementary and secondary school act of 1965" as enacted by the

eighty-ninth congress of the United States and any acts amendatory or supplementary thereto. The commissioner shall promptly notify each public employer of the percentage certified and the public employer shall, within 90 days after the close of such next fiscal year, together with supporting information prescribed by the director of the division of pensions, reimburse the state the amount of such increased cost from funds allocated to the public employer pursuant to this federal act or amendments or supplements thereto.

Source: C. 18:13-112.96 (1966, c. 192, s. 1).

18A:66-91. Repealer of sections 24 through 110 of chapter 13 of Title 18 of the Revised Statutes, with amendments and supplements, but continuing the teachers' pension and annuity fund, saved. Section 3 of chapter 37 of the laws of 1955 is saved from repeal.

[This section repeals sections 24 through 110 of chapter 13 of Title 18 of the Revised Statutes, with all amendments and supplements thereto as of January 1, 1956, but continues the teachers' pension and annuity fund with its membership, securities, investments and other assets and continues any benefits and allowances granted prior thereto under the statutes so repealed.]

Source: C. 18:13-112.5 (1955, c. 37, s. 3).

18A:66-92. Social security offset repealer saved. Section 11 of chapter 66 of the laws of 1966 is saved from repeal.

[Under this section the following acts and parts of acts, relating to the social security offset, were repealed, effective July 1, 1966: P. L. 1955, c. 37, s. 68; P. L. 1956, c. 218; P. L. 1960, c. 123; P. L. 1962, c. 108; and P. L. 1964, c. 190, subject to the following provisions:

"The repeal of the aforesaid section and acts shall not be construed to provide for any retroactive effect. Where a member's retirement allowance was reduced by the amount of the old age insurance benefit under Title II of the social security act, paid or payable to him, whether received or not, or if such reduction is to be made upon the member's attainment of 65, on or after July 1, 1966, such reductions shall cease or no reduction shall be made."]

Source: C. 18:13-112.70f (1966, c. 66, s. 11).

18A:66-93. Liabilities created by certain statutes, apportionment and payment saved. Sections 12 and 13 of chapter 66 of the laws of 1966 are saved from repeal.

[These sections provide as follows:

Section 12 provides that the liabilities, established pursuant to subsection a. of section 33 of chapter 37 of the laws of 1955 revised in this law as subsection a. of section 18A:66-33, on account of veteran members employed as teachers on January 1, 1955 shall be proportionately increased for each school district to cover the additional liabilities, created by section 11 of chapter 66 of the laws of 1966 abolishing the social security offset, for all veterans who were employed as teachers on January 1, 1955 and who are employed as teachers on June 30, 1966 and that such increased liabilities shall be paid annually in the manner prescribed by said subsection a. of section 33 over the

remainder of the 30-year period established for the liquidation of the liabilities.

Section 13 provides that

(a) in addition to the amounts required of the state and other employers, pursuant to sections 18 and 33 of chapter 37 of the laws of 1955 revised in this law as sections 18A:66–18 and 18A:66–33, the liabilities created by the provisions of chapter 66 of the laws of 1966, except for those provided for under section 12 of said act, shall be computed by the actuary and shall be paid by the state beginning July 1, 1967 through

(1) an increase in the normal rate of contribution, and

(2) an accrued liability contribution, which, if paid in each fiscal year, for a period of 30 years, will provide for this accrued liability, and

(b) the liability created, by chapter 108 of the laws of 1962, shall be recomputed by the actuary and added to the additional liabilities created by the provisions of chapter 66 of the laws of 1966 and the recomputed liability shall be paid by the state as part of the payment established by subsection a. of said section 13 of chapter 66 of the laws of 1966 allowing a credit for the payment already made by the state toward the funding of this liability.]

Source: C. 18:13–112.35a (1966, c. 66, s. 12); C. 18:13–112.35b (1966, c. 66, s. 13).

Article 2. Pension Fund of School District Employees in First-class Counties.

18A:66–94. Existing pension funds continued. Every pension fund heretofore organized under the provisions of article 16 of chapter 5 of Title 18 of the Revised Statutes is continued and shall be governed under this article.

Source: New.

18A:66–95. Employees may organize pension fund. The employees of boards of education in school districts in counties of the first class may associate themselves as a corporation for the purpose of providing and obtaining a fund for their retirement upon pension.

Source: R.S. 18:5–68.

18A:66–96. Forming corporation to provide and obtain fund. For the purpose of forming such a corporation the county superintendent of schools in each county of the first class shall notify in writing each and every employee of the several boards of education of the school districts in his county, except such as are entitled to benefits under another pension law which may have been enacted prior to April 16, 1929, for the benefit of employees of boards of education, to attend a meeting to be held not less than five days after the giving of the notice, to consider the formation of a corporation in accordance with this article. The notice shall specify the time and place of the meeting of such employees.

If two thirds of the employees present at the meeting adopt a resolution to form the corporation, they shall choose a name for the corporation, and

organize by electing four of such employees who, together with the county superintendent as a member ex officio, shall constitute a board of trustees.

The first trustees shall prepare and sign a certificate reciting the adoption of the resolution by the employees, the name adopted, the election of trustees, the organization, the names of officers, and the execution of the certificate, for the purpose of forming a corporation under this article. The certificate shall be recorded in the office of the clerk of the county wherein the corporation is organized, and shall then be filed in the office of the commissioner of banking and insurance. Thereupon such trustees, their associates and successors, shall become a body politic and corporate with all the power incident thereto.

Source: R.S. 18:5-69.

18A:66-97. Election of trustees; terms; vacancies. Any pension fund created or to be created as provided in this article shall be under the control and management of the board of five trustees. The first board selected as provided in section 18A:66-96 shall serve until the month of January following the incorporation of such association. At such time four members of the association shall be elected as trustees, in place of the four first selected, by a majority vote of the members of the association as follows: one for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, who shall serve for the respective terms for which they are each chosen. Thereafter in the month of January of each year a member shall be chosen for a full term of four years to serve in place of the trustee whose term shall have expired.

Any vacancy occurring among the board of trustees or in the office of chairman, secretary, treasurer, or other officers of such corporation, shall be filled in the manner provided in bylaws, and in the absence of such provision shall be filled by the board of trustees.

Source: R.S. 18:5-70.

18A:66-98. Trustees to elect officers; compensation. The board of trustees shall at the first annual meeting thereof, and at each annual meeting, elect a chairman, secretary, and treasurer, and such other officers as they may deem necessary. The secretary may be one of their own members. The board of trustees shall fix the compensation of the secretary and treasurer. The chairman shall serve without compensation.

Source: R.S. 18:5-71.

18A:66-99. Trustees and officers bonded. The trustees and other officers of the corporation shall give bonds with a duly authorized security company as surety, for the faithful performance of their duties, in the sums fixed by the bylaws of the corporation.

Source: R.S. 18:5-72.

18A:66-100. Semiannual report by trustees to boards of education. The board of trustees shall make a semiannual report of the condition of the fund and the manner in which it is invested, to the boards of education of school districts of the county wherein it is organized, in the months of January and July of each year and at such other times as such boards of education may request.

Source: R.S. 18:5-73.

18A:66-101. Eligibility as members of fund. All employees of boards of education in school districts in any county of the first class wherein a pension fund is established under this article may accept the provisions of said article except such as are entitled to benefits under another pension law enacted for the benefit of employees of boards of education prior to April 16, 1929.

Source: R.S. 18:5-74.

18A:66-102. Certain veterans not members of system to become members.

a. Each veteran holding permanent or provisional office, position or employment on June 26, 1962, not covered by the retirement system established under chapter 37 of the laws of 1955, with a board of education or school district in a county in which there exists a pension fund established under article 16 of chapter 5 of Title 18 of the Revised Statutes, shall become a member of said pension fund as of June 26, 1962; and each veteran thereafter commencing service in such office, position or employment shall become a member of said pension fund as of the date of the commencement of said service.

b. No public employee veteran who is eligible to be a member of such pension fund shall be eligible for or receive retirement benefits under sections 43:4-1, 43:4-2 and 43:4-3 of the Revised Statutes.

Source: C. 18:5-74.1 (1962, c. 98, s. 1, amended 1963, c. 81, s. 6).

18A:66-103. Withdrawal of contributions by veteran members; service credits required; liquidation of certain service credits.

a. Each public employee veteran member of a pension fund in existence and established on June 26, 1962 under article 16 of chapter 5 of Title 18 of the Revised Statutes shall have returned to him the contributions made by him as of July 1, 1962 with simple interest at 2% per annum to such date. All service rendered in office, position or employment of this state or of a county, municipality, school district or board of education or service rendered for the state university of New Jersey, an instrumentality of this state, after April 16, 1945, and the New Jersey state agricultural experiment station established by an act approved March 10, 1880 (P. L. 1880, c. 106 and continued pursuant to chapter 16 of Title 4 of the Revised Statutes), an instrumentality of this state, excluding service rendered as county extension service farm and home demonstration agents, by such veteran member previous to June 26, 1962, for which evidence satisfactory to the board of trustees was presented prior to June 27, 1963, shall be credited to him as a member and such credit shall be known as prior service credit and the obligation of the board of education employing such veteran member on account of such credit shall be known as the accrued liability on behalf of such veteran member, and the board of education which employed such veteran member as of June 26, 1962 shall liquidate said accrued liability by annual payments for a period of 30 years commencing July 1, 1963, the amount of these payments to be computed by the actuary and certified by the board of trustees.

b. In the event that a public employee veteran who prior to June 26, 1962 rendered service in office, position or employment of this state, including such service rendered for any instrumentality enumerated in subsec-

tion a. of this section, or of a county, municipality, or school district or board of education, shall be a member of the pension fund on or after said date, such public employee veteran shall receive prior service credit for such service for which evidence satisfactory to the board of trustees is presented in the same manner as received by other public employee veteran members. The employer of such public employee veteran on the date of his becoming a member shall liquidate the accrued liability for such prior service by annual payments over the remainder of the 30-year period specified in subsection a. of this section, the amount of these payments to be computed by the actuary and certified by the board of trustees.

Source: C. 18:5-74.2 (1962, c. 98, s. 9).

18A:66-104. Definition of "veteran." "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any army, air force or navy of the allies of the United States in world war I, between July 14, 1914, and November 11, 1918, or who served in any army, air force or navy of the allies of the United States in world war II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose his United States citizenship, and any officer, soldier, sailor, marine, airman, nurse or army field clerk, who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions, or emergencies, and who has presented to the board of trustees evidence of such record of service in form and content satisfactory to said board of trustees:

(a) The Indian wars and uprisings during any of the periods recognized by the war department of the United States as periods of active hostility;

(b) The Spanish-American war between April 20, 1898, and April 11, 1899;

(c) The Philippine insurrections and expeditions during the periods recognized by the war department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(d) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(e) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(f) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(g) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(h) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(i) World war I, between April 6, 1917, and November 11, 1918;

(j) World war II, between September 16, 1940, and September 2, 1945, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under

the army specialized training program or the navy college training program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies any part of which 90 days was served between said dates; provided, that any person receiving an actual service incurred injury or disability shall be classed as a veteran whether or not he has completed the 90-day service as herein provided.

(k) Emergency, at any time after June 23, 1950, and prior to the date of termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the president of the United States on December 16, 1950, or date of termination of the existence of such national emergency by appropriate action of the president or the congress of the United States, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under the army specialized training program or the navy college training program which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided, that any person receiving an actual service incurred injury or disability shall be classed as a veteran whether or not he has completed the 90-day service as herein provided.

Source: C. 18:5-74.3 (1962, c. 98, s. 11).

18A:66-105. Membership in fund on or subsequent to March 25, 1935; conditions. Persons employed by any such board of education on March 25, 1935 and also on April 29, 1946, who took advantage of the provisions hereof by making application to the board of trustees on or before April 1, 1948, and paying into the fund, with and at the time of such application, such percentage of his salary as provided for in subsections a. and b. of section 18A:66-107, for the period of his employment beginning with the date of the incorporation of such pension association or the date of his employment by said board, whichever is the later date, together with interest at 3% per annum or such other legal rate as shall be determined, from time to time, by the board of trustees; and after such application and payment have been made by the employee the board of education by which the person is employed shall pay into the fund, if it has not already done so, 4% of the employee's salary for the period of his employment beginning with the date of the incorporation of such pension association or the date of the employment of said person by said board of education, whichever is the later date. All persons coming into the employ of any such board as permanent employees subsequent to March 25, 1935, shall become members of such pension fund at the date of said employment or appointment and any such employee shall be required to pay into such fund such percentage of his salary as provided for in subsections a. and b. of section 18A:66-107.

Source: R.S. 18:5-75, amended 1946, c. 194, s. 1.

18A:66-106. Certain employees permitted to purchase credit for temporary employment. Persons heretofore permanently or provisionally employed by such boards of education who became members of the pension fund at any time prior to June 26, 1962, shall be permitted to purchase credit covering any period of temporary, permanent or provisional service preceding said permanent or provisional employment, by making application

therefor, and in such case, the payments to be made by the employee and board of education for such previous service shall be based on appropriate tables of factors submitted by the actuary as being applicable to the salary and contribution rate in effect at the time of making the application to purchase such credit. Persons becoming members thereafter shall be permitted to purchase credit for any temporary service which immediately precedes their permanent or provisional appointment by making application therefor at the time of becoming members and paying into the fund, the amount determined to be due for such service on the basis of appropriate tables of factors submitted by the actuary as being applicable to the salary and contribution rate in effect based on the salary at that time.

Any person coming into the employ of any such board of education as a provisional employee after June 26, 1962, shall become a member of the pension fund as a condition of employment.

Source: C. 18:5–75.1 (1950, c. 339, s. 1, as amended 1962, c. 98, s. 2).

18A:66–107. Sources of fund; disposition of contributions. The contributions to the pension fund shall be as follows:

a. There shall be deducted from every payment of salary of all employees who are members of the fund 6% of the amount of such salary.

b. Each board of education shall pay into the fund in each fiscal year a proportionate amount of the total contributions required from all employing boards of education, as determined by the actuary, which shall be sufficient to: (1) provide for the pension credits being accrued by the members, after taking into account contributions being made by the members, and (2) provide for the payment of the unfunded accrued liability in annual payments over a period of 30 years, commencing July 1, 1963. Such payments shall be provided for by each board in its annual appropriation for the support and maintenance of the public schools.

c. The amount to be appropriated by each board under subsection b. of this section shall be determined by applying the percentage certified by the actuary as determined under said subsection.

Source: R.S. 18:5–76 (as amended 1950, c. 339, s. 2; 1962, c. 98, s. 3).

18A:66–108. Collection from members; refund to members or representatives.

a. The board of trustees may, in the manner prescribed by the bylaws of the corporation, assess and collect monthly or semimonthly from each member of the pension fund, the amount required to be paid by said member into the fund. All moneys so collected shall be paid to the treasurer of the corporation.

The board of trustees may make it a condition of membership that each member sign an order on the custodian of school moneys, or other disbursing officer, directing the retention from his or her salary or wage of the amount of his or her assessments and the payment of the amount so retained directly to the treasurer of the corporation, and the custodian of school moneys, or other disbursing officer, shall make such retention and payment, but such right of retention and payment shall become operative only in the event of the same being authorized by the bylaws of the corporation.

b. Whenever any member shall die in service or his or her employment be terminated, for reasons other than retirement, all payments made by such employee to the fund shall be returned to the employee, if alive; or to such person if living, as he shall have nominated by written designation, duly executed and filed with the board of trustees; otherwise to the executor or administrator of the member's estate, together with simple interest at the rate of 2% per annum.

c. Upon the receipt of proper proof of the death of a member in service, on account of which no accidental death benefit is payable under subsection e. of this section or the death of a member who has been retired for disability but who has not yet attained 60 years of age, there shall be paid to such person, if living, as he shall have nominated by written designation, duly executed and filed with the board of trustees otherwise to the executor or administrator of the member's estate an amount equal to one and one half times the compensation upon which his contributions are based or received by the member in the last year of creditable service; provided, however, that if such a member shall have attained 70 years of age, or the member who has been retired for disability has attained 60 years of age, the amount payable shall equal 3/16 of the compensation received by the member in the last year of creditable service instead of one and one half times such compensation. Such member may also file, and alter from time to time during his lifetime, as desired, a request with the board of trustees directing payment of said benefit in one sum or in equal installments over a period of years or as a life annuity. Upon the death of such member, a beneficiary to whom a benefit is payable in one sum may elect to receive the amount payable in equal annual installments over a period of years or as a life annuity.

d. Whenever any member who was a member on June 26, 1962, shall die after retirement on pension, not having received in pension payments an amount equal to the total amount of his or her contributions to the fund, including simple interest at 2% per annum, the difference between the amount so received and the amount of contributions, plus interest, shall be paid to the surviving named beneficiary on file with the board of trustees, and if none, then to his or her legal representative; unless said employee has made provisions with the board of trustees for optional benefits under the provisions of section 18A:66–110.

e. Upon the death of a member in active service as a result of an accident in the performance of his or her duties as such employee and not as the result of his willful negligence, an accidental death benefit shall be payable, if a report, in a form acceptable to the board of trustees, of the accident is filed with the pension fund within 60 days next following the accident and an application for such benefit is filed with the said board of trustees within two years of the date of the accident, but the board of trustees may waive such time limits for a reasonable period, if in the judgment of the board the circumstances warrant such action. Evidence must be submitted to the board of trustees proving that the natural and proximate cause of death was an accident arising out of and in the course of employment in some definite time and place. Upon application by or on behalf of the dependents of such deceased member, the board of trustees in addition to the payment of his contributions, as provided in this section, shall grant a pension of one half of the average annual salary received by him or her

during the five years immediately preceding his or her death, if the member was a male employee, as a pension to his widow, to continue during her widowhood; or if no widow, or in case the widow dies or remarries before the youngest child of such deceased member attains age 18, or if the member was a married female employee, then to the child or children of such member under age 18, divided in such manner as the board in its discretion shall determine to continue until the youngest surviving child dies or attains age 18.

Source: R.S. 18:5–77 (amended 1950, c. 339, s. 3; 1962, c. 98, s. 4).

18A:66–109. Disbursements; deposits and investments. No money shall be paid out of the pension fund except by the treasurer of the corporation upon warrants signed by the chairman of the board of trustees and countersigned by the secretary thereof. No warrant shall be drawn except by the order of the board upon a yea and nay vote recorded in the minutes of the board.

The board of trustees may deposit the moneys of the fund in any of the banks or trust companies in the county wherein it is established, and may invest the same in bonds secured by first mortgages on improved property worth at least twice the amount loaned, or in mortgages guaranteed or insured by agencies or instrumentalities of the United States of America, and shall have authority to invest and reinvest the moneys in other evidences of indebtedness, or capital stock or other securities issued by any company incorporated within the United States or within the Dominion of Canada, which shall be authorized or approved and to the proportion in which life insurance companies organized under the laws of this state may legally invest, and the bonds and other evidences of indebtedness of the United States of America, any state, city, county, school district or of the instrumentality of any state or of the United States of America. All income, interest or dividends paid or agreed to be paid on account of any loan or deposit shall constitute a part of the fund.

Source: R.S. 18:5–78, amended 1962, c. 98, s. 5.

18A:66–110. Retirement on pension. Pensions shall be paid from the fund in the manner following:

a. A member of the pension fund who was a member on or before June 26, 1962 and who has or shall hereafter have credit in the pension fund for 30 years or more as an employee of a board of education in a county wherein the fund has been established and maintained shall, upon application to the board of trustees of the pension fund be retired by such board of trustees and shall thereupon receive annually from the fund, for and during the remainder of his or her life, by way of pension, an amount equal to 1/60 of the average annual salary received by him or her during the five years immediately preceding his or her retirement multiplied by the number of years he or she has credit in the pension fund, the amount to be determined by resolution of the board.

b. Upon the retirement of a member who has reached the age of 60 years, the person so retired shall be entitled to receive during his or her life, by way of pension, 1/60 of the average annual salary received by him or her during the five years immediately preceding his or her retirement multiplied by the number of years for which he or she has credit in the

pension fund, the amount to be determined by resolution of the board. Upon the receipt of proper proofs of death of a member who has retired on a service retirement allowance, there shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate an amount equal to 3/16 of the compensation received by the member in the last year of creditable service.

c. A member of the fund who has credit therein for 10 years, who shall become incapacitated, either mentally or physically, and who cannot perform the regular duties of employment, or who is found unfit for the performance of his or her duties, upon the application of his employer or upon his own application or the application of someone acting in his behalf shall be retired by the board of trustees of the pension fund and thereupon shall receive annually from the fund a retirement allowance as described in subsection b. of this section if he has reached or passed age 60 and if he is under age 60 an amount equal to 9/10 of 1/60 of the average annual salary of such employee during the five years immediately preceding the retirement multiplied by the number of years of creditable service; provided, however, that in no event shall the pension be based upon less than 17 years nor more than 30 years of service unless the member would have had less than 17 years of service at age 60, in which event he shall be given credit for the years to age 60; however, a member who has not attained age 70 who shall become incapacitated, either mentally or physically, as a result of personal injuries sustained in an accident occurring in the performance of his or her duties of such employee, shall, upon the application of his employer or upon his own application or the application of someone acting in his behalf, be retired by the board of trustees of the pension fund, and, thereupon, if a report of the accident, in a form acceptable to the board of trustees of the pension fund is filed with the said board of trustees within 60 days next following the accident and the application for retirement is filed with the said board of trustees within two years of the date of the accident, shall receive annually from the fund an amount equal to one half of the annual salary being received by such employee on the date of the accident. The board of trustees may waive strict compliance with the time limits within which a report of the accident and an application for retirement must be filed with the board if it is satisfied: (1) that a report of the accident from which the disability is claimed to have resulted was filed with the employing board of education with reasonable promptitude and in no event later than 60 days after the accident, and (2) the applicant shall show that his failure to file a report with the board of trustees or to file his application for retirement within the time limited by law was due to mistake, inadvertence, ignorance of fact or law, inability, or to the fraud, misrepresentation or deceit of any person, or to a delay in the manifestation of the incapacity, or to any other reasonable cause or excuse, and (3) that the application for retirement was filed in good faith and the circumstances justify its favorable consideration.

The trustees of the pension fund shall have the power to determine whether or not any employee is permanently and totally disabled, and whether or not a disability of an employee is the result of an accident at some definite time and place in the performance of his or her duties as such employee. The claimant shall have the right to present physicians, wit-

nesses or other testimony in his or her behalf before the board of trustees. The chairman, or any other member of the board of trustees, may administer oaths to any physician or other persons called before the trustees regarding the employee's disability. The board of trustees shall decide, by resolution, whether the applicant is entitled to the benefit of this article.

Once in each year, the board of trustees may, and upon the member's application shall, require any member retired for a disability who is under the age of 60, to undergo medical examination by a physician or physicians designated by the board of trustees. The examination shall be made at the residence of the pensioner or any other place mutually agreed upon. If the physician or physicians thereupon report and certify to the board of trustees that the disabled pensioner is not permanently and totally incapacitated, either mentally or physically, for the performance of duty, and the board finds that said member is engaged in a gainful occupation, or could be engaged in a gainful occupation, and if the board concurs in the report, then the amount of the pension shall be reduced to an amount which, when added to the amount then being earned by him or her or an amount which he or she could earn if gainfully employed, shall not exceed the amount of compensation received by him or her at the time of his or her retirement. If subsequent examination of such pensioner shows that his or her earnings have changed since the date of his or her last examination, then the amount of the pension shall be further altered, but the new pension shall not exceed the amount of the pension originally granted, nor shall the new pension, when added to the amount then being earned by the pensioner, exceed the salary or compensation received by him or her at the time of his or her retirement.

d. At the time of retirement, any member may elect to receive his or her benefits in a retirement allowance payable throughout life, or he or she may, on retirement, elect to convert the benefits, otherwise payable to him or her, into a retirement allowance of the equivalent actuarial value computed on the basis of such mortality tables as shall be adopted by the board of trustees, in accordance with one of the optional forms following:

Option 1. A reduced retirement allowance, payable during life, with a provision that in the case of death, before the total pension payments have equaled the actuarial value computed as aforesaid, the balance shall be paid to his or her surviving designated beneficiary, duly acknowledged and filed with the board of trustees; and if none, then to the executor or administrator of his or her estate.

Option 2. A reduced retirement allowance, payable during the retired member's life, with the provision that after his or her death it will continue during the life of and be paid to his or her designated beneficiary, if such person survives him or her.

Option 3. A reduced retirement allowance, payable during the retired member's life, with the provision that after his or her death, an allowance at one half of the rate of his or her reduced allowance will be continued during the life of and be paid to his or her designated beneficiary, if such person survives him or her.

Option 4. A reduced retirement allowance, payable during the retired member's life, with some other benefit payable after his or her death, provided, the benefit is approved by the board of trustees.

No optional selection shall be effective in case a member dies within 30 days after retirement and such a member shall be considered an active member at the time of death until the first payment on account of any benefit becomes normally due.

The board of trustees shall, from time to time and as often as they deem it necessary, employ an actuary who shall recommend, and the board shall keep in convenient form, such data as shall be necessary for actuarial valuations of the various funds created by this article. At least once in every five-year period, or more frequently as determined by the board of trustees the actuary shall make an actuarial investigation into the mortality, service and salary experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the various funds thereof, and upon the basis of such investigation the board of trustees shall:

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary.

(b) Certify the rate of contribution which shall be made by each board of education to the pension fund as provided by this article.

Source: R.S. 18:5-79, amended 1950, c. 339, s. 4; 1962, c. 98, s. 6.

18A:66-111. Option to retire after referendum; amount of pension. When a majority of the members of any pension fund established pursuant to article 16 of chapter 5 of Title 18 of the Revised Statutes vote affirmatively on a referendum held pursuant to chapter 38 of the laws of 1955, any member of such fund who was in the employ of one of such boards of education on March 25, 1935 and has been continuously in the employ of one or more of such boards of education thereafter and has heretofore established credit in such pension fund for all service rendered subsequent to such date shall have the option to retire from such fund, to be exercised prior to the date of termination of the fund pursuant to referendum held in accordance with chapter 38 of the laws of 1955 and to receive during his or her natural life by way of pension 1/60 of the average annual salary received by him or her during the last five years immediately preceding his or her retirement, multiplied by the number of years of creditable service. If such option is exercised, the pension payable under this act shall be in lieu of all other rights to which the member might otherwise be entitled under said fund.

Source: C. 18:5-79.1 (1960, c. 4, s. 1).

18A:66-112. Compulsory retirement at age 70; exception. Any member who shall have reached 70 years of age shall be retired by the board of trustees forthwith, except that an employee reaching 70 years of age may be continued in service until the end of the school year upon written notice to the board of trustees by the board of education where the member is employed.

Source: C. 18:5-79.2 (1962, c. 98, s. 7).

18A:66-113. Deferred retirement allowances; when permitted; amount. A member of the pension fund who has 20 years of service credit in the pension fund and who separates voluntarily or involuntarily before attaining the age of 60 years, and not by removal for cause on charges of misconduct or delinquency, may elect to receive a deferred retirement allow-

ance beginning at the age of 60 years, equal to 1/60 of the average annual salary received by him during the five years immediately preceding his separation from service multiplied by the number of years of credited service, with optional privileges as provided for in subsection d. of section 18A:66–110.

Such member shall advise the board of trustees of his election of such a deferred retirement allowance in writing, and shall complete such forms as shall be specified by the board of trustees in its administration of this section.

Subsequent to making such an election, but prior to attaining age 60 a member may later elect to withdraw all payments which he has made to the pension fund together with simple interest at the rate of 2% per annum figured on such employee contributions. Upon such withdrawal of contributions, no further benefits shall be payable on behalf of said employee by the pension fund. If such a member should die before attaining the age of 60 years, all payments which he has made, together with simple interest at the rate of 2% per annum figured on such employee's contributions to the fund from the date of membership, shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate.

Source: C. 18:5–79.3 (1963, c. 98, s. 8).

18A:66–114. Certain retirement benefits; certain public employees veterans.

a. Any public employee veteran in office, position or employment with a board of education or a school district on June 26, 1962, who is or becomes a member of a pension fund established under article 16 of chapter 5 of Title 18 of the Revised Statutes or this article, and who is or who remains in such service until he attains 60 years of age and who has or shall have been for 20 years in the aggregate in office, position or employment with this state or of a county, municipality, or school district or board of education, satisfactory evidence of which service has been presented to the board of trustees, shall have the privilege of retiring and of receiving annually from the fund, for and during the remainder of his life, by way of pension, one half of the compensation which he received throughout his last year of employment, with the optional privileges provided in subsection d. of section 18A:66–110. "Last year of employment," as herein last used shall mean the 12-month period preceding the date of retirement, regardless of the date when such retirement occurs, provided the date of retirement is after June 26, 1962.

b. Any veteran who took or shall take office, position or employment with a board of education or a school district after June 26, 1962 and who shall become a member of the pension fund after such date, and who shall have attained 62 years of age and who shall present to the board of trustees satisfactory evidence of 20 years of aggregate service in office, position or employment with this state or with a county, municipality, or school district or board of education, shall have the privilege of retiring and of receiving annually from the fund, for and during the remainder of his life, by way of pension, one half of the compensation which he received throughout his last year of employment upon which compensation he made contri-

butions to the pension fund, with the optional privileges provided in subsection d. of section 18A:66–110.

c. Any public employee veteran member of the pension fund who had been for 20 years in the aggregate in office, position or employment with this state or with a county, municipality, or school district or board of education as of June 26, 1962 shall have the privilege of retiring for ordinary disability and of receiving a retirement allowance equal to one half of the compensation which he received throughout his last year of employment upon which contributions to the pension fund are based, with the optional privileges provided in subsection d. of section 18A:66–110.

Source: C. 18:5–79.4 (L. 1962, c. 98, s. 10).

18A:66–115. Payment of pensions in semimonthly installments. All pensions paid by a pension fund established under article 16 of chapter 5, Title 18 of the Revised Statutes or this article, shall be paid in equal semimonthly installments and shall not be decreased, revoked or repealed, except as otherwise provided in this article.

Source: C. 18:5–79.5 (1962, c. 98, s. 20).

18A:66–116. All pensions exempt. All pensions created under this article shall be exempt from execution, attachment or any other legal process.

Source: R.S. 18:5–80.

18A:66–117. Contributory death benefits.

a. The board of trustees may establish a plan of contributory death benefit coverage under which a death benefit, shall, upon receipt of proper proofs of death in service of a member covered therefor, be paid to such person, if living, as the member shall have nominated by written designation duly executed and filed with the board of trustees, otherwise to the executor or administrator of the member's estate. The amounts of death benefits under such plan of contributory death benefit coverage shall be determined by the board of trustees, provided that the amount of the death benefit for any member shall not exceed one and one half times the compensation received by the member in the last year of creditable service, and provided further that for the death in service of a member occurring after he has attained age 70, the amount of death benefit under such plan shall not exceed $\frac{3}{16}$ of the compensation received by the member in the last year of creditable service. Such a plan of contributory death benefit coverage shall be subject to adjustment from time to time by the board of trustees.

b. The board of trustees shall establish all rules governing the contributory death benefit coverage, subject to the provisions of this section. There is hereby established the members' death benefit fund in which fund shall be accumulated the contributions made under this section. Upon the death of a member electing the contributory death benefit, the contributory death benefit payable shall be paid from the members' death benefit fund.

c. The board of trustees shall establish schedules of contributions to be made by or on behalf of the members covered under the plan of contributory death benefit coverage. Such contributions shall be so computed that the contributions made by or on behalf of all covered members in the aggregate shall be sufficient to provide for the cost of the benefits established by subsection a. of this section. Such schedules of contributions shall be

subject to adjustment from time to time, by the board of trustees, as the need may appear.

d. Each member will be eligible for such contributory death benefit coverage in accordance with and subject to the further provisions of this section. Each person who was a member on June 26, 1962 and who elected, not later than June 26, 1963 to purchase such contributory death benefit coverage became covered therefor on the first day on or after such election, on which he was actively at work and performing all his regular duties at his customary place of employment. Each person who became or becomes a member after June 26, 1962, shall automatically be covered for such contributory death benefit coverage from the first day of his membership on which he is actively at work and performing all his regular duties at his customary place of employment. Such automatic coverage shall continue during the member's first year of membership and during such year contributions as fixed by the board of trustees shall be made by or on behalf of the member. After such first year of membership such member shall continue to be covered for contributory death benefit coverage, subject to the continuance of the required contributions and subject to the provisions of such plan and the provisions of this section.

e. The contributions of a member for the contributory death benefit coverage shall be deducted from his compensation, but if there is no compensation from which such contributions may be deducted it shall be the obligation of the member to make such contributions directly to the members' death benefit fund or as directed by the board; provided, however, that no contribution shall be required while a member remains in service after attaining age 70 but the board of education employing such person shall be required to pay into the members' death benefit fund or as directed by the board of trustees on such person's behalf an amount equal to the contribution otherwise required by the board of trustees in accordance with this section.

f. Any other provision of this article notwithstanding, the contributions of a member, or the contributions made on behalf of a member by the board of education employing such member for the contributory death benefit coverage under this section shall not be returnable to the member, his or her beneficiary, or the board of education employing such member in any manner, or for any reason whatsoever, nor shall any contributions made for the contributory death benefit coverage be included in any pension payable to such member or to his or her beneficiary.

g. A member who is covered by the contributory death benefit coverage provided by this section may file with the board of trustees, and alter from time to time during his lifetime, as desired, a duly attested, written, new nomination of the payee of the death benefit provided under this section. Such member may also file and alter from time to time during his lifetime, as desired, a request with the board of trustees directing payment of said benefit in one sum or in equal annual installments over a period of years or as a life annuity. Upon the death of such member, a payee to whom a benefit is payable in one sum may elect to receive the amount payable in equal installments over a period of years or as a life annuity.

h. All other provisions of this section notwithstanding, the benefits to be provided pursuant to this section shall come into effect only as determined by the board of trustees. Applications for such additional death

benefit coverage shall be submitted to the board of trustees in such a manner and upon such forms as the board of trustees shall provide.

Source: C. 18:5-80.1 (1962, c. 98, s. 12).

18A:66-118. Purchase of group life insurance policies for death benefits. The county superintendent of schools is hereby authorized and permitted to purchase from one or more life insurance companies, a policy or policies of group life insurance to provide for the noncontributory death benefit and the contributory death benefit as provided in section 18A:66-117.

Source: C. 18:5-80.2 (1962, c. 98, s. 13).

18A:66-119. Qualifications of life insurance companies to issue group insurance policies. Any life insurance company must meet the following requirements in order to qualify under section 18A:66-118: (a) be licensed under the laws of the state of New Jersey to transact life and accidental death insurance, and (b) the amount of its group life insurance in the state of New Jersey other than group creditors insurance shall at the time said insurance is to be purchased equal at least 1% of the total amount of such group life insurance in the state of New Jersey in all life insurance companies.

Source: C. 18:5-80.3 (1962, c. 98, s. 14).

18A:66-120. Payment of premiums for group life insurance.

a. In the event the county superintendent of schools shall determine to purchase group life insurance coverage for the noncontributory death benefits, premiums for the same shall be paid from a special fund, hereby created, called the "group insurance premium fund." The county superintendent of schools shall estimate annually the amount of premiums which will be required for such benefits for the ensuing fiscal year and shall certify such amounts to the participating employers as due and owing from them. The participating employers shall pay over to the county superintendent of schools the amount for premiums so certified and the county superintendent of schools shall deposit these amounts in the group insurance premium fund.

b. In the event that the county superintendent of schools shall determine to purchase group coverage for the contributory death benefits, premiums for same shall be paid from a special fund hereby created called the "contributory group insurance premium fund." While such group coverage shall be in force, the contributions from the compensation of members or on behalf of members to provide such contributory death benefits shall be accumulated in said contributory group insurance premium fund.

c. Any dividend or retrospective rate credit allowed by an insurance company shall be accredited to the aforesaid funds in an equitable manner. During the period such group insurance policy or policies are in effect, there shall be no commingling of the moneys in said funds with any other fund established pursuant to this article.

Source: C. 18:5-80.4 (1962, c. 98, s. 15).

18A:66-121. Provision of conversion privileges in group life insurance policies.

a. Any such group policy or policies shall include, with respect to any insurance terminating because the member has been retired or because of termination of service, the conversion privilege available upon termination of employment as prescribed by the law relating to group life insurance.

Any such group policy or policies shall also provide that if a member dies during the 31-day period during which he would be entitled to exercise the conversion privilege, the amount of insurance with respect to which he could have exercised the conversion privilege shall be paid as a claim under the group policy.

b. If any member who has exercised the conversion privilege under the group policy or policies again becomes a member of the pension fund while the individual policy obtained pursuant to the conversion privilege is still in force, he shall not again be eligible for any of the death benefits provided by the noncontributory or contributory insurance group policy or policies unless he furnishes satisfactory evidence of insurability.

Source: C. 18:5-80.5 (1962, c. 98, s. 16).

18A:66-122. Benefits under group life insurance policies; to whom paid. Benefits under such group policy or policies shall be paid by the company to such person, if living, as the member shall have nominated by written designation duly executed and filed with the insurance company through the policyholder, otherwise to the executors or administrators of the member's estate. A member may file with the insurance company through the policyholder and alter from time to time during his lifetime, as desired, a duly attested written nomination of his payee for the death benefit.

Source: C. 18:5-80.6 (1962, c. 98, s. 17).

18A:66-123. Options as to payment of death benefits. Any such group policy or policies shall provide that payment of any death benefits which are payable by the insurance company may be made in one sum directly to the beneficiary as hereinafter provided, in equal installments over a period of years or as a life annuity or in such other manner as may be made available by the insurance company. A member may make such arrangements for settlement, and may alter from time to time during his lifetime any arrangement previously made, by making written request to the insurance company through the policyholder. Upon the death of a member, a beneficiary to whom a benefit is payable in one sum by the insurance company may likewise arrange for a settlement as described above. Any arrangement for payment under a group policy to a beneficiary shall be in lieu of that provided by the sections of this article establishing the benefits covered under such policy.

Source: C. 18:5-80.7 (1962, c. 98, s. 18).

18A:66-124. Leave of absence for illness deemed to be service.

a. For the purpose of section 18A:66-117, a member shall be deemed to be in service for a period of no more than two years while on official leave of absence without pay; provided that satisfactory evidence is presented to the board of trustees that such leave of absence without pay is due to illness.

b. For the purpose of section 18A:66-117, a member shall be deemed to be in service for a period of no more than 93 days while on official leave of absence without pay when such leave of absence is due to any reason other than illness, including military leave of absence.

Source: C. 18:5-80.8 (1962, c. 98, s. 19).

18A:66-125. Perjury to obtain pension. Any person who shall willfully or knowingly swear falsely in any oath for the purpose of obtaining or

procuring any pension or the payment thereof, under the provisions of this article, shall be deemed guilty of perjury.

Source: R.S. 18:5-81.

18A:66-126. Retention of moneys bars member. Any member of the pension fund who shall unlawfully retain any of the moneys, property, or effects of any such corporation organized under this article shall be forever barred from any benefit from the fund.

Source: R.S. 18:5-82.

Article 3. Annuities.

18A:66-127. Agreement for reduction in salary for purchase of annuity; contents; limitation; termination. Any board of education may enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the board's agreement to use a corresponding amount to purchase an annuity for such employee from any company authorized to transact the business of making insurance as specified in subsection c. of section 17:17-1 of the Revised Statutes. Such annuity shall be purchased by means of an individual or group annuity contract which may provide for continuance of purchase payments during total disability, and under which the rights of such employee to such contract shall be nonforfeitable. Every such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to the amounts earned while the agreement is in effect. The total amount of the reductions in an employee's salary pursuant hereto, for any calendar year, shall not, when added to the contributions made in such year on behalf of such employee in accordance with section 7 of chapter 123 of the laws of 1963 (C. 52:18A-113), exceed 10% of the employee's salary for such year before such reductions or contributions. Any such agreement may be terminated upon notice in writing by either party.

Source: C. 18:5-50.21 (1966, c. 287, s. 1).

18A:66-128. Reduction in salary only for purpose of benefits under § 403 (b) I.R.C. Any reduction in salary agreed to by any employee pursuant to the provisions of this article shall be deemed to be a reduction in salary for the purpose of obtaining the benefits afforded under section 403 (b) of the federal internal revenue code and shall not be deemed to be a reduction in salary in any other matter, the determination of which is based upon the total amount of the employee's salary.

Source: C. 18:5-50.22 (1966, c. 287, s. 2).

18A:66-129. Prior agreements validated; conformity required after July 1, 1967. Any agreements having the same purpose as agreements authorized by this article, made prior to October 7, 1966, between a board of education and any of its employees are hereby validated and confirmed and shall be as good and effectual as if they had been made under the provisions of this article provided that the terms of any such agreement applicable after July 1, 1967 are in conformity with the terms applicable to the agreements specifically authorized by this article

Source: P.L. 1966, c. 287, s. 3.

Subtitle 11. PRIVATE COLLEGES, SCHOOLS AND INSTITUTIONS.

Chapter 67. TITLES OF EDUCATIONAL INSTITUTIONS.

18A:67-1. Title or name of educational institutions; exceptions.
18A:67-2. Approval of collegiate name.

18A:67-1. Title or name of educational institutions; exceptions. No educational institution conducted in this state shall adopt as a name for the institution any title containing the words "New Jersey," "state of New Jersey," "state," or any other expression indicating a relationship between it and the state except schools maintained by the state and the state university of New Jersey.

Source: R.S. 18:20-1, amended 1946, c. 289.

18A:67-2. Approval of collegiate name. No institution which proposes to offer courses of study above high school grade, which courses satisfy in whole or in part the requirements for a college or university degree, shall adopt or use any title or name commonly accepted as descriptive of collegiate or university institutions without the approval of the board of higher education made under rules relating to names and titles of institutions adopted by said board.

Source: C. 18:20-1.1 (1938, c. 261); C. 18:21A-4 (1966, c. 302, s. 4).

Chapter 68. INSTITUTIONS CONFERRING DEGREES.

Article 1. Licensing to Confer Degrees Generally.

18A:68-1. Right of colleges to give diplomas and confer degrees.
18A:68-2. Right of seminaries or schools of theology to confer degrees.
18A:68-3. Filing copy of certificate of incorporation and obtaining license.
18A:68-4. Revocation of license.
18A:68-5. Restraint of corporations operating without license.
18A:68-6. Submission and approval as prerequisite to conferring of degrees.
18A:68-7. Withdrawal of approval; record of approvals and revocations.
18A:68-8. Conferring degree during revocation.
18A:68-9. Penalties; recovery.
18A:68-10. Failure to pay penalty.
18A:68-11. Disposition of moneys recovered.

Article 2. Licensing of Medical Schools.

18A:68-12. Requirement of license.
18A:68-13. Application for license; fee.
18A:68-14. Granting license.
18A:68-15. Statement in license of system of treatment taught.
18A:68-16. Term and revocation of license.
18A:68-17. Schools for midwifery or chiropody excepted.
18A:68-18. Penalty for violation of article.

Article 1. Licensing to Confer Degrees Generally.

18A:68-1. Right of colleges to give diplomas and confer degrees. Subject to the provisions of this chapter, any college in this state founded or hereafter to be founded under and by virtue of the provisions of a general act of the legislature, may, from time to time, give diplomas and confer degrees upon those who shall successfully complete prescribed courses of study, and confer honorary degrees upon such others as shall be recommended therefor by its board of trustees. Nothing in this section shall be construed to authorize a college to confer any degree or diploma authorizing the practice of medicine, dentistry, or law.

Source: R.S. 18:20-2.

18A:68-2. Right of seminaries or schools of theology to confer degrees. Subject to the provisions of this chapter, any seminary or school of theology in this state, whether incorporated by special charter or under general laws, may, upon the precedent recommendation, or with the concurrent approval, of the faculty of instruction and after satisfactory examination held on completion of the studies required for the degree, grant to and confer upon a graduate of the institution, or a person who has done approved work therein:

a. The degree of bachelor of divinity or theology.

b. The degree of bachelor, master or doctor of sacred theology as may be appropriate in each case.

c. In the case of a seminary or school of theology which has a full collegiate course preparatory to the theological course, the degree of bachelor of arts. Such an institution may also confer honorary degrees upon persons recommended therefor by the board of trustees or directors thereof. Nothing contained herein shall be construed to authorize such an institution to confer a degree or diploma authorizing the practice of medicine, dentistry or law.

Degrees may be conferred under this section with all honors, rights and privileges usually incident to them when granted in and by universities or the schools of theology in the United States.

Source: R.S. 18:20–3.

18A:68–3. Filing copy of certificate of incorporation and obtaining license. No corporation shall furnish instruction or learning in the arts, sciences, or professions for the purposes of admitting any person to the grade of a degree, or shall confer or participate in conferring a degree, giving to any person a diploma of graduation or of proficiency in a course of study, in learning, or in scientific arts or methods, within this state, until it shall have filed a certified copy of its certificate of incorporation with the board of higher education and obtained from such board a license to carry on the business under such rules as the board of higher education may prescribe.

Source: R.S. 18:20–5; C. 18:21A–4 (1966, c. 302, s. 4).

18A:68–4. Revocation of license. Any license issued under this article may be revoked by the board of higher education.

Source: R.S. 18:20–7; C. 18:21A–4 (1966, c. 302, s. 4).

18A:68–5. Restraint of corporations operating without license. When it shall appear that any corporation is carrying on the business of such instruction or teaching, or conferring any such degree, or giving any such diploma without such license, the board of higher education, represented by the attorney general, may institute a civil action in the superior court to restrain the corporation from the transaction of any such business or the exercise of any such franchise within this state until it shall have obtained such license or the approval of said board. The court may proceed in the action in a summary manner or otherwise. The costs in any such action, to be fixed by the court, shall be paid by the corporation before the dissolution of any injunctive order or judgment.

Source: R.S. 18:20–6, amended 1953, c. 18, s. 32; C. 18:21A–4 (1966, c. 302, s. 4).

18A:68–6. Submission and approval as prerequisite to conferring of degrees. No school, corporation, association or institution of learning conducted within this state, nor any officer or member thereof, in recognition of the attainment or proficiency of any person in pursuing or graduating from any course or courses of study, arts, or learning conducted by it or another such school corporation, association or institution, shall admit any such person to the grade of a degree by conferring, or participating in conferring, any degree upon any person without first submitting the

basis or conditions thereof to the board of higher education, and obtaining its approval thereof, and of the practice of conferring and bestowing such degrees.

Nothing contained in this section shall apply to any school, corporation, association or institution of learning, or officer or member thereof, which was established and conducted within this state on April 1, 1887, and was then in the course of admitting persons to the grade of a degree by conferring the same upon them in recognition of their attainments or proficiencies, nor to any school conducted under the public school system.

Source: R.S. 18:20-8; C. 18:21A-4 (1966, c. 302, s. 4).

18A:68-7. Withdrawal of approval; record of approvals and revocations. The approval given by the board of higher education of the basis or conditions for the admission to the grade of a degree may be revoked for proper cause by said board after hearing upon 20 days' notice of the time and place of such hearing given to any such school, corporation, association or institution of learning by service upon any officer or member thereof, and proof made at such hearing to the satisfaction of the board of higher education, that the standards presented for admission to such grade of a degree or for the conferring of such degree are not being satisfactorily complied with by such school, corporation, association or institution of learning, or by the officers or members thereof.

The board of higher education shall keep a record of such approvals and revocations in a book to be provided and used solely for that purpose, which book shall be kept at its office in Trenton and may be inspected by any person upon request.

Source: R.S. 18:20-9; C. 18:21A-4 (1966, c. 302, s. 4).

18A:68-8. Conferring degree during revocation. The admitting of any person to any such grade of a degree by conferring the same upon him during the continuation of the revocation of such approval shall render any such school, corporation, association or institution of learning, or any officer or member thereof, participating therein, liable to the penalty prescribed by this chapter as though no approval had been granted in the first instance.

Source: R.S. 18:20-10.

18A:68-9. Penalties; recovery. An officer or member of a school, corporation, association or institution of learning who by vote or in any other manner or capacity, or a school, corporation, association or institution of learning which shall admit or participate in admitting a scholar, student, or subscriber to any grade of a degree by conferring or participating in conferring any degree upon him, contrary to the provisions of this chapter, or who shall sign any certificate or diploma as evidence of the conferring of such degree shall be liable to a penalty of not more than $300.00 for each offense, to be enforced and collected by and in the name of the board of higher education in a summary proceeding in accordance with chapter 58 of Title 2A of the New Jersey Statutes, the penalty enforcement law. Process shall be either in the nature of a summons or warrant.

Source: R.S. 18:20-11, amended 1953, c. 18, s. 33; C. 18:21A-4 (1966, c. 302, s. 4).

18A:68-10. Failure to pay penalty. Upon the failure of the defendant to pay forthwith the amount of any money judgment rendered against him

the defendant shall be committed to the county jail for a period not exceeding 90 days.

Source: R.S. 18:20-13, amended 1953, c. 18, s. 35.

18A:68-11. Disposition of moneys recovered. All moneys recovered under the provisions of this article shall be payable by the board of higher education to the state treasurer.

Source: R.S. 18:20-16, amended 1953, c. 18, s. 38; C. 18:21A-4 (1966, c. 302, s. 4).

Article 2. Licensing of Medical Schools.

18A:68-12. Requirement of license. No school or college shall be conducted within this state for the purpose of training or qualifying its students to practice medicine or surgery or any branch thereof or any method for the treatment of disease or any abnormal physical condition without first securing from the state board of medical examiners a license authorizing it so to do.

Source: R.S. 18:20-18.

18A:68-13. Application for license; fee. Every such school or college shall submit to the state board of medical examiners, with its application for a license, a statement verified by affidavit of the president or head master of the school or college showing the location of the school or college, the course of study pursued therein, the time required to complete the course, whether its students are required to attend the school or college in person, and if so, for what period of time, the number and qualifications of the instructors employed therein, and the facilities afforded for teaching the subjects in which instruction is intended to be given. The statement shall contain such additional information concerning the school or college as may be required by the board. The applicant shall present with the application a fee of $100.00.

Source: R.S. 18:20-19.

18A:68-14. Granting license. The board shall issue its license to every school or college applying therefor which complies with the requirements adopted by the state board of medical examiners for class A medical colleges in force at the time the application is made.

Source: R.S. 18:20-20.

18A:68-15. Statement in license of system of treatment taught. A license issued pursuant to this article shall state plainly upon its face the system or branch of medicine or surgery or method of treatment of disease or abnormal physical condition which the school or college to which it is issued is authorized to teach.

Source: R.S. 18:20-21.

18A:68-16. Term and revocation of license. The license shall remain in force and effect until revoked. The state board of medical examiners may, after notice and hearing, revoke the license of any school or college which is so conducted and equipped as not to comply with the requirements adopted by the board for class A medical colleges in force at the time such revocation shall be under consideration.

Source: R.S. 18:20-22.

18A:68–17. Schools for midwifery or chiropody excepted. This article shall not apply to a school conducted for the sole purpose of training persons to practice midwifery or chiropody.

Source: R.S. 18:20–23.

18A:68–18. Penalty for violation of article. A person violating any provision of this article shall be liable to a penalty of $500.00, which shall be recovered by and in the name of the state board of medical examiners in a summary proceeding in accordance with the penalty enforcement law, chapter 58, of Title 2A of the New Jersey Statutes. Process shall be either in the nature of a summons or warrant.

Source: R.S. 18:20–24.

Chapter 69. PRIVATE SCHOOLS.

Article 1. In General.

18A:69–1. Application of article.
18A:69–2. Registration required.
18A:69–3. Renewal or revocation of certificate.
18A:69–4. Examinations of facilities; school to furnish information and reports.
18A:69–5. Reports; failure to furnish.
18A:69–6. Operation without certificate of approval a misdemeanor.

Article 2. Correspondence Schools.

18A:69–7. "Private correspondence school" defined.
18A:69–8. Certificate of approval of correspondence school; agents' licenses; fees.
18A:69–9. Standards to be prescribed.
18A:69–10. Annual renewal of certificates and licenses.
18A:69–11. Contract with unlicensed person, etc., unenforceable.
18A:69–12. Inspection of correspondence schools.
18A:69–13. Information and reports; refusal of or revocation of certificate.
18A:69–14. Disposition of fees; account.
18A:69–15. Officers and employees to carry out purposes.
18A:69–16. Violations of article.

Article 1. In General.

18A:69–1. Application of article. This article shall apply to:

(a) Every nonsectarian private boarding school established and operating within this state, which is not incorporated under the provisions of Title 15 of the Revised Statutes, relating to the incorporation of associations not for pecuniary profit, or which has not been in session annually for 20 years immediately preceding 1940; and

(b) Every private school charging tuition or fees, except institutions under the jurisdiction of or subject to inspection by the state board of control of institutions and agencies, and schools licensed by the board of beauty culture control in the state department of health, pursuant to Title 45, chapter 4A, of the Revised Statutes, which operates a program of trade and technical education or which gives preemployment or supplementary training, or both, in the fields of industry, agriculture, music or art, or in any combination of them, and, which school is established and operated in this state.

Nothing in this chapter contained shall in anywise apply to any private school controlled or operated by a charitable institution or to any school controlled or operated by a religious denomination.

Source: C. 18:20–25 (1940, c. 173, s. 1); C. 18:20–30 (1940, c. 173, s. 6); C. 18:20–31 (1942, c. 113, s. 1, amended 1942, c. 323).

18A:69–2. Registration required. Every such school shall be required to register with the commissioner and shall not be permitted to operate unless it receives a certificate of approval issued by the commissioner under rules of the state board.

Source: C. 18:20–25 (1940, c. 173, s. 1); C. 18:20–31 (1942, c. 113, s. 1, amended 1942, c. 323).

18A:69–3. Renewal or revocation of certificate. Such certificate may be renewed annually or may be revoked at any time for good cause.

Source: C. 18:20–26 (1940, c. 173, s. 2); C. 18:20–32 (1942, c. 113, s. 2).

18A:69–4. Examinations of facilities; school to furnish information and reports. The county superintendent of schools or other educational officer designated by the commissioner shall be empowered to visit the premises of any such school and conduct a full and complete examination of all facilities thereof at any time during the period of operation thereof. Each such school shall be required to furnish such information and reports from time to time as the commissioner shall deem necessary and proper and in the manner and on forms to be prescribed by him.

Source: C. 18:20–27 (1940, c. 173, s. 3); C. 18:20–33 (1942, c. 113, s. 3).

18A:69–5. Reports; failure to furnish. An annual report and such other reports as may be required from time to time shall be furnished by each such school to the commissioner and failure to furnish any such report or to conform in every particular to standards prescribed for such schools shall be deemed good and sufficient reason for the disapproval of any such school or revocation of an approval previously granted.

Source: C. 18:20–28 (1940, c. 173, s. 4); C. 18:20–34 (1942, c. 113, s. 4).

18A:69–6. Operation without certificate of approval a misdemeanor. Any person, firm, corporation or association, who shall operate or conduct any such school without first obtaining the approval required by this article shall be deemed guilty of a misdemeanor.

Source: C. 18:20–29 (1940, c. 173, s. 5); C. 18:20–35 (1942, c. 113, s. 5).

Article 2. Correspondence Schools.

18A:69–7. "Private correspondence school" defined. The term "private correspondence school," as used in this article shall include every privately owned and operated school conducted for the purpose of providing by correspondence systematic instruction in any field or fields of study for which any tuition, fee, or any other form of compensation is charged, but shall not include correspondence schools or classes maintained or operated by employers for their own employees for which no tuition or fee is charged, or schools or classes operated by any properly organized and accredited religious or eleemosynary institution, or by the state of New Jersey, or any political subdivision thereof, or by Rutgers, the state university, although such schools may apply for a certificate of approval hereunder and, upon approval and issuance thereof, shall be subject to the provisions of this article.

Source: C. 18:20–36 (1949, c. 230, s. 1).

18A:69–8. Certificate of approval of correspondence school; agents' licenses; fees. No private correspondence school which is now or hereafter shall be established shall be operated or conducted in this state, unless it shall have secured from the commissioner a certificate of approval to be issued by him under such rules and in such form as he shall prescribe, with the approval of the state board, and upon the payment of a fee of $50.00. No field representative or agent of any such private school, located outside or within the state, shall solicit students or transact business in this state, unless he shall have secured, from the commissioner, a license to be issued by him under such rules and in such form as he shall prescribe, with the approval of the state board and upon payment of a fee of $5.00.
Source: C. 18:20–37 (1949, c. 230, s. 2).

18A:69–9. Standards to be prescribed. The commissioner shall prescribe, with the approval of the state board, suitable standards governing the proper conduct of private correspondence schools, with regard to instruction, qualifications of instructors and supervisors, facilities, financial responsibility, business practices, and any other matter essential to the maintenance of the adequacy of instruction and the business integrity of correspondence schools.
Source: C. 18:20–38 (1949, c. 230, s. 3).

18A:69–10. Annual renewal of certificates and licenses. Each certificate of approval shall be renewed annually upon payment of a fee of $25.00, and each license upon the payment of a fee of $5.00. Any approval or license may be revoked for good cause at any time after hearing.
Source: C. 18:20–39 (1949, c. 230, s. 4).

18A:69–11. Contract with unlicensed person, etc., unenforceable. Any contract entered into, after May 24, 1949, by or on behalf of any person, firm, association or corporation operating any private correspondence school to which a valid certificate of approval or license has not been issued pursuant to this article, shall be unenforceable in any action brought thereon.
Source: C. 18:20–44 (1949, c. 230, s. 9, amended 1953, c. 18, s. 40).

18A:69–12. Inspection of correspondence schools. Every private correspondence school shall at all times be open for inspection to any officer designated by the commissioner, who may conduct a full and complete examination of all facilities and methods of operating such private correspondence schools.
Source: C. 18:20–41 (1949, c. 230, s. 6).

18A:69–13. Information and reports; refusal of or revocation of certificate. Each private correspondence school shall furnish such information and reports from time to time as the commissioner shall deem necessary and proper and in the manner and on forms prescribed by him, and failure to furnish any such information or report or to conform in every particular to standards prescribed for such private correspondence school shall be good and sufficient reason for the refusal of a certificate of approval for such private correspondence school or for revocation of a certificate of approval previously granted.
Source: C. 18:20–42 (1949, c. 230, s. 7).

18A:69–14. Disposition of fees; account. All fees required by this article shall be paid to the commissioner of education. He shall keep a true and correct account of all moneys received by him under the provisions of this article, and between the first and fifth days of each month deposit with the state treasurer all such moneys received by him during the then preceding calendar month.

Source: C. 18:20–46 (1949, c. 230, s. 11).

18A:69–15. Officers and employees to carry out purposes. The commissioner, subject to the approval of the state board, may appoint such officers and employees and fix their compensation and expenses within the limits of available appropriations, as may be necessary to carry out the purposes of this article.

Source: C. 18:20–45 (1949, c. 230, s. 10).

18A:69–16. Violations of article. Any person, firm, association or corporation operating or conducting any private correspondence school, or any field representative or agent of any private correspondence school soliciting students or transacting business in this state, except by authority of a valid certificate of approval, or license, as the case may be, as required by this article shall be deemed guilty of a misdemeanor.

Source: C. 18:20–43 (1949, c. 230, s. 8).

Chapter 70. CHILD CARE CENTERS.

18A:70–1. "Child care center" defined.
18A:70–2. Certificate of approval necessary to operation.
18A:70–3. Standards governing education, health, welfare and transportation.
18A:70–4. Duration of certificate; revocation.
18A:70–5. Open for inspection.
18A:70–6. Information and reports required; refusal of certificate.
18A:70–7. Assistance in carrying out purposes of chapter.
18A:70–8. Operation without certificate; misdemeanor.
18A:70–9. Appointment of officers and employees; compensation.

18A:70–1. "Child care center" defined. The term "child care center," as used in this chapter, shall include every private nonsectarian child care center, day nursery, nursery school, boarding school, or other establishment of similar character for the care of children, in which any tuition fee, board, or other form of compensation for the care of children, is charged and in which more than five children over the age of two years and under the age of five years are cared for, but it shall not include:

a. The state board of child welfare of the department of institutions and agencies, or

b. Any aid society of a properly organized and accredited church or fraternal society organized for aid and relief of its members, or

c. Any children's home, orphan asylum, children's aid society, or society for the prevention of cruelty to children, incorporated under the laws of this state and subject to visitation or supervision by the state department of institutions and agencies, except in the conduct of a philanthropic day nursery, or

d. Any other public agency operated by a county, city, municipality or school district.

Source: C. 18:20A–1 (1946, c. 303, s. 1).

18A:70–2. Certificate of approval necessary to operation. No child care center which is now or hereafter shall be established shall be operated or conducted, except by authority of a valid certificate of approval issued by the commissioner under rules prescribed by him with the approval of the state board. Application for the issuance or renewal of a certificate shall be made upon a form prescribed by the commissioner and shall be accompanied by a fee of $15.00, which shall be returned if the application is denied.

Source: C. 18:20A–2 (1946, c. 303, s. 2, amended 1954, c. 116).

18A:70–3. Standards governing education, health, welfare and transportation. The commissioner, after consultation with the commissioner of institutions and agencies and the state commissioner of health, or any person or persons whom they shall designate to act for them, shall prescribe, with the approval of the state board, suitable standards governing the

education, health and welfare of the children cared for in any child care center, and the transportation of children to and from school when the transportation is furnished by such child care center.

Source: C. 18:20A-3 (1946, c. 303, s. 3, amended 1949, c. 50).

18A:70-4. Duration of certificate; revocation. Each certificate of approval shall be valid for a period of three years from the date of issue and may be revoked for good cause at any time after hearing.

Source: C. 18:20A-4 (1946, c. 303, s. 4, amended 1950, c. 24).

18A:70-5. Open for inspection. Each child care center shall at all times be open for inspection, to any officer designated by the commissioner, who may conduct a full and complete examination of all facilities and methods of operating of such child care center at any time.

Source: C. 18:20A-5 (1946, c. 303, s. 5).

18A:70-6. Information and reports required; refusal of certificate. Each child care center shall furnish such information and reports from time to time as the commissioner shall deem necessary and proper and in the manner and on forms prescribed by him and failure to furnish any such information or report or to conform in every particular to standards prescribed for such child care centers shall be good and sufficient reason for the refusal of a certificate of approval for such child care center or for revocation of a certificate of approval previously granted.

Source: C. 18:20A-6 (1946, c. 303, s. 6).

18A:70-7. Assistance in carrying out purposes of chapter. The commissioner may request the assistance of the commissioner of institutions and agencies and the state commissioner of health in carrying out the purposes of this chapter.

Source: C. 18:20A-7 (1946, c. 303, s. 7).

18A:70-8. Operation without certificate; misdemeanor. Any person, firm, corporation or association, operating or conducting any child care center except by authority of a valid certificate of approval as required by this chapter, shall be deemed guilty of a misdemeanor.

Source: C. 18:20A-8 (1946, c. 303, s. 8).

18A:70-9. Appointment of officers and employees; compensation. The commissioner, subject to the approval of the state board, may appoint such officers and employees and fix their compensation and expenses, within the limits of available appropriations, as may be necessary to carry out the purposes of this chapter.

Source: C. 18:20A-9 (1946, c. 303, s. 9).

Subtitle 12. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION.

Chapter 71. STATE SCHOLARSHIPS FOR HIGHER EDUCATION.

Article 1. State Competitive Scholarships.

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18A:71-27. Higher education; scholarship funds; establishment; administration.

Article 1. State Competitive Scholarships.

18A:71-1. Short title. This chapter shall be known and may be cited as the "state competitive scholarship law."

Source: C. 18:22-14.2 (1959, c. 46, s. 1).

18A:71-2. Award of scholarships; existing scholarships not affected. All undergraduate scholarships, except work scholarships and scholarships awarded in the course of any rehabilitation program, provided by statute or through state appropriation, shall be awarded in accordance with the provisions of this chapter. Nothing herein contained shall affect the renewal or continuance of individual scholarships awarded prior to the effective date hereof.

Source: C. 18:22-14.3 (1959, c. 46, s. 2, amended 1959, c. 150, s. 2).

18A:71-3. State scholarship commission created; members; terms; vacancies. There is hereby created the state scholarship commission which is hereby allocated to the department of higher education and which shall consist of the chancellor, who shall be its chairman, and eight other members to be appointed by the governor as follows:

One representative of Rutgers, the state university;

One representative of the state colleges;

Three representatives of nontax-supported institutions of higher education in the state;

Three other residents of the state.

The terms of office of the appointed members shall be four years except that the terms of first members shall be fixed by the governor in such manner as will provide for the expiration each year of the terms of one fourth of such appointed members. Any vacancy in the commission shall be filled by the governor by the appointment of a person who shall hold office for the balance of the unexpired terms.

Source: C. 18:21A-15 (1966, c. 302, s. 15); C. 18:22-14.4 (1959, c. 46, s. 3, amended 1959, c. 150, s. 3).

18A:71-4. State competitive scholarships created. There are hereby created state competitive scholarships which shall be maintained by the state and awarded and administered pursuant to this chapter, and used by the holders thereof for undergraduate study in institutions of higher education.

Source: C. 18:22-14.5 (1959, c. 46, s. 4).

18A:71-5. Number of scholarships. The number of state competitive scholarships to be awarded annually shall equal 5% of the total number of students who graduated from approved high schools in the state during the school year preceding the date of the examination for the award of such scholarship.

Source: C. 18:22-14.6 (1959, c. 46, s. 5).

18A:71-6. No discrimination. State competitive scholarships shall be awarded without regard to race, religion, creed, or sex.

Source: C. 18:22-14.7 (1959, c. 46, s. 6).

18A:71-7. Bases for granting scholarships. No person shall be awarded a state competitive scholarship unless:

(a) He has been a resident of New Jersey for a period of not less than 12 months immediately preceding the date of his application for such scholarship.

(b) He either has been graduated from high school within a period not greater than five years from the date of his application for such scholarship and has not previously attended college or will be graduated from high school within a period not greater than one year from the date of such application, except that time spent in the armed forces of the United States shall not be included in computing such period. Awards may be made tentatively to prospective high school graduates, dependent upon actual graduation at the end of the then current school year.

(c) He has demonstrated financial need for such scholarship as determined by standards and procedures to be established by the state scholarship commission.

(d) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(e) He has applied for a state competitive scholarship and has been determined based upon a satisfactory scholastic record together with a competitive examination, to be eligible for such scholarship.

(f) He has complied with all rules and regulations adopted pursuant to this chapter by the state scholarship commission for the award, regulation, and administration of state competitive scholarships.

Source: C. 18:22-14.8 (1959, c. 46, s. 7, amended 1964, c. 127, s. 1; 1967, c. 208).

18A:71-7.1. Additional basis for scholarships. Notwithstanding the provisions of subsection (b) of section 18A:71-7, any person, otherwise qualified, who, after admission and attendance with a satisfactory academic record at an institution of collegiate grade, by reason of changed financial circumstances is unable to continue in college without financial assistance or who, for such reason, has or shall have withdrawn therefrom within a period not greater than one year prior to the date of his application, may apply, and be admitted to competitive examination, for a state competitive scholarship. A scholarship awarded under this section shall be for the remainder of the holder's four-year academic course of study subject to the same conditions as apply to other state competitive scholarships.

The state scholarship commission is authorized to adopt special rules and regulations to implement the application for and award of scholarships pursuant to this section.

Source: C. 18:22-14.8a (1963, c. 79, s. 1); C. 18:22-14.8b (1963, c. 79, s. 2).

18A:71-8. Amount of scholarship; payment. Each state competitive scholarship shall entitle the recipient thereof to $500.00 per year, or the amount charged for tuition for a regular academic year by the institution where the scholarship is used, whichever is the smaller amount. The particular institution a student elects to attend and the particular charges made by that institution shall not be factors used in determining financial need nor, except as otherwise provided in this section, the amount of the stipend. Payments under this chapter shall be made by the state treasurer on the order of the chairman of the state scholarship commission in accordance with rules regulating the same adopted by the commission.

Source: C. 18:22-14.9 (1959, c. 46, s. 8, amended 1965, c. 5, s. 1).

18A:71-9. Period of scholarship. Each state competitive scholarship is for a period of four academic years, except that in the case of a scholarship holder, who is enrolled in a course of undergraduate study required by the institution to cover five years, the period of the scholarship shall be the length of time regularly required for the completion of the course, but each scholarship shall remain in effect only during such period as the holder thereof achieves satisfactory academic progress, continues to have financial need, and is regularly enrolled as a full-time student in an institution of collegiate grade as described in section 18A:71-10.

Source: C. 18:22-14.10 (1959, c. 46, s. 9, amended 1965, c. 83, s. 1; 1966, c. 103).

18A:71-10. Use of scholarship. A state competitive scholarship may be used in any institution of collegiate grade in New Jersey, that is to say:

(a) an institution which offers a college curriculum leading to or accreditable toward an undergraduate degree and which is accredited by the board of higher education, or

(b) a school of professional nursing accredited or approved by the New Jersey board of nursing.

Of the total number of scholarships available for initial award in any year not more than 35% of that number may be used in institutions of collegiate grade outside the state which are approved for this purpose by the department of higher education.

No state competitive scholarship shall be used in any institution of collegiate grade that discriminates in any of its policies on the basis of race, creed, color or national origin. Nothing herein contained shall be construed to bar the use of any state competitive scholarship from any institution of collegiate grade on the basis that such institution admits or employs any individual where religious affiliation is a bona fide qualification reasonably necessary to the normal operation of such institution.

Source: C. 18:21A-15 (1966, c. 302, s. 15); C. 18:22-14.11 (1959, c. 46, s. 10, amended 1959, c. 150, s. 4; 1962, c. 14; 1967, c. 15); C. 18:22-14.11a (1965, c. 5, s. 2).

18A:71-11. Limitation. No state competitive scholarship shall be held by any person at the same time he is receiving any other scholarship, other than a work scholarship, which is paid out of funds provided by the state.

Source: C. 18:22-14.12 (1959, c. 46, s. 11).

18A:71-12. Competitive examinations; award of scholarships. The state scholarship commission shall provide for the conduct of annual competitive examinations for state competitive scholarships. On the basis of the scholastic records and the results achieved on the required examinations the commission shall award scholarships to qualified applicants for whom financial need has been established, except that the commission shall give preference to any qualified applicant who is the son or daughter of a policeman or fireman who died on or after January 1, 1961 as the result of injuries received in the performance of his duties.

"Policeman or fireman," as used herein shall mean any member of the state police, any permanent full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator or inspector of combustibles, of any police or fire depart-

ment of a municipality or a fire department of a fire district located in a township or a county police department in this state.

Source: C. 18:22-14.13 (1959, c. 46, s. 12, amended 1964, c. 17; 1964, c. 127, s. 2; 1966, c. 87).

18A:71-13. Initial awards: all others on state-wide basis. Initial awards of not fewer than 10 state competitive scholarships shall be made in every year to residents of each county of the state or of such lesser number as may qualify for the award thereof. All other such scholarships shall be awarded on a state-wide basis without regard for geographical, political or other subdivisions.

Source: C. 18:22-14.14 (1959, c. 46, s. 13).

18A:71-14. Employees; rules and regulations; expenditures authorized. The state scholarship commission may employ such persons, contract for such services, make such additional expenditures, and adopt such rules and regulations as may be necessary or appropriate for effectuating the provisions of this chapter.

Source: C. 18:22-14.15 (1959, c. 46, s. 14, amended 1959, c. 150, s. 5).

18A:71-15. Construing. This chapter shall not be construed as granting any authority to control or influence the policies of any educational institution involved in the state scholarship program, nor to require any such institution to admit into such institution or once admitted to continue in such institution, any scholarship holder.

Source: C. 18:22-14.16 (1959, c. 46, s. 15).

Article 2. State Educational Incentive Grants.

18A:71-16. Preamble; purpose of article. The Legislature finds:

(a) One of the most serious problems our country faces is the increasing demand for, and importance of, a college education. Contemporary society has become so complex that its progress demands an ever-increasing supply of highly-educated men and women. The amount and quality of his education often determines an individual's contribution to the economy;

(b) Simultaneously with the increase in demand for a college education has arisen a barrier to its attainment. Costs of attending college has been rising steadily for more than a decade and all signs indicate they will continue to do so. Many promising college prospects are finding it financially impossible to further their education; and

(c) The existing state scholarship program does not provide a sufficient amount to cover the cost of tuition and fees at many of the institutions of higher education which customarily make provision for New Jersey students thereby tending to reduce the student's choice of college. The creation of state educational incentive grants will make it possible for many students, who might otherwise be limited in their selection of appropriate colleges for economic reasons, to attend the colleges of their choice.

Source: C. 18:22-14.18 (1966, c. 111, s. 1).

18A:71-17. State educational incentive grants established. There is hereby established a program for the award of state educational incentive

grants for undergraduate study leading to a baccalaureate or associated degree to students at institutions of higher education located in New Jersey, and approved by the board of higher education. This program shall be maintained by the state and administered by the state scholarship commission.

Source: C. 18:21A-15 (1966, c. 302, s. 15); C. 18:22-14.19 (1966, c. 111, s. 2).

18A:71-18. Awarded annually by state scholarship commission. A state educational incentive grant may be awarded annually upon application to the state scholarship commission to any student who has received a state competitive scholarship and who will be or is attending an institution of collegiate grade located in New Jersey and approved for this purpose by the board of higher education.

Source: C. 18:21A-15 (1966, c. 302, s. 15); C. 18:22-14.20 (1966, c. 111, c. 3).

18A:71-19. Requirements for award. Any student applying for a state incentive scholarship grant shall demonstrate to the satisfaction of the state scholarship committee that he:

(a) is and has been a resident of the state for at least 12 months prior to receiving the grant;

(b) will be or is a full-time undergraduate student;

(c) has demonstrated financial need for such grant, as determined by standards and procedures to be established by the state scholarship commission, in accordance with the provisions of this article;

(d) has demonstrated high moral character, good citizenship, and dedication to American ideals;

(e) has complied with all rules and regulations adopted pursuant to this article, by the state scholarship commission, for the award, regulation and administration of the state educational incentive grant.

Source: C. 18:22-14.21 (1966, c. 111, s. 4).

18A:71-20. Amount; dependent on financial resources; payment. Each state educational incentive grant shall be made in such amounts in each case as shall be determined by the state scholarship commission, in accordance with rules and regulations adopted pursuant to this article but in no event in excess of $500.00.

The commission shall take into consideration the financial resources available to the student to meet the cost of his college education and the tuition and fees charged at the institution which the student is attending or to which he has been admitted. Payments under this article shall be made to the awardee by the state treasurer, on the order of the chairman of the state scholarship commission in accordance with rules and regulations adopted by the commission.

Source: C. 18:22-14.22 (1966, c. 111, s. 5).

18A:71-21. Period. Each state educational incentive grant is for a period of not more than four academic years unless the recipient is enrolled in an undergraduate program regularly requiring five academic years for completion, in which case the state scholarship commission may extend the grant to five years. The grant shall remain in effect only during such

period as the holder thereof achieves satisfactory academic progress, and evidences continued eligibility under the terms of this article.

Source: C. 18:22-14.23 (1966, c. 111, s. 6).

18A:71-22. Used in New Jersey approved college. A state educational incentive grant may be used in any New Jersey institution of collegiate grade which offers a college curriculum leading to or accreditable toward an undergraduate degree and which is approved by the board of higher education.

Source: C. 18:21A-15 (1966, c. 302, s. 15); C. 18:22-14.24 (1966, c. 111, s. 7).

18A:71-23. Limitation on amount. No state educational incentive grant shall, when combined with a state competitive scholarship and any other scholarship which is paid out of state funds, other than a work scholarship, exceed the amount of tuition and fees charged at the institution where the grant is used. In no case may a combination of outside scholarship aid, other scholarships received from state funds and a state educational incentive grant exceed the total cost of room, board, tuition, books and fees at the college to be attended.

Source: C. 18:22-14.25 (1966, c. 111, s. 8).

18A:71-24. Overall limitations. State educational incentive grants shall be made by the state scholarship commission in such number and amount as shall be within the limits of funds appropriated or otherwise made available therefor from time to time.

Source: C. 18:22-14.26 (1966, c. 111, s. 9).

18A:71-25. Employees; rules and regulations; expenses. The state scholarship commission may employ such persons, contract for such services, make such expenditures, and adopt such rules and regulations as may be necessary or appropriate for effectuating the provisions of this article. It may expend for the administration of this article such parts, as may be necessary, of any sums heretofore appropriated, or heretofore or hereafter appropriated for purposes of providing a state scholarship program, and state educational incentive grants or either thereof, and the administrative costs shall be included in the annual budget request of the commission.

Source: C. 18:22-14.27 (1966, c. 111, s. 10).

18A:71-26. Academic year; defined.

(a) An academic year for the purpose of this article means the period between the time the institution, which the student is attending opens after the general summer vacation until the beginning of the next succeeding summer vacation.

(b) In case a college operates on a full calendar-year program, the academic year shall be determined in accordance with rules adopted by the state scholarship commission, but in no case shall be less than one fifth of the time required for the completion of a five-year program, or one fourth of the time required for the four-year program in an institution operating on an academic year as defined in subsection a. above.

Source: C. 18:22-14.28 (1966, c. 111, s. 11).

Article 3. Endowment Scholarship Funds.

18A:71-27. Higher education; scholarship funds; establishment; administration. Any board of education may accept, receive, add to and hold in trust real or personal property, heretofore or hereafter acquired by inter vivos or testamentary gift, for the purpose of awarding scholarships to students for higher education in colleges, universities and graduate schools, whether located within or without this state, upon such terms and conditions, not inconsistent with this section, as may be imposed by the donor of said property. The board shall, by resolution, provide for the acceptance, application, custody and management of property donated to it for higher education scholarship purposes.

Source: C. 18:5-109 (1963, c. 136).

Chapter 72. HIGHER EDUCATION ASSISTANCE AUTHORITY LAW.

18A:72-1. Short title.
18A:72-2. Terms defined.
18A:72-3. Education assistance authority created.
18A:72-4. Members; terms; vacancies.
18A:72-5. Organization; personnel.
18A:72-6. No compensation; expenses paid.
18A:72-7. Corporate powers.
18A:72-8. Higher education assistance fund.
18A:72-9. Those authorized to make loans.
18A:72-10. Powers of authority.
18A:72-11. Application; grounds for approval.
18A:72-12. Approval and granting of loan.
18A:72-13. Loan evidenced by note; interest rate; method of payment; security.
18A:72-14. Fixing entire cost of loan to borrower.
18A:72-15. Extension and refinancing of loans.
18A:72-16. Purchase of notes in default.
18A:72-17. Reserve fund; minimum amount.
18A:72-18. Liquidation of purchased notes; deferred payments.
18A:72-19. Falsely securing second loan a misdemeanor; penalty.
18A:72-20. Additional functions and powers of authority.
18A:72-21. Contracts, promissory notes, etc., made by minor, valid and binding.

18A:72-1. Short title. This chapter shall be known and may be cited as the "higher education assistance authority law."

Source: C. 18:22A-1 (1959, c. 121, s. 1).

18A:72-2. Terms defined. As used in this chapter, unless the context indicates another or different meaning, the following words shall have the following meanings:

"Authority" means the higher education assistance authority created by this chapter,

"Bank" includes any financial institution authorized to make loans under section 18A:72-9,

"Fund" means higher education assistance fund.

"Post-secondary nondegree institution of higher education" means a county college or a junior college licensed or approved by the department of higher education, operated in accordance with rules and regulations of the board of higher education or a trade or business school otherwise licensed or approved and operated and requiring a high school diploma or its equivalent for admission and offering a course or courses of study with a minimum length of two academic years and of not less than 1,800 hours in any one or more of the following fields:

A. Accounting and finance,

B. Airframe and power plant mechanics,

C. Automotive mechanics,

D. Commercial art,

E. Drafting and design technology (aeronautical, architectural, electronic, mechanical, structural, tool and die),

F. Economic engineering,

G. Electronics,

H. Fashion and textile design,

I. Higher accounting and business administration,

J. Industrial management technology,

K. Medical and x-ray technology,

L. Metallurgical technology,

M. Secretarial (administrative, executive, legal, medical, data processing),

N. Terminal courses or college credit transfer courses in liberal arts and sciences.

Source: C. 18:21A-16 (1966, c. 302, s. 16); C. 18:22A-2 (1959, c. 121, s. 2; 1965, c. 231, s. 1).

18A:72-3. Education assistance authority created. There is hereby created in the department of higher education the higher education assistance authority, which shall be a body corporate and politic, with corporate succession.

Source: C. 18:21A-16 (1966, c. 302, s. 16); C. 18:22A-3 (1959, c. 121, s. 3).

18A:72-4. Members; terms; vacancies. The authority shall consist of five members; one of whom shall be the chancellor ex officio; and four of whom shall be residents of this state, appointed by the governor, with the advice and consent of the senate, for terms of four years, except in the case of the first members so appointed, who shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. No more than two of the appointed commissioners shall be members of the same political party, and each of them shall serve until his successor is appointed and has qualified. Any vacancy in the membership of the authority, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment was made, but for the unexpired term only.

Source: C. 18:21A-16 (1966, c. 302, s. 16); C. 18:22A-4 (1959, c. 121, s. 4).

18A:72-5. Organization; personnel. The authority shall choose a chairman and vice chairman annually, and shall elect a secretary and a treasurer, or one person to act as both, who need not be members of the authority, and may appoint such other assistants and employees as it deems necessary and fix their compensation within the limits of available appropriations.

Source: C. 18:22A-5 (1959, c. 121, s. 5).

18A:72-6. No compensation; expenses paid. The members of the authority shall receive no compensation for their services, but shall be

reimbursed for their actual expenses necessarily incurred in the performance of their duties.

Source: C. 18:22A-6 (1959, c. 121, s. 6).

18A:72-7. Corporate powers. The authority shall have power to contract, to sue and be sued, to make, amend and rescind such rules as may be necessary to carry out the provisions of this chapter, but it shall not in any manner, directly or indirectly, pledge the credit of the state.

Source: C. 18:22A-7 (1959, c. 121, s. 7).

18A:72-8. Higher education assistance fund. The authority shall have such capital from time to time as shall be appropriated to it for that purpose by the legislature of the state of New Jersey, or as shall be contributed to it from private sources, to be used for the purposes of this chapter, and the capital and all revenues of the authority shall be held in trust in a "higher education assistance fund" to meet the obligations of the authority incurred under this chapter, but any amount of the fund in excess of the total amount of guaranteed or insured loans outstanding at any time shall be subject to such disposition as may be provided by law, and any amounts from the fund which the authority determines are not needed for its current operations shall be invested and reinvested by the state treasurer in such obligations as are legal investments for savings banks of this state.

Source: C. 18:22A-8 (1959, c. 121, s. 8).

18A:72-9. Those authorized to make loans. Any financial or credit institution (including an insurance company) which is subject to the examination and supervision of the department of banking and insurance of this state or by an agency of the United States, any federal credit union, and any national bank organized under the acts of congress of the United States and doing business in this state and any federal savings and loan association having its principal office in New Jersey may make loans under this chapter pursuant to such rules not inconsistent with this chapter and by the use of such forms, as the authority shall prescribe.

Source: C. 18:22A-9 (1959, c. 121, s. 9, amended 1964, c. 12; 1966, c. 181, s. 1).

18A:72-10. Powers of authority. The authority shall have the following powers:

(1) To assist in the placing of loans to persons, who are residents of this state, and who are attending and are in good standing in, or who plan to attend, any qualified institution of collegiate grade, located in this state or elsewhere, which is approved by any regional accrediting association recognized by the national commission on accrediting, or approved by the board of higher education or any qualified post-secondary nondegree institution of higher education in order to assist them in meeting their expenses of higher education, and to guarantee such loans upon such terms and conditions as the authority may prescribe, but no loan or loans shall be placed or guaranteed by the authority for any such person to an amount in excess of $1,500.00 for any school year, nor to a total amount in excess of $7,500.00.

For the purposes of this section, a qualified institution of collegiate grade shall be deemed to include a school of professional nursing accredited or approved by the New Jersey board of nursing.

(2) To adopt rules not inconsistent with law governing the application for and the guarantee of loans made by the authority and governing any other matters related to its activities.

(3) To perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this chapter.

Source: C. 18:21A–16 (1966, c. 302, s. 16); C. 18:22A–10 (1959, c. 121, s. 10, amended 1963, c. 60, s. 1; 1965, c. 81, s. 1; 1965, c. 231, s. 2).

18A:72–11. Application; grounds for approval. Any application for a loan under this chapter shall be submitted to the authority for its approval, and the authority shall approve the same only if it finds that the applicant:

(1) Has been a resident of New Jersey for a period of not less than six months immediately preceding the date of his application for such loan, and has demonstrated high moral character, good citizenship, and dedication to American ideals; and

(2) Intends to make application for admission to, or has been admitted to, or is in regular attendance at and is in good standing in, a qualified institution of collegiate grade approved by any regional accrediting association recognized by the national commission on accrediting, or approved by the board of higher education or a qualified post-secondary nondegree institution of higher education; and

(3) Has demonstrated financial need for such loan as determined by the standards and procedures established by the authority and has complied with all rules adopted by the authority pursuant to this chapter in connection with the granting of such loans.

Source: C. 18:21A–16 (1966, c. 302, s. 16); C. 18:22A–11 (1959, c. 121, s. 11, amended 1963, c. 60, s. 2; 1965, c. 231, s. 3).

18A:72–12. Approval and granting of loan. Upon approval by the authority of a loan application, any bank may make the loan as approved and upon the terms and conditions required under this chapter, but no moneys shall be advanced or paid under any such loan until the applicant shall have satisfied the authority, and the authority shall have certified to the bank that the applicant has been admitted to, or is in regular attendance and in good standing at a qualified institution of collegiate grade approved by any regional accrediting association recognized by the national commission on accrediting or approved by the board of higher education or a qualified post-secondary nondegree institution of higher education. Any bank making a loan shall cooperate with the authority in supervising the use of credit in accordance with its purposes.

Source: C. 18:21A–16 (1966, c. 302, s. 16); C. 18:22A–12 (1959, c. 121, s. 12, amended 1963, c. 60, s. 3; 1965, c. 231, s. 4).

18A:72–13. Loan evidenced by note; interest rate; method of payment; security. Each loan made under this chapter shall:

(1) Be evidenced by a note or other obligation approved by the authority,

(2) Bear interest at a rate not exceeding 6% per annum upon unpaid balances,

(3) Be payable in such manner or in such installments as shall be prescribed by the rules of the authority, and

(4) Be secured only by the personal liability of the maker, and not by any endorsers, comaker's collateral, or other security, except such as may be permitted by the rules of the authority.

Source: C. 18:22A-13 (1959, c. 121, s. 13; 1966, c. 181, s. 2).

18A:72-14. Fixing entire cost of loan to borrower. The authority may fix the amount of the entire cost to the borrower of making any loan, regardless of amount, which cost shall be included in a single charge.

Source: C. 18:22A-14 (1959, c. 121, s. 14).

18A:72-15. Extension and refinancing of loans. Any loan made under this chapter may be extended or refinanced in the discretion of the bank without affecting the obligation of the authority hereunder for such period and under such terms as shall be prescribed by the rules of the authority, and any loan may be reduced at any time at the option of the borrower.

Source: C. 18:22A-15 (1959, c. 121, s. 15).

18A:72-16. Purchase of notes in default. Whenever any approved note shall be in default to any bank for 30 days after the date of maturity thereof, or whenever any installment thereon is more than 120 days in arrears for loans on monthly installment payments and 180 days in arrears for loans with less frequent payments, or upon the death or total and permanent disability of the borrower, the authority shall, upon the demand of the bank, purchase from said bank such note by paying to said bank out of the reserve fund the total amount of principal and interest then due and owing to said bank on said note, as herein provided.

Source: C. 18:22A-20 (1959, c. 121, s. 20, amended 1963, c. 60, s. 4; 1966, c. 181, s. 3).

18A:72-17. Reserve fund; minimum amount. The sum total of all reserve funds set aside by the authority in accordance with the provisions of this chapter, together with such amount as the authority may set aside, out of the fund, to meet the payment by the authority of approved notes submitted to it for purchase in accordance with the provisions of this chapter, shall in no event be less than 10% of the total face amount of all approved loans from time to time outstanding.

Source: C. 18:22A-22 (1959, c. 121, s. 22, amended 1966, c. 44).

18A:72-18. Liquidation of purchased notes; deferred payments. The authority shall proceed to liquidate notes purchased by the authority as rapidly as possible, but shall develop and adopt programs for deferred payments by makers of such notes to avoid undue hardship or sacrifice of business values.

Source: C. 18:22A-24 (1959, c. 121, s. 24).

18A:72-19. Falsely securing second loan a misdemeanor; penalty. Any person who, having obtained a loan under this chapter, solicits, applies for, or accepts another such loan, except as specifically authorized in this chapter, and any person who knowingly and willfully furnishes any false or misleading information for the purpose of obtaining a loan, or of

enabling another to obtain a loan, under this chapter, shall be guilty of a misdemeanor and upon conviction thereof, be punished by a fine of not more than $1,000.00 or by imprisonment for not more than three years, or both.

Source: C. 18:22A-25 (1959, c. 121, s. 25).

18A:72-20. Additional functions and powers of authority. The authority may, with respect to the exercise of its functions related to loans guaranteed by it under this chapter, the provisions of any other law to the contrary notwithstanding:

(1) Consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, or other provisions of any note, or any instrument securing a loan which has been guaranteed by the authority;

(2) Authorize payment or compromise, subject to the approval in writing of the attorney general, of any claim upon or arising as a result of any such guaranty;

(3) Authorize payment, compromise, waiver or release, subject to the approval in writing of the attorney general, of any debt, right, title, claim, lien or demand, however acquired, including any equity or right of redemption and the waiver or release of any debt, right, title, claim, lien or demand including any equity or right of redemption shall be sufficient if executed by the chancellor on behalf of the authority. The register or county clerk of any county and the clerk of any court is hereby authorized to cancel of record any lien, including but not limited to judgments, chattel mortgages and conditional sales agreements whenever the document evidencing such cancellation or request for cancellation is signed by the chancellor on behalf of the authority; and the register and the clerk of any county is authorized to record any documents of the authority signed by the chancellor;

(4) Purchase at any sale, public or private, upon such terms and for such prices as it determines to be reasonable and take title to, property, real, personal or mixed;

(5) Sell at public or private sale, exchange, assign, convey or otherwise dispose of any such property upon such terms and for such prices as it determines to be reasonable;

(6) Complete, administer, operate, obtain and authorize payment for insurance on and maintain, renovate, repair, modernize, lease or otherwise deal with any property acquired or held by it pursuant to this chapter;

(7) Authorize payment from the fund and any income received by the investment of said fund, subject to the rules of the authority, disbursements, costs, commissions, attorney's fees and other reasonable expenses related to and necessary for making and protection of guaranteed loans and the recovery of moneys, loans or management of property acquired in connection with such loans.

Source: C. 18:21A-16 (1966, c. 302, s. 16); C. 18:22A-26 (1959, c. 121, s. 26, amended 1963, c. 60, s. 5).

18A:72-21. Contracts, promissory notes, etc., made by minor, valid and binding. Any contract, promissory note, or other written obligation

made by any minor to repay or secure payment of a loan made under this chapter, payment whereof is guaranteed or insured by the authority, or which forms part of the same transaction as the making of such loan shall, notwithstanding any provision of law to the contrary, be as valid and binding as if said person were at the time of making and executing the same of the age of 21 years, and they may be enforced in any action or proceeding by or against such person in his or her own name, and shall be valid without the consent thereto of the parent or guardian of such person, and such person shall not disaffirm such instrument because of his or her age, nor shall any such person hereafter interpose the defense that he or she is, or was, at the time of making and executing the same, a minor in any action or proceeding arising out of any such loan.

Source: C. 18:22A-27 (1959, c. 121, s. 27, amended 1966, c. 181, s. 4).

Chapter 72A. EDUCATIONAL FACILITIES AUTHORITY.

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Article 1. Purpose.

18A:72A–1. Preamble, purpose of chapter. It is hereby declared that a serious public emergency exists affecting and threatening the welfare, comfort, health, safety and prosperity of the people of the state and resulting from the fact that financial resources are lacking with which to construct required dormitory and other educational facilities at public and private institutions of higher education; that it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; that it is essential that institutions for higher education within the state be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities; that it is essential that all resources of the state be employed in order to meet the tremendous demand for higher educational opportunities; that all institutions of higher education in the state, both public and private, are an integral part of the total educational effort in the state for providing higher educational opportunities, and that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable institutions of higher education in the state to provide the facilities which are sorely needed to accomplish the purposes of this chapter, all to the public benefit and good, to the extent and manner provided herein.

Source: C. 18:22B–1 (1966, c. 106, s. 1).

Article 2. Short Title; Definitions.

18A:72A–2. Short title. This chapter shall be known and may be cited as the "New Jersey educational facilities authority law."

Source: C. 18:22B–2 (1966, c. 106, s. 2).

18A:72A–3. Terms defined. As used in this chapter, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

"Authority" means the New Jersey educational facilities authority created by this chapter or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this chapter shall be given by law;

"Bond" means bonds or notes of the authority issued pursuant to this chapter;

"Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment;

"Educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, and parking maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship;

"Participating college" means a public college or private college which, pursuant to the provisions of this chapter, participates with the authority in undertaking the financing and construction or acquisition of a project;

"Project" means a dormitory or an educational facility or any combination thereof;

"Private college" means an institution for higher education other than a public college, situated within the state and which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level;

"Public college" means Rutgers, the state university, the state colleges, the Newark college of engineering, the New Jersey college of medicine and dentistry, the county colleges and any other public university or college now or hereafter established or authorized by law;

"University" means Rutgers, the state university.

Source: C. 18:22B-3 (1966, c. 106, s. 3).

Article 3. Authority; Membership; Officers; Employees; Governor's Veto.

18A:72A-4. Authority created; members; terms; organization meetings; governor's veto power.

(a) There is hereby established in the department of higher education a public body corporate and politic, with corporate succession to be known as the "New Jersey educational facilities authority." The authority shall constitute a political subdivision of the state established as an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be an essential governmental function of the state.

(b) The authority shall consist of seven members, two of whom shall be the chancellor, ex officio, and the state treasurer, ex officio, or when so designated by them, their deputies and five citizens of the state to be appointed by the governor with the advice and consent of the senate for terms of five years; provided that the terms of the members first appointed

shall be arranged by the governor so that one of such terms shall expire on April 30 in each successive year ensuing after such appointments. Each member shall hold office for the term of his appointment and shall continue to serve during the term of his successor unless and until his successor shall have been appointed and qualified. Any vacancy among the members appointed by the governor shall be filled by appointment for the unexpired term only. A member of the authority shall be eligible for reappointment.

(c) Any member of the authority appointed by the governor may be removed from office by the governor for cause after a public hearing.

(d) The members of the authority shall serve without compensation, but the authority may reimburse its members for necessary expenses incurred in the discharge of their duties.

(e) The authority, upon the first appointment of its members and thereafter on or after April 30 in each year, shall annually elect from among its members a chairman and a vice chairman who shall hold office until April 30 next ensuing and shall continue to serve during the terms of their respective successors unless and until their respective successors shall have been appointed and qualified. The authority may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

(f) The powers of the authority shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of a majority of the members present, unless in any case the bylaws of the authority shall require a larger number. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(g) Before the issuance of any bonds under the provisions of this chapter, the members and the officer of the authority charged with the handling of the authority's moneys shall be covered by a surety bond or bonds in a penal sum of not less than $25,000.00 per person conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the state of New Jersey as surety. Each such bond shall be submitted to the attorney general for his approval and upon his approval shall be filed in the office of the secretary of state prior to the issuance of any bonds by the authority. At all times after the issuance of any bonds by the authority the officer of the authority and each member charged with the handling of the authority's moneys shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the authority.

(h) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of a participating college to serve as a member of the authority; provided such trustee, director, officer or employee shall abstain from discussion, deliberation, action and vote by the authority under this chapter in specific

respect to such participating college of which such member is a trustee, director, officer or employee.

(i) A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the governor. No action taken at such meeting by the authority shall have force or effect until 10 days after such copy of the minutes shall have been so delivered. If, in said 10-day period, the governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and of no effect. If the governor shall not return the minutes within said 10-day period, any action therein recited shall have force and effect according to the wording thereof. At any time prior to the expiration of the said 10-day period, the governor may sign a statement of approval of any such action of the authority, in which case the action so approved shall not thereafter be disapproved.

Notwithstanding the foregoing provisions of this subsection (i), with regard to the sale and award of bonds of the authority, the authority shall furnish to the governor a certified copy of the minutes of the meeting at which said bonds are sold and awarded forthwith upon the taking of such action and the governor shall indicate his approval or disapproval of such action prior to the end of the business day upon which such action of the authority was taken.

The powers conferred in this subsection (i) upon the governor shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection (i) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

Source: C. 18:21A-17 (1966, c. 302, s. 17); C. 18:22B-4 (1966, c. 106, s. 4).

Article 4. Powers and Duties; Notes and Bonds.

18A:72A-5. Powers of authority. The authority shall have power:

(a) to adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) to adopt and have an official common seal and alter the same at pleasure;

(c) to maintain an office at such place or places within the state as it may designate;

(d) to sue and be sued in its own name, and plead and be impleaded;

(e) to borrow money and to issue bonds and notes and other obligations of the authority and to provide for the rights of the holders thereof as provided in this chapter;

(f) to acquire, lease as lessee, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this chapter;

(g) to acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain, any land or interest therein and other property which it may determine is reasonably necessary for any project, including any lands held by any county, municipality or other governmental subdivision of the state; and to hold and use the same and to sell, convey, lease or otherwise dispose of property so acquired, no longer necessary for the authority's purposes;

(h) to receive and accept, from any federal or other public agency or governmental entity, grants or loans for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions from any other source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants, loans and contributions may be made;

(i) to prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction and equipment of projects for participating colleges under the provisions of this chapter, and from time to time to modify such plans, specifications, designs or estimates;

(j) by contract or contracts or by its own employees to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip, projects for participating colleges; provided, however, that in any contract or contracts undertaken by the authority for the construction, reconstruction, rehabilitation or improvement of any public college project where the cost of such work will exceed $25,000.00, the person preparing the plans and specifications for such work shall prepare separate plans and specifications for:

(1) the plumbing and gas fitting, and all work and materials kindred thereto,

(2) the steam and hot water heating and ventilating apparatus, steam power plants and all work and materials kindred thereto,

(3) the electrical work,

(4) structural steel and ornamental iron work and materials, and

(5) all other work and materials required to complete the building; and the authority shall execute separate contracts for each of said branches of the work;

(k) to determine the location and character of any project to be undertaken pursuant to the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; to enter into contracts for any or all such purposes; to enter into contracts for the management and operation of a project, and to designate a participating college as its agent to determine the location and character of a project undertaken by such participating college under the provisions of this chapter and, as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same, and, as agent of the authority, to enter into contracts for any and all such purposes including contracts for the management and operation of such project;

(l) to establish rules and regulations for the use of a project or any portion thereof and to designate a participating college as its agent to

establish rules and regulations for the use of a project undertaken by such participating college;

(m) generally to fix and revise from time to time and to charge and collect rates, rents, fees and other charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with holders of its bonds and with any other person, party, association, corporation or other body, public or private, in respect thereof;

(n) to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this chapter;

(o) to invest any moneys held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the authority, in such obligations as are authorized by law for the investment of trust funds in the custody of the state treasurer.

Source: C. 18:22B-5 (1966, c. 106, s. 5).

18A:72A-6. Expenses of authority. All expenses incurred in carrying out the provisions of this chapter shall be payable from funds provided the authority therefor, and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall have been provided therefor.

Source: C. 18:22B-6 (1966, c. 106, s. 6).

18A:72A-7. Issuance of notes authorized. The authority is authorized from time to time to issue its negotiable notes for any corporate purpose and renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. All such notes shall be payable from the revenues or other moneys of the authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

Source: C. 18:22B-7 (1966, c. 106, s. 7).

18A:72A-8. Issuance of negotiable bonds authorized; maturity; terms.

(a) The authority is authorized from time to time to issue its negotiable bonds for any corporate purpose. In anticipation of the sale of such bonds the authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues or other moneys of the authority available therefor and not otherwise pledged, or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. The notes shall be issued in the

same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which a bond resolution of the authority may contain.

(b) Except as may otherwise be expressly provided by the authority, every issue of its bonds or notes shall be general obligations of the authority payable from any revenues or moneys of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or moneys. Notwithstanding that bonds and notes may be payable from a special fund, they shall be fully negotiable within the meaning of Title 12A, the Uniform Commercial Code, of the New Jersey Statutes, subject only to the provisions of the bonds and notes for registration.

(c) The bonds may be issued as serial bonds or as term bonds, or the authority, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates, bear interest at such rate or rates, not exceeding 6% per annum, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds or notes may be sold at public or private sale for such price or prices as the authority shall determine, but which shall not at the time of sale yield more than 6% per annum computed according to standard tables of bond values. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to:

(i) pledging all or any part of the revenues of a project or any revenue producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist;

(ii) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(iii) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(iv) limitations on the right of the authority or its agent to restrict and regulate the use of a project;

(v) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds;

(vi) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(vii) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(viii) limitations on the amount of moneys derived from a project to be expended for operating, administrative or other expenses of the authority; and

(ix) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default.

(e) Neither the members of the authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The authority shall have power out of any funds available therefor to purchase its bonds or notes. The authority may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

Sourec: C. 18:22B-8 (1966, c. 106, s. 8).

18A:72A-9. Bonds secured by trust agreement. In the discretion of the authority, any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues or other moneys to be received or proceeds of any contract or contracts pledged. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the authority authorizing bonds thereof. Any bank or trust company incorporated under the laws of this state may act as depositary of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of construction or operation of a project.

Source: C. 18:22B-9 (1966, c. 106, s. 9).

18A:72A-10. Bonds not liability of state or political subdivision. Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the funds herein provided. All such bonds shall contain on the face thereof a statement to the effect that neither the state of New Jersey nor the authority shall be obligated to pay the same or the interest thereon except from revenues or other moneys of the authority and that neither the faith and credit nor the taxing power of the state of New Jersey or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor.

Source: C. 18:22B-10 (1966, c. 106, s. 10).

18A:72A-11. Further powers of authority. The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rents, rates, fees and charges from such project so as to provide funds sufficient with other revenues or moneys, if any:

(a) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for;

(b) to pay the principal of and the interest on outstanding bonds of the authority issued in respect of such project as the same shall become due and payable; and

(c) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds of the authority.

Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this state other than the authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any bonds of the authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such

pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such bonds issued to finance projects at a participating college without distinction or priority of one over another; provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at a participating college and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized to other bonds of the authority and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds.

Source: C. 18:22B–11 (1966, c. 106, s. 11).

18A:72A–12. Moneys of authority; trust funds. All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

Source: C. 18:22B–12 (1966, c. 106, s. 12).

18A:72A–13. Bondholders; enforcement of rights. Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the authority or by any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

Source: C. 18:22B–13 (1966, c. 106, s. 13).

18A:72A–14. Refunding bonds; additional purposes.

(a) The authority is hereby authorized to provide for the issuance of bonds of the authority for the purpose of refunding any bonds of the au-

thority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity of such bonds, and, if deemed advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof.

(b) The proceeds of any such bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(c) Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner.

(d) The portion of the proceeds of any such bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the authority in any lawful manner.

(e) All such bonds shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

Source: C. 18:22B-14 (1966, c. 106, s. 14).

18A:72A-15. Bonds as legal investments. Bonds and notes issued by the authority under the provisions of this chapter are hereby made securities in which the state and all political subdivisions of the state, their officers, boards, commissions, departments or other agencies, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all administrators, executors, guardians,

trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest any funds, including capital belonging to them or within their control; and said bonds, notes or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal officers or agency of the state for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized by law.

Source: C. 18:22B–15 (1966, c. 106, s. 15).

18A:72A–16. Chapter complete authority for issuance of bonds. Bonds may be issued under the provisions of this chapter without obtaining the consent of any department, division, commission, board, bureau, agency or officer of the state, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specifically required by this chapter.

Source: C. 18:22B–16 (1966, c. 106, s. 16).

18A:72A–17. Power to mortgage. The authority shall not have power to mortgage any of its real property or projects.

Source: C. 18:22B–17 (1966, c. 106, s. 17).

18A:72A–18. Exemptions from taxes; bonds; property. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a project by the authority or its agent will constitute the performance of an essential public function, neither the authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the authority or its agent under the provisions of this chapter or upon the income therefrom, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state and by the municipalities and other political subdivisions in the state.

Source: C. 18:22B–24 (1966, c. 106, s. 24).

18A:72A–19. Restriction on alteration of powers. The state of New Jersey does pledge to and agree with the holders of the bonds, notes and other obligations issued pursuant to authority contained in this chapter, and with those parties who may enter into contracts with the authority pursuant to the provisions of this chapter, that the state will not limit, alter or restrict the rights hereby vested in the authority and the participating colleges to maintain, construct, reconstruct and operate any project as defined in this chapter or to establish and collect such rents, fees, receipts or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation thereof and to fulfill the terms of any agreements made with the holders of bonds authorized by this chapter, and with the parties who may enter into contracts with the authority pursuant to the provisions of this chapter, or in any way impair the rights or remedies of the holders of such bonds or such

parties until the bonds, together with interest thereon, are fully paid and discharged and such contracts are fully performed on the part of the authority. The authority as a public body corporate and politic shall have the right to include the pledge herein made in its bonds and contracts.

Source: C. 18:22B-25 (1966, c. 106, s. 25).

18A:72A-20. Authority not subject to 18A:62-2. In carrying out the provisions of this chapter the authority shall not be subject to the provisions of section 18A:62-2.

Source: C. 18:22B-35 (1966, c. 106, s. 35).

18A:72A-21. Annual report and audit. On or before March 31 in each year, the authority shall make an annual report of its activities for the preceding calendar year to the governor and the legislature. Each such report shall set forth a complete operating and financial statement covering the authority's operations during the year. The authority shall cause an audit of its books and accounts to made at least once in each year by certified public accountants.

Source: C. 18:22B-26 (1966, c. 106, s. 26).

Article 5. Conflicts of Interest.

18A:72A-22. Contracts of property; conflicts of interest. Except as otherwise expressly provided in this chapter, any member, officer, agent or employee of the authority who is interested, either directly or indirectly, in any contract of another with the authority, or in the sale of any property, either real or personal, to the authority, shall be guilty of a misdemeanor.

Source: C. 18:22B-27 (1966, c. 106, s. 27).

Article 6. Examination and Visitorial Powers of State; Assistance of State Employees.

18A:72A-23. Comptroller of treasury; powers of examination. The comptroller of the treasury and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating to its financial standing.

Source: C. 18:22B-28 (1966, c. 106, s. 28).

18A:72A-24. Visitorial powers; board of higher education; chancellor. The board of higher education, or the chancellor, or their representatives, may visit, examine into and inspect, the authority as an institution under the educational supervision of the state, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as such board or chancellor shall prescribe.

Source: C. 18:21A-17 (1966, c. 302, s. 17); C. 18:22B-29 (1966, c. 106, s. 29).

18A:72A-25. Services of state departments or agencies. The authority shall be entitled to call to its assistance and avail itself of the services of such employees of any state department or agency as it may require and as may be available to it for said purpose.

Source: C. 18:22B-30 (1966, c. 106, s. 30).

Article 7. Powers and Duties of Institutions Under State Jurisdiction.

18A:72A-26. Powers and duties of board of higher education; institutions under state jurisdiction. In order to provide new dormitories and to enable the construction and financing thereof, to refinance indebtedness hereafter created by the authority for the purpose of providing a dormitory or dormitories or additions or improvements thereto, or for any one or more of said purposes, but for no other purpose unless authorized by law, each of the following bodies shall have the powers hereafter enumerated to be exercised upon such terms and conditions, including the fixing of any consideration or rental to be paid or received, as it shall determine by resolution as to such property and each shall be subject to the performance of the duties hereafter enumerated, that is to say, the board of higher education as to such as are located on land owned by, or owned by the state and held for, the department of higher education or on lands of the institutions under the jurisdiction of the department of higher education or by the authority, the board of governors of the university, the board of trustees of the Newark college of engineering or the New Jersey college of medicine and dentistry or the board of trustees of a state college, as to such as are located on land owned by the university or by the particular college respectively, namely:

a. The power to sell and to convey to the authority title in fee simple in any such land and any existing dormitories thereon owned by the department of higher education or owned by the state and held for such department or of any of the institutions under the jurisdiction of the department of higher education or the power to sell and to convey to the authority such title as the university or the college respectively may have in any such land and any existing dormitories thereon.

b. The power to lease to the authority any land and any existing dormitories thereon so owned for a term or terms not exceeding 50 years each.

c. The power to lease or sublease from the authority, and to make available, any such land and existing dormitories conveyed or leased to the authority under subsections a. and b. of this section, and any new dormitories erected upon such land or upon any other land owned by the authority, any rentals to be payable, as to the university or as to any such college from available funds other than moneys appropriated to it by the state.

d. The power and duty, upon receipt of notice of any assignment by the authority of any lease or sublease made under subsection c. of this section, or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the authority.

Source: C. 18:2-7.2 (1966, c. 107, s. 2, amended 1967, c. 244, s. 2); C. 18:15-21.2 (1966, c. 109, s. 2); C. 18:21A-17 (1966, c. 302, s. 17); C. 18:22-15.42b (1966, c. 108, s. 2); C. 18:22-158.2 (1966, c. 110, s. 2, amended 1967, c. 243, s. 2).

18A:72A-27. Additional powers and duties as to lands and dormitories. In addition thereto the board of governors of the university and the board

of trustees of each of said colleges shall have the following powers and shall be subject to the following duties as to its lands and dormitories:

a. The power to pledge and assign all or any part of the revenues derived from the operation of such new dormitories as security for the payment of rentals due and to become due under any lease or sublease of such new dormitories under subsection c. of the preceding section.

b. The power to covenant and agree in any lease or sublease of such new dormitories made under subsection c. of the preceding section to impose fees, rentals or other charges for the use and occupancy or other operation of such new dormitories in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

c. The power to apply all or any part of the revenues derived from the operation of any dormitories to the payment of rentals due and to become due under any lease or sublease made under subsection c. of the preceding section.

d. The power to pledge and assign all or any part of the revenues derived from the operation of any dormitories to the payment of rentals due and to become due under any lease or sublease made under subsection c. of the preceding section.

e. The power to covenant and agree in any lease or sublease made under subsection c. of the preceding section to impose fees, rentals or other charges for the use and occupancy or other operation of any dormitories in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

Source: C. 18:15–21.2 (1966, c. 109, s. 2); C. 18:22–15.42b (1966, c. 108, s. 2); C. 18:22–158.2 (1966, c. 110, s. 2, amended 1967, c. 243, s. 2).

18A:72A–27.1. Powers and duties, revenue producing facilities. In addition to the powers and duties with respect to dormitories given under sections 18A:72A–26 and 18A:72A–27 the board of higher education, the board of trustees of a state college and the board of trustees of the New Jersey college of medicine and dentistry shall also have the same powers and be subject to the same duties in relation to any conveyance, lease or sublease made under subsections a., b., or c. of section 18A:72A–26, with respect to revenue producing facilities; that is to say, structures or facilities which produce revenues sufficient to pay the rentals due and to become due under any lease or sublease made under subsection c. of section 18A:72A–26 including, without limitation, student unions and parking facilities.

Source: C. 18:2–7.1 (1966, c. 107, s. 1, amended 1967, c. 244, s. 1); C. 18:2–7.2 (1966, c. 107, s. 2, amended 1967, c. 244, s. 2); C. 18:22–158.1 (1966, c. 110, s. 1, amended 1967, c. 243, s. 1); C. 18:22–158.2 (1966, c. 110, s. 2, amended 1967, c. 243, s. 2).

18A:72A–28. Approval of plans, specifications and locations. The board of governors of the university or the board of trustees of the Newark college of engineering or the board of trustees of a state college shall approve the plans and specifications and location of each dormitory undertaken for it or under its control, prior to the undertaking thereof by the authority.

Source: C. 18:15–21.2 (1966, c. 109, s. 2); C. 18:21A–17 (1966, c. 302, s. 17); C. C. 18:22–15.42b (1966, c. 108, s. 2).

18A:72A-29. Powers and duties, exercises; instruments, execution. All powers conferred and duties imposed upon the board of higher education or the department of higher education pursuant to this chapter shall be exercised and performed by resolution of that board and all conveyances, leases and subleases, pursuant to this chapter shall be made, executed and delivered in the name of said department and shall be signed by the chancellor and sealed with the seal of said department.

To the extent not otherwise expressly provided under existing law, all powers and duties conferred upon the university pursuant to this chapter shall be exercised and performed by resolution of its board of governors and all powers and duties conferred upon any of said colleges pursuant to this chapter shall be exercised and performed by resolution of its board of trustees.

All conveyances, leases and subleases made pursuant to this chapter, when duly authorized by the university, shall be made, executed and delivered in the name of the university and shall be signed by its president or a vice president and sealed with the seal of the university and all conveyances, leases and subleases made pursuant to this chapter, when duly authorized by any of said colleges, shall be made, executed and delivered in the name of the college and shall be signed by the president or a vice president and sealed with the seal of the college.

Source: C. 18:2-7.4 (1966, c. 107, s. 4); C. 18:15-21.4 (1966, c. 109, s. 4); C. 18:21A-17 (1966, c. 302, s. 17); C. 18:22-15.42d (1966, c. 108, s. 4); C. 18:22-158.4 (1966, c. 110, s. 4).

Article 8. Private Colleges.

18A:72A-30. Additional powers; private colleges. In addition to the foregoing powers, the authority with respect to private colleges, shall have power:

(a) upon application of the participating college to construct, acquire or otherwise provide projects for the use and benefit of the participating college and the students, faculty and staff of such participating college. The participating college for which such a project is undertaken by the authority shall approve the plans and specifications and location of such project;

(b) to operate and manage any project provided pursuant to this section, or the authority may lease any such project to the participating college for which such project is provided. At such time as the liabilities of the authority incurred for any such project have been met and the bonds of the authority issued therefor have been paid, or such liabilities and bonds have otherwise been discharged, the authority shall transfer title to all the real and personal property of such project vested in the authority, to the participating college in connection with which such project is then being operated, or to which such project is then leased; provided, however, that if at any time prior thereto such participating college ceases to offer educational facilities, then such title shall vest in the state of New Jersey.

Any lease of a project authorized by this section shall be a general obligation of the lessee and may contain provisions, which shall be a part of the contract with the holders of the bonds of the authority issued for such project, as to:

(i) pledging all or any part of the moneys, earnings, income and revenues derived by the lessee from such project or any part or parts thereof, or other personal property of the lessee, to secure payments required under the terms of such lease;

(ii) the rates, rentals, fees and other charges to be fixed and collected by the lessee, the amounts to be raised in each year thereby, and the use and disposition of such moneys, earnings, income and revenues;

(iii) the setting aside of reserves and the creation of special funds and the regulation and disposition thereof;

(iv) the procedure, if any, by which the terms of such lease may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(v) vesting in a trustee or trustees such specified properties, rights, powers and duties as shall be deemed necessary or desirable for the security of the holders of the bonds of the authority issued for such projects;

(vi) the obligations of the lessee with respect to the replacement, reconstruction, maintenance, operation, repairs and insurance of such project;

(vii) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the lessee, and providing for the rights and remedies of the authority and of its bondholders in the event of such default;

(viii) any other matters, of like or different character, which may be deemed necessary or desirable for the security or protection of the authority or the holders of its bonds.

Source: C. 18:22B-18 (1966, c. 106, s. 18).

18A:72A-31. Construction loans; terms. The authority also shall have power:

(a) to make loans to any private college for the construction of projects in accordance with a loan agreement and plans and specifications approved by the authority. No such loan shall exceed the total cost of such project and the equipment therefor as determined by the authority. Each such loan shall be premised upon an agreement between the authority and the private college as to payment, security, maturity, redemption, interest and other appropriate matters.

(b) to make loans to any private college to refund existing bonds, mortgages or advances given or made by such private college for the construction of projects to the extent that this will enable such private college to offer greater security for loans for new project construction.

Source: C. 18:22B-19 (1966, c. 106, s. 19).

18A:72A-32. Power of private colleges to mortgage. For the purpose of obtaining and securing loans under section 18A:72A-31 every private college shall, notwithstanding the provisions of any other law, have power to mortgage and pledge any of its real or personal property, and to pledge any of its income from whatever source to repay the principal of and interest on any loan made to it by the authority or to pay the interest on and

principal and redemption premium, if any, of any note, bond or other evidence of indebtedness evidencing the debt created by any such loan; provided that the foregoing shall not be construed to authorize actions in conflict with specific legislation, trusts, endowment, or other agreements relating to specific properties or funds.

Source: C. 18:22B-20 (1966, c. 106, s. 20).

18A:72A-33. Moneys; separate account. Moneys of the authority received from any private college in payment of any sum due to the authority pursuant to the terms of any loan or other agreement or any bond, note or other evidence of indebtedness, shall be deposited in an account in which only moneys received from private colleges shall be deposited and shall be kept separate and apart from and not commingled with any other moneys of the authority. Moneys deposited in such account shall be paid out on checks signed by the chairman of the authority or by such other person or persons as the authority may authorize.

Source: C. 18:22B-21 (1966, c. 106, s. 21).

18A:72A-34. Authority; construction, operation and management.

(a) Whenever the authority under section 18A:72A-30 undertakes to construct, acquire or otherwise provide and operate and manage a project, the authority shall be responsible for the direct operation and maintenance costs of such project, but each private college in connection with which such a project is provided and operated and managed shall be responsible at its own expense for the overall supervision of each project, for the overhead and general administrative costs of the private college which are incurred because of such project and for the integration of each project operation into the institution's educational program.

(b) Whenever the authority under section 18A:72A-30 undertakes to construct, acquire or otherwise provide a project and to lease the same to a private college, the lessee shall be responsible for the direct operation and maintenance costs of such project and, in addition, shall be responsible for the overall supervision of each project, for the overhead and general administrative costs of the lessee which are incurred because of such project and for the integration of each project operation into the lessee's educational program.

(c) Whenever the authority under section 18A:72A-31 makes loans for the construction of a project, the private college at which such project is located shall be responsible for the direct operation and maintenance costs of such project and, in addition, shall be responsible for the overall supervision of each project, for the overhead and general administrative costs of the private college which are incurred because of such project and for the integration of each project operation into the institution's educational program.

Source: C. 18:22B-22 (1966, c. 106, s. 22).

18A:72A-35. Private colleges; pledges. Any pledge of moneys, earnings, income or revenues authorized with respect to private colleges, pursuant to the provisions of this chapter, shall be valid and binding from the time when the pledge is made. The moneys, earnings, income or revenues so pledged and thereafter received by the pledgor shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the pledgor irrespective of whether such parties have notice thereof. No instrument by which such a pledge is created need be filed or recorded in any manner.

Source: C. 18:22B-23 (1966, c. 106, s. 23).

Article 9. Construction.

18A:72A-36. Construction of chapter. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

Source: C. 18:22B-32 (1966, c. 106, s. 32).

18A:72A-37. No liability or pledge of credit of state. Nothing contained in this chapter shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, of the state.

Source: C. 18:2-7.3 (1966, c. 107, s. 3); C. 18:15-21.3 (1966, c. 109, s. 3); C. 18:22-15.42c (1966, c. 108, s. 3); C. 18:22-158.3 (1966, c. 110, s. 3).

18A:72A-38. Powers supplemental and not derogatory. The foregoing sections of this chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of bonds or refunding bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

Source: C. 18:2-7.5 (1966, c. 107, s. 5); C. 18:15-21.5 (1966, c. 109, s. 5); C. 18:22-15.42e (1966, c. 108, s. 5); C. 18:22-158.5 (1966, c. 110, s. 5); C. 18:22B-31 (1966, c. 106, s. 31).

18A:72A-39. Inconsistent laws inapplicable. The powers granted to the authority by this chapter may be exercised without regard or reference to any department or agency of the state. All other general or special laws, or parts thereof, inconsistent with this chapter are hereby declared to be inapplicable to the provisions of this chapter.

Source: C. 18:22B-34 (1966, c. 106, s. 34).

Subtitle 13. STATE LIBRARY, ARCHIVES AND HISTORY AND STATE MUSEUM.

Chapter 73. DIVISION OF STATE LIBRARY, ARCHIVES AND HISTORY AND DIVISION OF THE STATE MUSEUM.

Article 1. In General.

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Article 2. New Jersey Historical Commission.

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18A:73-22. New Jersey historical commission; appointment of members; terms.
18A:73-23. Expenses of members; no compensation; vacancies.
18A:73-24. Organization.
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Article 1. In General.

18A:73-1. Divisions continued. The division of the state library, archives and history and the division of the state museum in the state department of education are continued.

Source: C. 18:24-1 (1945, c. 50, s. 1).

18A:73-2. Director, council and personnel. Each division shall consist of a director and an advisory council and such other personnel as the commissioner of education may deem necessary for the efficient administration of each thereof.

The director and members of the advisory councils and the other personnel holding office, position or employment upon the effective date of this chapter in each division shall continue to hold the same according to their respective terms of office or conditions of employment.

Source: C. 18:24-2 (1945, c. 50, s. 2).

18A:73-3. Appointment of directors; included in classified service. The directors of the divisions shall be appointed by, and their salaries shall be fixed by, the commissioner, with the approval of the state board. Each of the directors thus appointed shall be in the classified service of the civil service of the state.

Source: C. 18:24-3 (1945, c. 50, s. 3).

18A:73-4. Director of division of state library, archives and history; eligibility; head of bureaus, serving as. The director of the division of the state library, archives and history shall be a graduate of an accredited university or college and shall, prior to his appointment, have had at least one year of training in a school of library science accredited by the American library association, and at least four years of library experience in a responsible administrative capacity. He shall be known as the state librarian and may serve, without additional compensation, as the head of one or more bureaus within such division.

Source: C. 18:24-4 (1945, c. 50, s. 4).

18A:73-5. Director of division of state museum; eligibility; curator. The director of the division of the state museum shall, prior to his appointment, have had at least five years of general museum experience in a responsible administrative capacity. He shall be the curator of the collections and exhibits of the state museum.

Source: C. 18:24-5 (1945, c. 50, s. 50).

18A:73-6. General duties of directors. The directors of the divisions shall head their respective divisions, and shall, with the approval and under the supervision of the commissioner, direct and administer the work of their respective divisions, administer all laws which are by their terms included under the jurisdiction of their respective divisions, organize the bureaus therein and prescribe the powers and duties of the bureau heads thereof, except as may be otherwise provided by law.

Source: C. 18:24-6 (1945, c. 50, s. 6).

18A:73-7. Rules. The director of each division may, with the approval of the commissioner, prescribe such rules, not inconsistent with law, as may be necessary to effectuate his powers and duties under this chapter.

Source: C. 18:24-7 (1945, c. 50, s. 7).

18A:73-8. Advisory councils. There shall be within the division of the state library, archives and history an advisory council which shall be designated as the advisory council of the state library, archives and history, and there shall be an advisory council within the division of the

state museum which shall be designated as the advisory council of the state museum. Each of such advisory councils shall consist of five members. Each member shall be appointed by the governor, by and with the advice and consent of the senate, for a term of five years beginning on July 1 and ending on June 30 and shall serve until his successor has been appointed and qualified but in any such case and in case of a vacancy however occurring, the successor shall be appointed in like manner for the unexpired term only.

The members of the advisory council of the state library, archives and history and the members of the advisory council of the state museum serving on the effective date of this chapter shall continue in office for the remainder of the respective terms for which they were appointed and until their respective successors shall be appointed and qualified. Any member of either council may be removed from office by the governor, for cause, upon notice and opportunity to be heard.

Source: C. 18:24–11 (1945, c. 50, s. 11, amended 1952, c. 82).

18A:73–9. Meetings of advisory councils. The commissioner may upon his own initiative, and must at the request of any three members of either of the advisory councils, call joint meetings from time to time of all of the members of the respective advisory councils to discuss the public services of the divisions to promote the usefulness of the bureaus thereof, and to make recommendations for the improvement of their services.

Source: C. 18:24–12 (1945, c. 50, s. 12).

18A:73–10. Compensation and expenses. The members of the advisory councils shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties under this chapter.

Source: C. 18:24–13 (1945, c. 50, s. 13).

18A:73–11. Functions of advisory councils. Each of the advisory councils shall, with respect to its respective division:

a. Subject to the approval of the director of such division, adopt, amend and rescind and, from time to time, revise rules not inconsistent with this or any other law for the regulation of the public use of the facilities of such division;

b. Advise and consult with the director of such division with respect to the functions thereof; and

c. Study and evaluate the public services rendered by such division and recommend to the director thereof appropriate items for addition to the division's collections, or for discard.

Source: C. 18:24–14 (1945, c. 50, s. 14).

18A:73–12. Bureaus in division of state library, archives and history. There shall be continued within the division of the state library, archives and history the bureaus hereinafter designated which shall perform the functions hereinafter described and now performed by them and such other functions as may be provided by law, namely:

a. The law library, which shall include the legislative reference bureau;

b. The general reference library;

c. The public and school library services, which shall include the interloan service, the traveling library service, the library extension service, the library advisory service and a deposit and exchange library service to receive, store, exchange, distribute or otherwise dispose of books, magazines, prints, maps and other related library materials as may be transferred to the bureau; and

d. The bureau of archives and history.

Source: C. 18:24–8 (1945, c. 50, s. 8, amended 1949, c. 97).

18A:73–13. Heads of bureaus. The head of the bureau of the law library shall be a graduate of an accredited law school, and shall have had at least one year of training in an accredited school of library science. The heads of the bureaus of the general reference library and of the public and school library services shall, prior to their respective appointments, each have had at least one year of training in an accredited school of library science and at least two years of library experience in a responsible administrative capacity. The head of the bureau of archives and history shall be a graduate of an accredited college or university and shall have a knowledge of the history of the state of New Jersey and of the organization of state and local government. He shall, prior to his appointment, have had special training or experience in archival and historical work in a responsible administrative capacity.

Source: C. 18:24–9 (1945, c. 50, s. 9).

18A:73–14. Appointment and compensation of personnel; inclusion in classified service. The commissioner shall appoint all bureau heads and fix the compensation of all such persons thus appointed. All such persons thus appointed shall be in the classified service of the civil service of the state. He shall appoint such other personnel as he may consider necessary for the efficient performance of the work of the divisions and fix their compensation, subject to the provisions of Title 11, Civil Service, of the Revised Statutes.

Source: C. 18:24–10 (1945, c. 50, s. 10, amended 1945, c. 215).

18A:73–15. Deposit and exchange library service. The state board may maintain a deposit and exchange library service in the division of the state library, archives and history for the purpose of receiving, storing, exchanging, distributing or otherwise disposing of books, magazines, prints, maps and other related library materials as may be transferred to the division. Said deposit and exchange library service shall be administered by the bureau of public and school library services of the division.

Source: C. 18:24–27 (1949, c. 96, s. 1).

18A:73–16. Storage facilities and equipment. The state board may acquire and maintain proper storage facilities and equipment for the establishment, maintenance and administration of the said deposit and exchange library service.

Source: C. 18:24–28 (1949, c. 96, s. 2).

18A:73–17. Acceptance by commissioner of funds, books and library facilities from federal government. Subject to approval by the governor and the state board, the commissioner may apply for and accept on behalf of the state, and through the division of the state library, archives and

history administer for the state, any funds, books and library facilities applicable to public or school library purposes, granted or provided by the federal government, or any agency or officer thereof, under or pursuant to any federal law theretofore or hereafter enacted authorizing grants to the states for such purposes or for similar purposes.

Source: C. 18:24-24 (1948, c. 107, s. 1).

18A:73-18. Department as sole agency. In the event that under or pursuant to any such federal law it is required that a state agency be designated to carry out the purposes of such law, including the administration or suspension of administration of any plan or program pursuant thereto, the department shall be the sole agency in this state for carrying out such purposes. The governor is hereby authorized to make such designation, and the department is hereby empowered to act as the sole agency in this state for carrying out such purposes.

Source: C. 18:24-25 (1948, c. 107, s. 2).

18A:73-19. Custody and use of federal funds granted. The state treasurer shall receive and provide for the proper custody of any funds granted by the federal government for such public or school library purposes, under or pursuant to any federal law. All moneys so received shall be used exclusively for the purposes of any such law. Such moneys shall be expended, in exactly the same manner as any funds of the state are expended, upon vouchers certified or approved by the commissioner or his duly authorized representative, as provided by law.

Source: C. 18:24-26 (1948, c. 107, s. 3).

18A:73-20. State museum; under control of division of state museum. The present state museum, including all of its collections and exhibits, shall be under the control and management of the division of the state museum.

Source: C. 18:24-15 (1945, c. 50, s. 15).

Article 2. New Jersey Historical Commission.

18A:73-21. Preamble, purpose of article. The legislature finds that:

(a) The public pride in the history of New Jersey generated by temporary historical commissions, especially the civil war centennial commission and the tercentenary commission has proved to be effective in providing a direct link and close association between the state government and New Jersey citizens of all ages, occupations and social backgrounds which warrants continuation by a permanent agency to promote the activities of various state agencies, educational institutions, historic, civic and patriotic societies and libraries concerned with New Jersey history; and

(b) Important research and publishing ventures have recently been launched under state auspices and great public interest in historic sites has been inspired by the work of the historic sites section of the department of conservation and economic development and there is foreseen a need for continued promotion of the state's rich historical heritage through additional commemorative projects and publications; and

(c) Recently enacted legislation (HR 6237) provides generous federal grants for qualified state historical agencies with qualified publication programs; and

(d) There is foreseen a growing commitment to the teaching and interpretation of New Jersey history in the schools; and

(e) It is the obligation of state government to inspire pride of citizenship in New Jersey, one of the 13 original states.

Source: C. 18:24–10.1 (1965, c. 229, s. 1).

18A:73–22. New Jersey historical commission; appointment of members; terms. There is hereby established in the division of the state library, archives and history of the state department of education the New Jersey historical commission to be composed of eight members as follows:

(a) The state librarian and the supervisor of the historic sites section of the department of conservation and economic development; and

(b) Six citizens of the state to be appointed by the governor with the advice and consent of the senate, all of whom shall be chosen by reason of their expertise in New Jersey history and qualified by academic achievement or professional affiliation, who shall serve for terms of three years and until the appointment and qualification of their successors except that of the members first appointed two shall be appointed for terms of one year, two for terms of two years and two for terms of three years.

Source: C. 18:24–10.2 (1965, c. 229, s. 2).

18A:73–23. Expenses of members; no compensation; vacancies. The members of the commission shall serve without compensation but shall be entitled to reimbursement for expenses incurred by them in performing their duties as members of the commission. Any vacancies in the membership of the commission shall be filled for the unexpired term in the same manner as the original appointments were made.

Source: C. 18:24–10.3 (1965, c. 229, s. 3).

18A:73–24. Organization. The commission shall meet, as soon as may be following appointment of its members, at the call of the commissioner.

Source: C. 18:24–10.4 (1965, c. 229, s. 4).

18A:73–25. Advisory capacity to public and private agencies. The commission shall be responsible for serving in an advisory capacity to state departments and agencies and public educational institutions in connection with activities concerned with state history. It shall advise such public and private agencies in respect to programs of historic research and publication, education, commemorative observances, preservation of historic sites and buildings, public exhibitions and other programs pertaining to the history of New Jersey and enlist the talents of historians, librarians and members of historic, patriotic and civic organizations concerned with the state history in connection therewith.

Source: C. 18:24–10.5 (1965, c. 229, s. 5).

Subtitle 14. STATE AID TO LIBRARIES.

Chapter 74. STATE LIBRARY AID LAW.

18A:74–1. Short title.
18A:74–2. Terms defined.
18A:74–3. Municipalities and counties supporting libraries.
18A:74–4. Area libraries.
18A:74–5. Research library centers.
18A:74–6. Emergency aid; incentive grant.
18A:74–7. Determination of appropriation.
18A:74–8. Payment of state aid.
18A:74–9. Application of benefits to library services.
18A:74–10. Compliance with regulations.
18A:74–11. Annual reports.
18A:74–12. Enforcement of law and regulations.
18A:74–13. Appropriation.

18A:74–1. Short title. This chapter shall be known as the "state library aid law."

Source: C. 18:24A–1 (1959, c. 177, s. 1).

18A:74–2. Terms defined. For the purposes of this chapter, unless the context clearly requires a different meaning:

"Annual expenditure for library services" shall mean the sum expended during the last completed fiscal year by a municipality or county for library services as certified by the governing body of the municipality or county to the commissioner, excluding any sum paid to the municipality or county under the provisions of this chapter.

"Area library" shall mean any library with which the state contracts for specialized services to all residents of an area specified in the contract.

"Equalized valuation" shall mean the equalized valuation of the municipality as certified by the director of the state division of taxation for the year preceding that in which the calculation of state aid hereunder is made.

"Per capita" shall mean for each of the number of inhabitants of a municipality or county as shown by the latest federal census effective in this state; provided that upon application by a municipality or county to the commissioner, any special census of population taken by the United States census bureau subsequent to its latest effective census shall determine such number of inhabitants.

"Research library center" shall mean the state library and any other library with which the state contracts to provide special services and research information throughout the state as specified in such contract.

Source: C. 18:24A–2 (1959, c. 177, s. 2, amended 1959, c. 178, s. 1; 1967, c. 28, s. 1).

18A:74-3. Municipalities and counties supporting libraries. State funds shall be provided annually as follows:

(a) Each municipality or county that supports, in whole or in part, library service from municipal or county tax sources pursuant to chapter 33 or 54 of Title 40 of the Revised Statutes shall qualify for one of the following:

1. $0.25 per capita if its annual expenditure for library services is less than ⅕ mill per dollar upon the equalized valuation;

2. $0.50 per capita if its annual expenditure for library services is more than ⅕ mill, but less than ¼ mill per dollar upon equalized valuation;

3. $0.75 per capita if its annual expenditure for library services is more than ¼ mill, but less than ⅓ mill per dollar upon equalized valuation;

4. $1.00 per capita if its annual expenditure for library services is more than ⅓ mill, but less than ½ mill per dollar upon equalized valuation;

5. $1.25 per capita if its annual expenditure for library services is more than ½ mill per dollar upon equalized valuation;

provided, however, that payments hereunder to a municipality or county shall not be less than the amount which such municipality or county received in state library aid in the year preceding July 1, 1967, except that in no case shall payments under this section exceed ½ of the annual expenditure for library services by the municipality or the county, as the case may be.

(b) For those municipalities which provide tax support for both a local library and a county library, the per capita aid provided for in subsection (a) of this section shall be determined as follows: the total expenditure for library service pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes shall be used to determine the scale of per capita aid. The payment to the municipality and to the county, respectively, shall be apportioned in the same ratio as each expenditure bears to the total expenditure.

Source: C. 18:24A-8.1 (1967, c. 28, s. 2).

18A:74-4. Area libraries. Every area library shall receive annually during the term of its contract with the state a base grant of $35,000.00 plus $0.20 per capita for each person residing in the area specified in such contract.

Source: C. 18:24A-8.2 (1967, c. 28, s. 3).

18A:74-5. Research library centers. Every research library center shall receive an annual grant of $100,000.00 with which to provide such special services and research information throughout the state as are specified in the contract, provided that the total of such grants to research library centers shall not exceed $400,000.00 in any one year.

Source: C. 18:24A-8.3 (1967, c. 28, s. 4).

18A:74-6. Emergency aid; incentive grant. There shall be appropriated annually the sum of $200,000.00 to be distributed by the commissioner upon the approval of the state board and in accordance with its rules and regulations to meet unforeseeable conditions in any municipality or county, and to encourage the formation and development of larger units of service pursuant to law. The amount of such emergency aid or incentive grant shall be payable by the state treasurer upon the certification of the com-

missioner and the warrant of the director of the division of budget and accounting.

Source: C. 18:24A-9 (1959, c. 177, s. 9, amended 1966, c. 255, s. 2; 1967, c. 28, s. 5).

18A:74-7. Determination of appropriation. On or before November 15 in each year, the commissioner shall estimate the amount necessary to be appropriated to carry out the provisions of this chapter for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each of the counties and municipalities under this chapter for such succeeding year. The commissioner shall make such determination for budget purposes upon the basis of the annual appropriations for library purposes for the current calendar year.

On or before September 15 of each succeeding year, the commissioner shall make his final determination of the payments to be made under this chapter upon the basis of the annual expenditures for library purposes for the preceding calendar year.

Source: C. 18:24A-10 (1959, c. 177, s. 10, amended 1959, c. 178, s. 4; 1967, c. 28, s. 6).

18A:74-8. Payment of state aid. The sums payable as state aid, as finally determined by the commissioner, shall be payable on October 1 following the final determination in each such year. Payments shall be made by the state treasurer upon certificate of the commissioner and warrant of the director of the division of budget and accounting. Payment shall be made to the governing body of each municipality qualifying for aid under this chapter and to the treasurer of each county which supports a regional or county library system, and to the receiving officer designated by each research library center.

Source: 18:24A-11 (1959, c. 177, s. 11, amended 1959, c. 178, s. 5; 1962, c. 133, s. 3; 1967, c. 28, s. 7).

18A:74-9. Application of benefits to library services. Benefits received pursuant to this chapter shall not be applied to any other purpose than library services maintained pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes and pursuant to this chapter.

Source: C. 18:24A-11.1 (1967, c. 28, s. 8).

18A:74-10. Compliance with regulations. In order to participate in any apportionment made according to the provisions of this chapter, municipalities and counties shall comply with the regulations and standards which have been, or which may be, prescribed by law or recommended by the advisory council of the division of the state library, archives and history, and approved by the state board for the operation and improvement of free public libraries to provide efficient and effective library services, to insure public benefit and convenience therefrom and to achieve the objects of this chapter.

Source: C. 18:24A-12 (1959, c. 177, s. 12, amended 1959, c. 178, s. 6; 1967, c. 28, s. 9).

18A:74-11. Annual reports. On or before March 1 in each year each library receiving state aid according to the provisions of this chapter shall make and transmit a report to the state librarian of such information, based upon the records and statistics of the preceding calendar year, as the state librarian shall require.

Source: C. 18:24A-13 (1959, c. 177, s. 13, amended 1962, c. 133, s. 4; 1967, c. 28, s. 10).

18A:74–12. Enforcement of law and regulations. The commissioner is hereby empowered to withhold any form of state library aid from any municipality, county, or area library which does not comply with the provisions of chapters 33 and 54 of Title 40 of the Revised Statutes and chapter 132 of the laws of 1947 (C. 45:8A–1, et seq.) wherever applicable, or with any rules and regulations duly adopted pursuant to said statutes or this chapter, or which reduces its annual expenditures for library services pursuant to chapters 33 and 54 of Title 40 of the Revised Statutes below the average of those expenditures for normal, recurring, operating costs made during the three years previous to receipt of the first state aid under this chapter.

Source: C. 18:24A–13.1 (1967, c. 28, s. 11).

18A:74–13. Appropriation. There is hereby appropriated for the purposes of this chapter such sums as may be included therefor in any annual or supplemental appropriation. In the event the sums appropriated at any time are insufficient to carry out in full the provisions of this chapter, the commissioner, with the approval of the state board, shall allocate such sums on the basis of the method of allocation described in this chapter to the extent that he deems advisable and practicable. A sum not to exceed 1% of such total annual or supplemental appropriation for the purposes of this chapter may be allocated by the commissioner for the administrative costs thereof.

Source: C. 18:24A–14 (1959, c. 177, s. 14, amended 1967, c. 28, s. 12).

Subtitle 15. INTERSTATE COMPACT.

Chapter 75. INTERSTATE COMPACT FOR EDUCATION.

18A:75-1. Compact; preamble.
18A:75-2. Article I. Purpose and policy.
18A:75-3. Article II. State defined.
18A:75-4. Article III. The commission.
18A:75-5. Article IV. Powers.
18A:75-6. Article V. Cooperation with federal government.
18A:75-7. Article VI. Committees.
18A:75-8. Article VII. Finance.
18A:75-9. Article VIII. Eligible parties; entry into and withdrawal.
18A:75-10. Article IX. Construction and severability.
18A:75-11. New Jersey members; appointment; compensation, etc.
18A:75-12. Bylaws and amendments filed.

An Act providing for an interstate compact for education between the state of New Jersey and other states. (L. 1966, c. 75, approved June 14, 1966.)

18A:75-1. Compact; preamble. The Compact for Education is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Compact for Education.

Preamble.

Whereas, The proper education of all citizens is one of the most important responsibilities of the states to preserve a free and open society in the United States; and,

Whereas, The increasing demands of our whole national life for improving and expanding educational services require a board exchange of research data and information concerning the problems and practices of education; and,

Whereas, There is a vital need for strengthening the voices of the states in the formulation of alternative nationwide educational policies,

The states affirm the need for close and continuing consultation among our several states on all matters of education, and do hereby establish this Compact for Education.

Source: C. 18:26-1 (1966, c. 75, s. 1).

18A:75-2. Article I. Purpose and policy.

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire county, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Source: C. 18:26-2 (1966, c. 75, s. 1).

18A:75-3. Article II. State defined. As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Source: C. 18:26-3 (1966, c. 75, s. 1).

18A:75-4. Article III. The commission.

A. The Education Commission of the states, hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-

public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article IV and adoption of the annual report pursuant to article III(j).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the commissioner. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

Source: C. 18:26-4 (1966, c. 75, s. 1).

18A:75-5. Article IV. Powers. In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate government units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Source: C. 18:26-5 (1966, c. 75, s. 1).

18A:75-6. Article V. Cooperation with federal government.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Source: C. 18:26-6 (1966, c. 75, s. 1).

18A:75-7. Article VI. Committees.

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 30 members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One third of the voting membership of the steering committee shall consist of governors, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: 15 for one year and 15 for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

Source: C. 18:26-7 (1966, c. 75, s. 1).

18A:75-8. Article VII. Finance.

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds

available to it pursuant to article III (g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III (g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Source: C. 18:26-8 (1966, c. 75, s. 1).

18A:75-9. Article VIII. Eligible parties; entry into and withdrawal.

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C. of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Source: C. 18:26-9 (1966, c. 75, s. 1).

18A:75–10. Article IX. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

Source: C. 18:26–10 (1966, c. 75, s. 1).

18A:75–11. New Jersey members; appointment; compensation, etc. New Jersey shall be represented on the commission established by Article III of the compact by the governor, four members appointed by the governor from among the citizens of this state who will serve at the pleasure of the governor, and one senator to be named by the president of the senate and one assemblyman to be named by the speaker of the general assembly. Legislative members of the commission shall be appointed for terms coincident with the terms for which they were elected to the senate or general assembly. The New Jersey members will serve without compensation but shall be entitled to be reimbursed for all necessary expenses incurred in the performance of their duties. Vacancies in the membership shall be filled in the same manner as the original appointments were made.

Source: C. 18:26–11 (1966, c. 75, s. 2).

18A:75–12. Bylaws and amendments filed. Pursuant to Article III (I) of the compact, the commission shall file a copy of its bylaws and any amendments thereto with the secretary of state.

Source: C. 18:26–12 (1966, c. 75, s. 3).

Subtitle 16. CONSTRUCTION, REPEALERS AND EFFECTIVE DATE.

Chapter 76. CONSTRUCTION, REPEALERS AND EFFECTIVE DATE.

18A:76-1. Construction.
18A:76-2. Provisions severable.
18A:76-3. Repealers.
18A:76-4. Effective date.

18A:76-1. Construction. This law is a revision law and the provisions hereof, not inconsistent with prior laws, shall be construed as a continuation of such prior laws and its enactment shall not:

1. Abolish or require the reestablishment of any office, position or employment lawfully existing upon the effective date of this law or affect the term or tenure, compensation and pension rights, if any, of any lawful holder thereof upon said date; or

2. Abolish or require the reestablishment or reorganization of any board, commission or public body, lawfully existing on said date, or affect the term or tenure, compensation and pension rights, if any, of any member thereof, nor shall any provision of this law for the appointment or election of the first members of any such board, commission or public body be construed to require that any members lawfully in office upon the effective date of this law or their successors shall be reappointed by staggered terms or in any other manner than for the full terms prescribed by this law, but every such board, commission or public body, shall, after the effective date of this law, be governed and administered under the provisions of this law; or

3. Affect or impair or make invalid any provision of any ordinance, resolution, order, rule or regulation, lawfully adopted and in force upon the effective date of this law, except so far as the same is inconsistent with any of the provisions of this law; or

4. Require that any proceeding, begun by the adoption of any resolution, passage on first reading of any ordinance, or the adoption of any proposal, proposition or question, under and in accordance with the law in effect at the time this law becomes effective, shall be carried on to its final conclusion in accordance with this law but the same may be carried to final conclusion under the law under which it was begun as though this law had not been enacted; or

5. Require the resubmission to the voters of any statute or proposal adopted by such voters prior to, and effective upon, the effective date of this law or in any manner affect the validity and operation of such statute after said date, except so far as the same is inconsistent with any of the provisions of this law; or

6. Discharge, release or affect any liability, penalty or forfeiture, civil or criminal, committed prior to the effective date of this law but all proceedings for the enforcement of any such liability, penalty or forfeiture

shall be commenced and continued and be proceeded with in all respects in accordance with the law in effect when the same was incurred and notwithstanding that such law, or any part thereof, has been repealed or altered by the enactment of this law; or

7. Revive any common law right or remedy by reason of the repeal of any law by this law.

18A:76-2. Provisions severable. If any provision of any section, article, subarticle, chapter or title of this law shall be adjudged by any court of competent jurisdiction to be ineffective, such determination shall not affect or impair the remaining provisions thereof but shall be confined in its operation to the provisions directly involved in a controversy in which said determination shall have been rendered.

18A:76-3. Repealers. All acts and parts of acts inconsistent with this revision law except those specifically saved from repeal are hereby superseded and repealed, and without limiting the general effect of this law in superseding and repealing acts so inconsistent herewith, the following acts and parts of acts together with all amendments and supplements thereto are specifically repealed:

Title 18 of the Revised Statutes, excepting those sections saved from repeal in this law and in the Revised Statutes;

Laws of 1939, Chapter 148 (C. 18:5-51.1);
Laws of 1941, Chapter 161 (C. 18:13-102.1);
Laws of 1941, Chapter 373 (C. 18:23-19 - C. 18:23-21 incl.);
Laws of 1942, Chapter 165 (C. 18:5-100 - C. 18:5-103 incl.);
Laws of 1942, Chapter 233 (C. 18:13-102.2);
Laws of 1944, Chapter 140 (C. 18:16-27.1 - C. 18:16-27.2);
Laws of 1945, Chapter 49 (C. 18:22-15.1 - C. 18:22-15.13 incl.);
Laws of 1945, Chapter 50 (C. 18:24-1 - C. 18:24-23 incl.);
Laws of 1946, Chapter 64 (C. 18:14A-1 - C. 18:14A-18 incl.);
Laws of 1946, Chapter 217 (C. 18:22-15.14 - C. 18:22-15.15);
Laws of 1947, Chapter 109 (C. 18:14-89.1 - C. 18:14-89.3 incl.);
Laws of 1947, Chapter 139 (C. 18:22-15.16 - C. 18:22-15.17);
Laws of 1947, Chapter 140 (C. 18:22-15.18 - C. 18:22-15.22 incl.);
Laws of 1947, Chapter 307 (C. 18:22-48 - C. 18:22-52 incl.);
Laws of 1948, Chapter 14 (C. 18:16-32.1);
Laws of 1948, Chapter 15, section 2 (C. 18:15-46.1);
Laws of 1948, Chapter 107 (C. 18:24-24 - C. 18:24-26 incl.);
Laws of 1948, Chapter 131 (C. 18:14-12.5);
Laws of 1948, Chapter 195 (C. 18:22-53 - C. 18:22-57 incl.);
Laws of 1948, Chapter 228 (C. 18:14-78.1 - C. 18:14-78.2);
Laws of 1948, Chapter 427 (C. 18:5-29.1);
Laws of 1950, Chapter 116 (C. 18:22-15.23 - C. 18:22-15.24);
Laws of 1951, Chapter 128 (C. 18:8-23 - C. 18:8-24);
Laws of 1951, Chapter 308 (C. 18:7-3.2 - C. 18:7-3.4 incl.);
Laws of 1952, Chapter 160 (C. 18:5-50.17 - C. 18:5-50.18);
Laws of 1953, Chapter 401 (C. 18:5-51.3);

Laws of 1954, Chapter 70 (C. 18:16–20.1);
Laws of 1954, Chapter 85, sections 1 – 17 incl., 19 (C. 18:10–29.30 – C. 18:10–29.46 incl., C. 18:10–29.48);
Laws of 1955, Chapter 37 (C. 18:13–112.3 – C. 18:13–112.75 incl.);
Laws of 1956, Chapter 33 (C. 18:14–86.1 – C. 18:14–86.2);
Laws of 1956, Chapter 35 (C. 18:15–26.1):
Laws of 1956, Chapter 61 (C. 18:22–15.25 – C. 18:22–15.61 incl.);
Laws of 1956, Chapter 158 (C. 18:13–4.1 – C. 18:13–4.3 incl.);
Laws of 1957, Chapter 181, sections 1, 2, 3, 5, 6 (C. 18:14–64.1a – C. 18:14–64.1c incl., C. 18:14–64.1e – C. 18:14–64.1f);
Laws of 1959, Chapter 46 (C. 18:22–14.2 – C. 18:22–14.17 incl.);
Laws of 1959, Chapter 104 (C. 18:14–71.36 – C. 18:14–71.48 incl.);
Laws of 1959, Chapter 121 (C. 18:22A–1 – C. 18:22A–27 incl.);
Laws of 1959, Chapter 177 (C. 18:24A–1 – C. 18:24A–14 incl.);
Laws of 1962, Chapter 41 (C. 18:22–100 – C. 18:22–124 incl.);
Laws of 1962, Chapter 172 (C. 18:22–125 – C. 18:22–127 incl.);
Laws of 1962, Chapter 212, sections 1, 3 (C. 18:5–51.10 – C. 18:5–51.11);
Laws of 1962, Chapter 232 (C. 18:14–71.35a – C. 18:14–71.35f incl.);
Laws of 1964, Chapter 232 (C. 18:22–15.63 – C. 18:22–15.67 incl.);
Laws of 1964, Chapter 285 (C. 18:16–50);
Laws of 1965, Chapter 224 (C. 18:5–29.2);
Laws of 1965, Chapter 229 (C. 18:24–10.1 – C. 18:24–10.5 incl.);
Laws of 1966, Chapter 26 (C. 18:14–8.2 – C. 18:14–8.3);
Laws of 1966, Chapter 75 (C. 18:26–1 – C. 18:26–12 incl.);
Laws of 1966, Chapter 106 (C. 18:22B–1 – C. 18:22B–35 incl.);
Laws of 1966, Chapter 302, sections 1 – 33 incl., (C. 18:21A–1 – C. 18:21A–33 incl.);
Laws of 1966, Chapter 303 (C. 18:1A–1 – C. 18:1A–4 incl.);
Laws of 1967, Chapter 60 (C. 18:22–128 – C. 18:22–131 incl.);
Laws of 1967, Chapter 192 (C. 18:22–15.11a – C. 18:22–15.11*l* incl.).

18A:76–4. Effective Date. This law shall take effect January 1, 1968.

Title 18A. EDUCATION.

SCHEDULE A.

ALLOCATION OF SOURCE MATERIAL.

Source Sections			Revised Sections
R.S.	18:1-1		18A:1-1
C.	18:1A-1	L. 1966, c. 303, § 1.	18A:5-1
C.	18:1A-2	L. 1966, c. 303, § 2.	18A:5-2
C.	18:1A-3	L. 1966, c. 303, § 3.	18A:5-3
C.	18:1A-4	L. 1966, c. 303, § 4.	18A:5-4
R.S.	18:2-1	As am. L. 1945, c. 51, § 1; L. 1945, c. 211, § 1; L. 1950, c. 254; L. 1953, c. 154.	18A:4-1 18A:4-3 18A:4-4 18A:4-5 18A:4-10
C.	18:2-1.1	L. 1945, c. 211, § 2.	Omitted
C.	18:2-1.2	L. 1966, c. 304.	18A:4-3
R.S.	18:2-2		18A:4-7
R.S.	18:2-3		18A:4-6
R.S.	18:2-4	As am. L. 1945, c. 51, § 2; L. 1947, c. 148, § 1; L. 1952, c. 236, § 1; L. 1953, c. 18, § 1; L. 1953, c. 428, § 8; L. 1954, c. 81, § 1.	18A:3-16 18A:3-18 18A:4-10 18A:4-14 18A:4-15 18A:4-16 18A:4-18 18A:4-19 18A:6-27 18A:6-38 18A:17-15 18A:17-35 18A:26-5 18A:26-7 18A:31-1 18A:38-8 18A:38-19 18A:45-1
C.	18:2-4.1	L. 1944, c. 217.	18A:36-19
R.S.	18:2-5		18A:3-17 18A:4-17
R.S.	18:2-6		18A:4-11
R.S.	18:2-7		18A:4-12
C.	18:2-7.1	L. 1966, c. 107, s. 1; As am. L. 1967, c. 244, s. 1.	18A:72A-27.1
C.	18:2-7.2	L. 1966, c. 107, s. 2; As am. L. 1967, c. 244, s. 2.	18A:72A-26 18A:72A-27.1
C.	18:2-7.3	L. 1966, c. 107, s. 3.	18A:72A-37

Source Sections			Revised Sections
C.	18:2-7.4	L. 1966, c. 107, s. 4.	18A:72A-29
C.	18:2-7.5	L. 1966, c. 107, s. 5.	18A:72A-38
C.	18:2-7.6	L. 1966, c. 107, s. 6.	Omitted
R.S.	18:2-8		18A:4-13
R.S.	18:2-9	As am. L. 1945, c. 51, § 3; L. 1948, c. 27, § 1; L. 1956, c. 70, § 1.	18A:61-2
R.S.	18:2-10		18A:3-19 18A:4-20
R.S.	18:3-1	As am. L. 1962, c. 65, § 2.	18A:4-21
R.S.	18:3-2	As am. L. 1945, c. 51, § 5; L. 1954, c. 80, § 1.	18A:4-32 18A:4-33 18A:4-34
R.S.	18:3-3	As am. L. 1945, c. 51, § 6.	18A:4-22 18A:4-35
R.S.	18:3-4	As am. L. 1945, c. 51, § 7.	18A:4-38
R.S.	18:3-5	As am. L. 1945, c. 51, § 8.	18A:4-9
R.S.	18:3-6	As am. L. 1945, c. 51, § 9.	18A:4-2
R.S.	18:3-7		18A:4-9 18A:4-23
C.	18:3-7.1	L. 1945, c. 51, § 10.	18A:4-38
C.	18:3-7.2	L. 1945, c. 51, § 11.	18A:4-22
R.S.	18:3-8		Repealed, L. 1954, c. 80, § 2
R.S.	18:3-9	As am. L. 1945, c. 51, § 12.	18A:4-39
R.S.	18:3-10		Omitted
R.S.	18:3-11		18A:4-40
C.	18:3-11.1	L. 1951, c. 230, § 1.	18A:4-30
C.	18:3-11.2	L. 1951, c. 230, § 1.	Omitted
R.S.	18:3-12		18A:4-31
R.S.	18:3-13		18A:4-31
R.S.	18:3-14		18A:6-9 18A:6-24 18A:6-25 18A:6-27
R.S.	18:3-15	As am. L. 1944, c. 168.	18A:6-27 18A:6-28 18A:6-29
R.S.	18:3-16		18A:4-24
R.S.	18:3-17	As am. L. 1954, c. 81, § 2; L. 1954, c. 180, § 1.	18A:4-25 18A:4-28
R.S.	18:3-18		18A:6-4
R.S.	18:3-19	As am. L. 1952, c. 236, § 2.	18A:4-29
R.S.	18:3-20	As am. L. 1952, c. 236, § 3.	18A:4-29
C.	18:3-21	L. 1948, c. 141, § 1.	18A:4-26
C.	18:3-22	L. 1948, c. 141, § 2.	18A:4-27
C.	18:3-23	L. 1960, c. 136, § 1.	18A:6-10
C.	18:3-24	L. 1960, c. 136, § 2.	18A:6-10

Source Sections			Revised Sections
C.	18:3-25	L. 1960, c. 136, § 3.	18A:6-11 18A:6-15
C.	18:3-26	L. 1960, c. 136, § 4.	18A:6-12
C.	18:3-27	L. 1960, c. 136, § 5.	18A:6-13
C.	18:3-28	L. 1960, c. 136, § 6.	18A:6-14
C.	18:3-29	L. 1960, c. 136, § 7.	18A:6-16 18A:6-17 18A:6-25
C.	18:3-30	L. 1960, c. 136, § 8.	18A:6-31
R.S.	18:4-1	As am. L. 1947, c. 148, § 2.	18A:7-1 18A:7-5
C.	18:4-1.1	L. 1946, c. 265, § 1.	18A:7-2
C.	18:4-1.2	L. 1946, c. 265, § 2.	18A:7-2
R.S.	18:4-2	As am. L. 1944, c. 177; L. 1962, c. 65, § 3.	18A:7-3
R.S.	18:4-3		18A:7-4
R.S.	18:4-4	As am. L. 1946, c. 29; L. 1966, c. 97.	18A:7-3
R.S.	18:4-5		18A:7-6
R.S.	18:4-6		18A:7-7 18A:7-10
R.S.	18:4-7	As am. L. 1953, c. 409, § 1.	18A:7-5 18A:7-8 18A:7-9 18A:12-15
R.S.	18:4-8		18A:7-8 18A:17-21
R.S.	18:4-9		18A:17-10 18A:17-36
R.S.	18:4-10		18A:7-5
C.	18:4A-1	L. 1944, c. 226, § 1.	18A:6-33
C.	18:4A-2	L. 1944, c. 226, § 2.	18A:6-33
C.	18:4A-3	L. 1944, c. 226, § 3; As am. L. 1951, c. 91, § 2.	18A:6-33
C.	18:4A-3.1	L. 1951, c. 91, § 3.	18A:6-33
C.	18:4A-4	L. 1944, c. 226, § 4.	18A:6-33
R.S.	18:5-1	As am. L. 1942, c. 47.	Repealed L. 1953, c. 417, § 16
C.	18:5-1.1	L. 1953, c. 417, § 1.	18A:8-1 18A:8-2 18A:8-3
C.	18:5-1.2	L. 1953, c. 417, § 2.	18A:8-4
C.	18:5-1.3	L. 1953, c. 417, § 3.	18A:8-5 18A:8-6
C.	18:5-1.4	L. 1953, c. 417, § 4.	18A:8-9
C.	18:5-1.5	L. 1953, c. 417, § 5.	18A:8-9 18A:8-10 18A:8-11

Source Sections			Revised Sections
C.	18:5–1.6	L. 1953, c. 417, § 6.	18A:8–12 18A:8–13
C.	18:5–1.7	L. 1953, c. 417, § 7.	18A:8–14 18A:8–15
C.	18:5–1.8	L. 1953, c. 417, § 8.	18A:8–16
C.	18:5–1.9	L. 1953, c. 417, § 9.	18A:8–21 18A:8–23
C.	18:5–1.10	L. 1953, c. 417, § 10.	18A:8–18
C.	18:5–1.11	L. 1953, c. 417, § 11.	18A:8–17
C.	18:5–1.12	L. 1953, c. 417, § 12.	18A:8–7 18A:8–8 18A:8–22
C.	18:5–1.13	L. 1953, c. 417, § 13.	18A:8–22
C.	18:5–1.14	L. 1953, c. 417, § 14.	18A:8–24
C.	18:5–1.15	L. 1953, c. 417, § 15.	18A:8–24
C.	18:5–1.16	L. 1953, c. 417, § 16.	Omitted
C.	18:5–1.17	L. 1953, c. 417, § 17.	Omitted
R.S.	18:5–2 thru 18:5–10		Repealed L. 1953, c. 417, § 16
C.	18:5–10.1	L. 1950, c. 230.	Repealed L. 1953, c. 417, § 16
R.S.	18:5–11		18A:8–3.1
R.S.	18:5–12		18A:8–3.2
R.S.	18:5–13		Repealed L. 1939, c. 343, § 39
C.	18:5–13.1	L. 1956, c. 204, § 1.	18A:8–3.3
C.	18:5–13.2	L. 1956, c. 204, § 2.	Omitted
R.S.	18:5–14		Repealed L. 1947, c. 86, § 29
R.S.	18:5–15		Repealed L. 1947, c. 86, § 29
R.S.	18:5–16	As am. L. 1938, c. 145; L. 1939, c. 3.	Repealed L. 1947, c. 86, § 29
C.	18:5–16.1	L. 1938, c. 144, § 1; As am. L. 1939, c. 2.	Repealed L. 1947, c. 86, § 29
C.	18:5–16.2	L. 1938, c. 144, § 2.	Repealed L. 1947, c. 86, § 29
R.S.	18:5–17		Repealed L. 1947, c. 86, § 29
C.	18:5–17.1	L. 1947, c. 86, § 1; As am. L. 1954, c. 80, § 3; L. 1954, c. 135, § 1; L. 1958, c. 117.	Omitted
C.	18:5–17.2	L. 1947, c. 86, § 2; As am. L. 1954, c. 135, § 2.	Omitted
C.	18:5–17.3	L. 1947, c. 86, § 3.	Omitted

Source Sections		Revised Sections
C.	18:5–17.4 ..... L. 1947, c. 86, § 4.	18A:8–26
C.	18:5–17.5 ..... L. 1947, c. 86, § 5.	18A:8–27
C.	18:5–17.6 ..... L. 1947, c. 86, § 6.	18A:8–28
C.	18:5–17.7 ..... L. 1947, c. 86, § 7.	18A:8–31
C.	18:5–17.8 ..... L. 1947, c. 86, § 8; ..... As am. L. 1954, c. 135, § 3.	18A:8–29
C.	18:5–17.9 ..... L. 1947, c. 86, § 9.	18A:8–31
C.	18:5–17.10 ..... L. 1947, c. 86, § 10.	18A:8–32
C.	18:5–17.11 ..... L. 1947, c. 86, § 11; ..... As am. L. 1966, c. 194, § 4.	18A:8–33
C.	18:5–17.12 ..... L. 1947, c. 86, § 12; ..... As am. L. 1960, c. 54.	18A:8–34
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C.	18:22–128	L. 1967, c. 60, § 1.	18A:64F–1
C.	18:22–129	L. 1967, c. 60, § 2.	18A:64F–2
C.	18:22–130	L. 1967, c. 60, § 3.	18A:64F–3
C.	18:22–131	L. 1967, c. 60, § 4.	18A:64F–4
C.	18:22–150	L. 1964, c. 231, § 1.	Omitted
C.	18:22–151	L. 1964, c. 231, § 2.	18A:64C–1
C.	18:22–152	L. 1964, c. 231, § 3.	18A:64C–2
C.	18:22–153	L. 1964, c. 231, § 4.	18A:64C–3
C.	18:22–154	L. 1964, c. 231, § 5.	18A:64C–4
C.	18:22–155	L. 1964, c. 231, § 6.	18A:64C–5
C.	18:22–156	L. 1964, c. 231, § 7.	18A:64C–6
C.	18:22–157	L. 1964, c. 231, § 8.	18A:64C–7
C.	18:22–158	L. 1964, c. 231, § 9; As am. L. 1967, c. 18.	18A:64C–8
C.	18:22–158.1	L. 1966, c. 110, § 1; As am. L. 1967, c. 243, s. 1.	18A:72A–27.1
C.	18:22–158.2	L. 1966, c. 110, s. 2; As am. L. 1967, c. 243, s. 2.	18A:72A–26 18A:72A–27 18A:72A–27.1
C.	18:22–158.3	L. 1966, c. 110, § 3.	18A:72A–37
C.	18:22–158.4	L. 1966, c. 110, § 4.	18A:72A–29
C.	18:22–158.5	L. 1966, c. 110, § 5.	18A:72A–38
C.	18:22–158.6	L. 1966, c. 110, § 6.	Omitted
C.	18:22–159	L. 1964, c. 231, § 10.	18A:64C–9
C.	18:22–159.1	L. 1965, c. 198, § 1.	18A:64C–9.1
C.	18:22–159.2	L. 1965, c. 198, § 2.	18A:64C–9.2
C.	18:22–159.3	L. 1965, c. 198, § 3.	18A:64C–9.3
C.	18:22–160	L. 1964, c. 231, § 11.	18A:64C–10
C.	18:22–161	L. 1964, c. 231, § 12; As am. L. 1965, c. 198, § 4.	18A:64C–11
C.	18:22–161.1	L. 1965, c. 198, § 5.	18A:64C–11.1
C.	18:22–161.2	L. 1965, c. 198, § 6.	18A:64C–11.2
C.	18:22–161.3	L. 1965, c. 198, § 7.	18A:64C–11.3
C.	18:22–161.4	L. 1965, c. 198, § 8.	18A:64C–11.4
C.	18:22–161.5	L. 1965, c. 198, § 9.	18A:64C–11.5
C.	18:22–161.6	L. 1965, c. 198, § 10.	18A:64C–11.6
C.	18:22–161.7	L. 1965, c. 198, § 11.	18A:64C–11.7
C.	18:22–161.8	L. 1965, c. 198, § 12.	18A:64C–11.8

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C.	18:22-161.9 ... L. 1965, c. 198, § 13.	18A:64C-11.9
C.	18:22-162 ... L. 1964, c. 231, § 13.	18A:64C-12
C.	18:22-163 ... L. 1964, c. 231, § 14.	18A:64C-13
C.	18:22-164 ... L. 1964, c. 231, § 15.	18A:64C-14
C.	18:22-165 ... L. 1964, c. 231, § 16.	18A:64C-15
C.	18:22-166 ... L. 1964, c. 231, § 17.	18A:64C-16
C.	18:22-167 ... L. 1964, c. 231, § 18.	18A:64C-17
C.	18:22-168 ... L. 1964, c. 231, § 20.	18A:64C-18
C.	18:22-169 ... L. 1964, c. 231, § 21.	18A:64C-19
C.	18:22-170 ... L. 1967, c. 14.	18A:64C-20
C.	18:22A-1 ... L. 1959, c. 121, § 1.	18A:72-1
C.	18:22A-2 ... L. 1959, c. 121, § 2; As am. L. 1965, c. 231, § 1.	18A:72-2
C.	18:22A-3 ... L. 1959, c. 121, § 3.	18A:72-3
C.	18:22A-4 ... L. 1959, c. 121, § 4.	18A:72-4
C.	18:22A-5 ... L. 1959, c. 121, § 5.	18A:72-5
C.	18:22A-6 ... L. 1959, c. 121, § 6.	18A:72-6
C.	18:22A-7 ... L. 1959, c. 121, § 7.	18A:72-7
C.	18:22A-8 ... L. 1959, c. 121, § 8.	18A:72-8
C.	18:22A-9 ... L. 1959, c. 121, § 9; As am. L. 1964, c. 12; L. 1966, c. 181, § 1.	18A:72-9
C.	18:22A-10 ... L. 1959, c. 121, § 10; As am. L. 1963, c. 60, § 1; L. 1965, c. 81, § 1; L. 1965, c. 331, § 2.	18A:72-10
C.	18:22A-11 ... L. 1959, c. 121, § 11; As am. L. 1963, c. 60, § 2; L. 1965, c. 231, § 3.	18A:72-11
C.	18:22A-12 ... L. 1959, c. 121, § 12; As am. L. 1963, c. 60, § 3; L. 1965, c. 231, § 4.	18A:72-12
C.	18:22A-13 ... L. 1959, c. 121, § 13; As am. L. 1966, c. 181, § 2.	18A:72-13
C.	18:22A-14 ... L. 1959, c. 121, § 14.	18A:72-14
C.	18:22A-15 ... L. 1959, c. 121, § 15.	18A:72-15
C.	18:22A-16 thru C. 18:22A-19 ... L. 1959, c. 121, §§ 16 to 19.	Repealed L. 1963, c. 60, § 6
C.	18:22A-20 ... L. 1959, c. 121, § 20; As am. L. 1963, c. 60, § 4; L. 1966, c. 181, § 3.	18A:72-16
C.	18:22A-21 ... L. 1959, c. 121, § 21.	Repealed L. 1963, c. 60, § 6
C.	18:22A-22 ... L. 1959, c. 121, § 22; As am. L. 1966, c. 44.	18A:72-17
C.	18A:22A-23 ... L. 1959, c. 121, § 23.	Repealed L. 1963, c. 60, § 6

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C.	18:22A–25 ..... L. 1959, c. 121, § 25.	18A:72–19
C.	18:22A–26 ..... L. 1959, c. 121, § 26; ..... As am. L. 1963, c. 60, § 5.	18A:72–20
C.	18:22A–27 ..... L. 1959, c. 121, § 27; ..... As am. L. 1966, c. 181, § 4.	18A:72–21
C.	18:22B–1 ..... L. 1966, c. 106, § 1.	18A:72A-1
C.	18:22B–2 ..... L. 1966, c. 106, § 2.	18A:72A–2
C.	18:22B–3 ..... L. 1966, c. 106, § 3.	18A:72A–3
C.	18:22B–4 ..... L. 1966, c. 106, § 4.	18A:72A–4
C.	18:22B–5 ..... L. 1966, c. 106, § 5.	18A:72A–5
C.	18:22B–6 ..... L. 1966, c. 106, § 6.	18A:72A–6
C.	18:22B–7 ..... L. 1966, c. 106, § 7.	18A:72A–7
C.	18:22B–8 ..... L. 1966, c. 106, § 8.	18A:72A–8
C.	18:22B–9 ..... L. 1966, c. 106, § 9.	18A:72A–9
C.	18:22B–10 ..... L. 1966, c. 106, § 10.	18A:72A–10
C.	18:22B–11 ..... L. 1966, c. 106, § 11.	18A:72A–11
C.	18:22B–12 ..... L. 1966, c. 106, § 12.	18A:72A–12
C.	18:22B–13 ..... L. 1966, c. 106, § 13.	18A:72A–13
C.	18:22B–14 ..... L. 1966, c. 106, § 14.	18A:72A–14
C.	18:22B–15 ..... L. 1966, c. 106, § 15.	18A:72A–15
C.	18:22B–16 ..... L. 1966, c. 106, § 16.	18A:72A–16
C.	18:22B–17 ..... L. 1966, c. 106, § 17.	18A:72A–17
C.	18:22B–18 ..... L. 1966, c. 106, § 18.	18A:72A–30
C.	18:22B–19 ..... L. 1966, c. 106, § 19.	18A:72A–31
C.	18:22B–20 ..... L. 1966, c. 106, § 20.	18A:72A–32
C.	18:22B–21 ..... L. 1966, c. 106, § 21.	18A:72A–33
C.	18:22B–22 ..... L. 1966, c. 106, § 22.	18A:72A–34
C.	18:22B–23 ..... L. 1966, c. 106, § 23.	18A:72A–35
C.	18:22B–24 ..... L. 1966, c. 106, § 24.	18A:72A–18
C.	18:22B–25 ..... L. 1966, c. 106, § 25.	18A:72A–19
C.	18:22B–26 ..... L. 1966, c. 106, § 26.	18A:72A–21
C.	18:22B–27 ..... L. 1966, c. 106, § 27.	18A:72A–22
C.	18:22B–28 ..... L. 1966, c. 106, § 28.	18A:72A–23
C.	18:22B–29 ..... L. 1966, c. 106, § 29.	18A:72A–24
C.	18:22B–30 ..... L. 1966, c. 106, § 30.	18A:72A–25
C.	18:22B–31 ..... L. 1966, c. 106, § 31.	18A:72A–38
C.	18:22B–32 ..... L. 1966, c. 106, § 32.	18A:72A–36
C.	18:22B–33 ..... L. 1966, c. 106, § 33.	Omitted
C.	18:22B–34 ..... L. 1966, c. 106, § 34.	18A:72A–39
C.	18:22B–35 ..... L. 1966, c. 106, § 35.	18A:72A–20
R.S. 18:23–1 thru R.S. 18:23–18	.....	Repealed L. 1946, c. 88, §§ 10, 12
C.	18:23–19 ..... L. 1941, c. 373, § 1.	18A:59–1
C.	18:23–20 ..... L. 1941, c. 373, § 2.	18A:59–2
C.	18:23–21 ..... L. 1941, c. 373, § 3.	18A:59–3
C.	18:24–1 ..... L. 1945, c. 50, § 1.	18A:73–1

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C.	18:24-2	L. 1945, c. 50, § 2.	18A:73-2
C.	18:24-3	L. 1945, c. 50, § 3.	18A:73-3
C.	18:24-4	L. 1945, c. 50, § 4.	18A:73-4
C.	18:24-5	L. 1945, c. 50, § 5.	18A:73-5
C.	18:24-6	L. 1945, c. 50, § 6.	18A:73-6
C.	18:24-7	L. 1945, c. 50, § 7.	18A:73-7
C.	18:24-8	L. 1945, c. 50, § 8; As am. L. 1949, c. 97.	18A:73-12
C.	18:24-9	L. 1945, c. 50, § 9.	18A:73-13
C.	18:24-10	L. 1945, c. 50, § 10; As am. L. 1945, c. 215.	18A:73-14
C.	18:24-10.1	L. 1965, c. 229, § 1.	18A:73-21
C.	18:24-10.2	L. 1965, c. 229, § 2.	18A:73-22
C.	18:24-10.3	L. 1965, c. 229, § 3.	18A:73-23
C.	18:24-10.4	L. 1965, c. 229, § 4.	18A:73-24
C.	18:24-10.5	L. 1965, c. 229, § 5.	18A:73-25
C.	18:24-11	L. 1945, c. 50, § 11; As am. L. 1952, c. 82.	18A:73-8
C.	18:24-12	L. 1945, c. 50, § 12.	18A:73-9
C.	18:24-13	L. 1945, c. 50, § 13.	18A:73-10
C.	18:24-14	L. 1945, c. 50, § 14.	18A:73-11
C.	18:24-15	L. 1945, c. 50, § 15.	18A:73-20
C.	18:24-16 thru C. 18:24-23	L. 1945, c. 50, §§ 16 to 23.	Omitted
C.	18:24-24	L. 1948, c. 107, § 1.	18A:73-17
C.	18:24-25	L. 1948, c. 107, § 2.	18A:73-18
C.	18:24-26	L. 1948, c. 107, § 3.	18A:73-19
C.	18:24-27	L. 1949, c. 96, § 1.	18A:73-15
C.	18:24-28	L. 1949, c. 96, § 2.	18A:73-16
C.	18:24A-1	L. 1959, c. 177, § 1.	18A:74-1
C.	18:24A-2	L. 1959, c. 177, § 2; As am. L. 1959, c. 178, § 1; L. 1967, c. 28, § 1.	18A:74-2
C.	18:24A-3	L. 1959, c. 177, § 3.	Repealed L. 1967, c. 28, § 13
C.	18:24A-4	L. 1959, c. 177, § 4.	Repealed L. 1967, c. 28, § 13
C.	18:24A-5	L. 1959, c. 177, § 5; As am. L. 1959, c. 178, § 2; L. 1962, c. 133, § 1; L. 1966, c. 255, § 1.	Repealed L. 1967, c. 28, § 13
C.	18:24A-6	L. 1959, c. 177, § 6.	Repealed L. 1967, c. 28, § 13
C.	18:24A-7	L. 1959, c. 177, § 7; As am. L. 1959, c. 178, § 3.	Repealed L. 1967, c. 28, § 13

Source Sections			Revised Sections
C.	18:24A–8	L. 1959, c. 177, § 8; As am. L. 1962, c. 133, § 2.	Repealed L. 1967, c. 28, § 13
C.	18:24A–8.1	L. 1967, c. 28, § 2.	18A:74–3
C.	18:24A–8.2	L. 1967, c. 28, § 3.	18A:74–4
C.	18:24A–8.3	L. 1967, c. 28, § 4.	18A:74–5
C.	18:24A–9	L. 1959, c. 177, § 9; As am. L. 1966, c. 255, § 2; L. 1967, c. 28, § 5.	18A:74–6
C.	18:24A–10	L. 1959, c. 177, § 10; As am. L. 1959, c. 178, § 4; L. 1967, c. 28, § 6.	18A:74–7
C.	18:24A–11	L. 1959, c. 177, § 11; As am. L. 1959, c. 178, § 5; L. 1962, c. 133, § 3; L. 1967, c. 28, § 7.	18A:74–8
C.	18:24A–11.1	L. 1967, c. 28, § 8.	18A:74–9
C.	18:24A–12	L. 1959, c. 177, § 12; As am. L. 1959, c. 178, § 6; L. 1967, c. 28, § 9.	18A:74–10
C.	18:24A–13	L. 1959, c. 177, § 13; As am. L. 1962, c. 133, § 4; L. 1967, c. 28, § 10.	18A:74–11
C.	18:24A–13.1	L. 1967, c. 28, § 11.	18A:74–12
C.	18:24A–14	L. 1959, c. 177, § 14; As am. L. 1967, c. 28, § 12.	18A:74–13
C.	18:26–1	L. 1966, c. 75, § 1.	18A:75–1
C.	18:26–2	L. 1966, c. 75, § 1.	18A:75–2
C.	18:26–3	L. 1966, c. 75, § 1.	18A:75–3
C.	18:26–4	L. 1966, c. 75, § 1.	18A:75–4
C.	18:26–5	L. 1966, c. 75, § 1.	18A:75–5
C.	18:26–6	L. 1966, c. 75, § 1.	18A:75–6
C.	18:26–7	L. 1966, c. 75, § 1.	18A:75–7
C.	18:26–8	L. 1966, c. 75, § 1.	18A:75–8
C.	18:26–9	L. 1966, c. 75, § 1.	18A:75–9
C.	18:26–10	L. 1966, c. 75, § 1.	18A:75–10
C.	18:26–11	L. 1966, c. 75, § 2.	18A:75–11
C.	18:26–12	L. 1966, c. 75, § 3.	18A:75–12

TITLE 18A. EDUCATION.

SCHEDULE B.

TREATMENT OF SOURCE MATERIAL.

Revised Section	Treatment of Source
18A:1-1	Revised, new in part
18A:2-1	New
18A:2-2	Editorial
18A:3-1	Editorial
18A:3-2	Editorial
18A:3-3	Revised to consolidate source sections
18A:3-4	Editorial
18A:3-5	Saved from repeal
18A:3-6	Editorial
18A:3-7	Editorial
18A:3-8	Editorial
18A:3-9	Editorial
18A:3-10	Editorial
18A:3-11	Editorial
18A:3-12	Same
18A:3-13	Editorial
18A:3-14	Editorial
18A:3-15	Editorial
18A:3-16	Revised to consolidate source sections
18A:3-17	Revised to consolidate source sections
18A:3-18	Revised to consolidate source sections
18A:3-19	Revised to consolidate source sections
18A:3-20	Editorial
18A:3-21	Editorial
18A:3-22	Same
18A:3-23	Same
18A:4-1	Revised without substantive change; powers in 18A:4-10
18A:4-2	Revised
18A:4-3	Revised to consolidate source sections
18A:4-4	Revised without substantive change
18A:4-5	Revised without substantive change
18A:4-6	Revised without substantive change
18A:4-7	Revised to meet modern conditions
18A:4-8	New
18A:4-9	Revised to consolidate source sections
18A:4-10	Revised to consolidate source sections
18A:4-11	Editorial
18A:4-12	Editorial
18A:4-13	Revised to meet modern conditions
18A:4-14	Revised to include 18:2-4f without substantive change
	Other subsections distributed on basis of functions as follows:
	18:2-4a in 18A:4-15
	18A:4-8
	18:2-4b in 18A:4-15
	18:2-4c in 18A:31-1
	18:2-4d in 18A:6-27
	18:2-4e in 18A:6-38
	18A:26-5
	18A:26-7
	18:2-4f in 18A:4-14
	18A:17-35
	18:2-4g in 18A:17-15
	18:2-4h in 18A:45-1
	18:2-4i in 18A:38-8
	18A:38-19
	18:2-4j in 18A:4-18
	18:2-4k in 18A:4-19
	18:2-4*l* in 18A:4-10
	18:2-4m in 18A:3-14
	18:2-4n in 18A:3-14
	18A:68-6
	18A:68-7
	18A:68-8
	18:2-4o in 18A:3-14

Revised Section	Treatment of Source
18A:4-14	18A:68-9 18A:68-10 18A:68-11 18:2-4p in 18A:3-14 18:2-4q in 18A:3-14 18:2-4r in 18A:3-3 18A:3-14 18:2-4s in 18A:3-14 18:2-4t in 18A:3-14 18:2-4u in 18A:4-16
18A:4-15	Revised without substantive change
18A:4-16	Editorial
18A:4-17	Revised without substantive change
18A:4-18	Revised without substantive change
18A:4-19	Revised without substantive change
18A:4-20	Same
18A:4-21	Revised without substantive change
18A:4-22	Revised to meet modern conditions
18A:4-23	Revised to consolidate source sections
18A:4-24	Revised
18A:4-25	Includes 18:3-17a; 18:3-17b omitted; 18:3-17c in 18A:4-28
18A:4-26	Revised; exception omitted; unnecessary
18A:4-27	Editorial
18A:4-28	Editorial
18A:4-29	Editorial
18A:4-30	Editorial
18A:4-31	Revised to consolidate source sections
18A:4-32	Includes 1st and 2nd paragraphs of 18:3-2 without substantive change
18A:4-33	Revised 2nd paragraph of 18:3-2 without substantive change; last sentence accords with 18A:4-22c
18A:4-34	Revised to meet modern conditions
18A:4-35	Editorial
18A:4-36	Editorial
18A:4-37	Editorial
18A:4-38	Editorial
18A:4-39	Editorial
18A:4-40	Revised to consolidate source sections
18A:5-1	Same
18A:5-2	Editorial
18A:5-3	Same
18A:5-4	Editorial
18A:6-1	Same
18A:6-2	Revised to consolidate source sections
18A:6-3	Revised to consolidate source sections
18A:6-4	Revised to consolidate source sections
18A:6-5	Revised to combine source sections without substantive change
18A:6-6	Editorial
18A:6-7	Revised to consolidate source sections
18A:6-8	Revised without substantive change
18A:6-8.1	Editorial
18A:6-8.2	Editorial
18A:6-9	First paragraph 18:3-14 included without substantive change - See 18A:6-24, 18A:6-25 and 18A:6-27
18A:6-10	Revised to consolidate source sections
18A:6-11	Editorial - Certified mail notice - 18A:6-15
18A:6-12	Editorial
18A:6-13	Editorial
18A:6-14	Revised without substantive change
18A:6-15	Revised

Revised Section	Treatment of Source
18A:6-16	Editorial - Commissioner's decision in 60 days in 18A:6-25
18A:6-17	Revised and amplified
18A:6-18	Editorial
18A:6-19	Revised to consolidate source sections includes third paragraph of 18:16-39
18A:6-20	Revised to consolidate source sections
18A:6-21	New
18A:6-22	New
18A:6-23	New
18A:6-24	Revised without substantive change
18A:6-25	Revised to consolidate source sections
18A:6-26	New; derived in part from 18:3-15 and 18:3-29
18A:6-27	Revised to include any appeal
18A:6-28	Revised; derived in part from 18:3-15
18A:6-29	Revised to include any appeal
18A:6-30	Revised to include all persons employed in the public school system
18A:6-30.1	Editorial
18A:6-31	Revised to cover entire Title
18A:3-31.1	Editorial
18A:3-31.2	Editorial
18A:6-32	Saved from repeal
18A:6-33	Saved from repeal
18A:6-34	Editorial
18A:6-35	Revised to give effect to present conditions
18A:6-36	Revised to permit assistant commissioner to act as Chairman of the Board of Examiners
18A:6-37	Editorial
18A:6-38	Revised to consolidate source sections and to accord with 18:2-4e
18A:6-39	Revised to consolidate source sections
18A:6-40	Editorial
18A:6-41	Same
18A:6-42	Editorial
18A:6-43	Editorial
18A:6-44	Same
18A:6-45	Editorial
18A:6-46	Same
18A:6-47	Editorial
18A:6-48	Same
18A:6-49	Revised by omission of unnecessary words; corporate existence and succession provided by 18:6-45
18A:6-50	Same
18A:7-1	Editorial
18A:7-2	Revised to consolidate source sections
18A:7-3	Revised to consolidate source sections
18A:7-4	Editorial
18A:7-5	Revised to consolidate source sections
18A:7-6	Revised without substantive change
18A:7-7	Revised to bring into accord with modern practice - See 18A:7-10
18A:7-8	Revised with 18A:7-9 to meet modern conditions
18A:7-9	See 18A:7-8
18A:7-10	See 18A:7-8
18A:8-1	Editorial
18A:8-2	Editorial
18A:8-3	Revised - changes residence from three years to two years to comply with 18A:12-1
18A:8-3.1	Same

Revised Section	Treatment of Source
18A:8-3.2	Editorial
18A:8-3.3	Editorial
18A:8-4	Editorial
18A:8-5	Editorial
18A:8-6	Editorial
18A:8-7	Editorial
18A:8-8	Editorial
18A:8-9	Editorial
18A:8-10	Editorial
18A:8-11	Editorial
18A:8-12	Editorial
18A:8-13	Editorial
18A:8-14	Revised to comply with budgetary procedure
18A:8-15	Revised to require notice of election result within five days
18A:8-16	Editorial
18A:8-17	Editorial
18A:8-17.1	Same
18A:8-18	Editorial
18A:8-19	New
18A:8-20	New
18A:8-21	Revised in part from 18:5-1.9
18A:8-22	Revised - five days added to allow time for payment
18A:8-23	Editorial
18A:8-24	Editorial
18A:8-25	Revised to include only districts heretofore created
18A:8-26	Editorial
18A:8-27	Revised to include only districts heretofore created
18A:8-28	Editorial
18A:8-29	Editorial
18A:8-30	Editorial
18A:8-31	Editorial
18A:8-32	Editorial
18A:8-33	Editorial
18A:8-34	Editorial
18A:8-35	Editorial
18A:8-36	Editorial
18A:8-37	Editorial
18A:8-38	Editorial
18A:8-39	Saved from repeal
18A:8-40	Saved from repeal
18A:8-41	Saved from repeal
18A:8-42	New
18A:9-1	New
18A:9-2	Editorial
18A:9-3	Revised to add regional school district
18A:9-4	Revised to consolidate material from source sections; percentages changed to follow modern practice
18A:9-5	Revised - 35 days limitation added to comply with Title 19, Elections, to allow time to put on ballot
18A:9-6	Revised - 20 to 50 days, to comply with Title 19, Elections, and allow time to clear voting machines
18A:9-7	Revised to consolidate material from source sections
18A:9-8	Editorial
18A:9-9	Revised to consolidate material from source sections
18A:9-10	Revised to conform to Election Law and prevent too close elections
18A:9-11	New
18A:10-1	Editorial
18A:10-2	Revised to consolidate material from source sections and to add regional school district
18A:10-3	Revised to consolidate material from source sections
18A:10-4	Editorial
18A:10-5	Editorial

Revised Section	Treatment of Source
18A:10–6	Revised to consolidate material from source sections and amplify section
18A:10–7	Editorial
18A:11–1	Revised to consolidate source sections
18A:11–2	Revised to consolidate source sections
18A:12–1	Revised to consolidate source sections
18A:12–2	Revised to consolidate source sections
18A:12–2.1	Revised to consolidate source sections
18A:12–3	Revised to consolidate source sections
18A:12–4	Editorial
18A:12–5	Editorial
18A:12–6	Revised to consolidate source sections
18A:12–7	Revised to consolidate source sections
18A:12–8	Revised to consolidate source sections
18A:12–9	Revised to consolidate source sections
18A:12–10	New
18A:12–11	Revised to include three, five and seven member boards
18A:12–11.1	Editorial
18A:12–12	Revised to consolidate source sections
18A:12–13	Editorial
18A:12–14	Revised to consolidate source sections
18A:12–15	Revised to consolidate; time changed to permit sufficient time to elect successor
18A:12–16	New; to change law to apply only to districts so constituted; provisions of present law providing for future constitution of such districts omitted
18A:12–17	Revised to consolidate source sections
18A:12–18	Revised to add 15% and comply with Title 19, Elections, and to accord with 18A:12–16
18A:12–19	Revised to consolidate source sections
18A:12–20	Editorial
18A:13–1	Revised to concolidate source sections
18A:13–2	Revised to consolidate and provide new names of classes of regional districts
18A:13–3	New
18A:13–4	Editorial
18A:13–5	Revised to consolidate source sections
18A:3–6	Revised to consolidate source sections
18A:13–7	Editorial
18A:13–8	Revised to consolidate source sections
18A:13–9	Editorial
18A:13–10	Revised to consolidate source sections; for vacancies see 18A:13–11
18A:13–11	Editorial
18A:13–12	Editorial
18A:13–13	Editorial
18A:13–14	Editorial
18A:13–15	Editorial
18A:13–16	Editorial
18A:13–17	Editorial
18A:13–18	Editorial
18A:13–19	Editorial
18A:13–20	Editorial
18A:13–21	Revised to consolidate source sections
18A:13–22	Editorial
18A:13–23	Revised to consolidate source sections
18A:13–24	Editorial
18A:13–25	Editorial

Revised Section	Treatment of Source
18A:13-26	Revised to consolidate source sections
18A:13-27	Editorial
18A:13-28	Revised to consolidate source sections
18A:13-29	Editorial
18A:13-30	Revised to consolidate source sections
18A:13-31	Editorial
18A:13-32	Editorial
18A:13-33	Editorial
18A:13-34	Revised to consolidate source sections and change
18A:13-35	Revised to consolidate source sections
18A:13-36	Editorial
18A:13-37	Revised to consolidate source sections
18A:13-38	Revised to consolidate source sections
18A:13-39	Revised to consolidate source sections
18A:13-40	Revised
18A:13-41	Revised
18A:13-42	Revised to consolidate source sections
18A:13-43	Revised
18A:13-44	Editorial
18A:13-45	Editorial
18A:13-46	Editorial
18A:13-47	Editorial
18A:13-48	Revised to consolidate source sections
18A:13-49	Editorial
18A:13-50	Editorial
18A:14-1	Revised to state no party designation on ballot
18A:14-2	Revised to consolidate source sections
18A:14-3	Revised to consolidate source sections - See 18A:14-3.1
18A:14-3.1	Editorial
18A:14-3.2	Revised to consolidate source sections
18A:14-4	Editorial
18A:14-4.1	Revised to consolidate source sections
18A:14-5	Revised to consolidate source sections
18A:14-6	Revised to consolidate source sections
18A:14-7	Revised to insure continuity of terms
18A:14-8	Editorial
18A:14-9	Revised to consolidate source sections
18A:14-10	Editorial
18A:14-11	Editorial
18A:14-12	Editorial
18A:14-12.1	Revised, 30th day on Sunday
18A:14-13	Editorial
18A:14-14	Editorial
18A:14-15	Editorial
18A:14-16	Editorial
18A:14-17	Editorial
18A:14-18	Editorial
18A:14-18.1	Same
18A:14-18.2	Same
18A:14-18.3	Same
18A:14-18.4	Same
18A:14-19	Revised; penalty omitted
18A:14-20	Editorial
18A:14-21	Editorial
18A:14-22	Editorial
18A:14-23	Editorial
18A:14-24	Editorial
18A:14-25	New
18A:14-26	New
18A:14-27	New
18A:14-28	New
18A:14-29	Editorial
18A:14-30	Editorial
18A:14-31	Editorial
18A:14-32	New
18A:14-33	Editorial
18A:14-34	Editorial
18A:14-35	Editorial
18A:14-36	Editorial
18A:14-37	Revised to consolidate source sections
18A:14-38	Editorial

Revised Section	Treatment of Source
18A:14–39	Revised to provide for continuity of use of voting machines
18A:14–40	Editorial
18A:14–41	Editorial
18A:14–42	Revised to consolidate source sections
18A:14–43	Editorial
18A:14–44	Revised to accord with present law
18A:14–45	Editorial
18A:14–46	Editorial
18A:14–47	Editorial
18A:14–48	New
18A:14–49	New
18A:14–50	Editorial
18A:14–51	Same
18A:14–51.1	Same
18A:14–51.2	Same
18A:14–51.3	Same
18A:14–52	Editorial
18A:14–53	Editorial
18A:14–54	New
18A:14–55	New
18A:14–56	New
18A:14–57	Revised to consolidate source sections
18A:14–58	Editorial
18A:14–59	Revised; part of source section in 18A:14–61
18A:14–60	Editorial
18A:14–61	Revised to consolidate source sections
18A:14–62	Editorial
18A:14–63	Editorial
18A:14–64	Editorial
18A:14–65	Revised to consolidate source sections
18A:14–66	Editorial
18A:14–67	Revised; for general penalty see 18A:14–104
18A:14–68	Editorial
18A:14–69	Editorial
18A:14–70	Editorial
18A:14–71	Editorial
18A:14–72	Editorial
18A:14–73	Editorial
18A:14–74	Editorial
18A:14–75	Editorial
18A:14–76	Editorial
18A:14–77	Editorial
18A:14–78	Editorial
18A:14–79	Editorial
18A:14–80	Editorial
18A:14–81	Editorial
18A:14–82	Editorial
18A:14–83	Editorial
18A:14–84	Editorial
18A:14–85	Editorial
18A:14–86	Editorial
18A:14–87	Editorial
18A:14–88	Editorial
18A:14–89	Editorial
18A:14–90	Editorial
18A:14–91	Editorial
18A:14–92	Editorial
18A:14–93	Editorial
18A:14–94	Editorial
18A:14–95	Editorial
18A:14–96	Editorial
18A:14–97	Editorial
18A:14–97.1	Editorial
18A:14–97.2	Editorial
18A:14–97.3	Editorial
18A:14–98	Editorial
18A:14–99	Editorial
18A:14–100	Editorial
18A:14–101	Editorial
18A:14–102	Editorial
18A:14–103	Editorial
18A:14–104	Revised to combine source section with substantive change
18A:15–1	Revised to consolidate and amply sections
18A:15–2	Revised to consolidate source sections
18A:16–1	Revised to consolidate source sections
18A:16–1.1	Revised
18A:16–2	Revised to include applicants for employment
18A:16–3	Editorial
18A:16–4	Editorial
18A:16–5	Editorial
18A:16–6	Editorial

Revised Section	Treatment of Source
18A:16-6.1	Same
18A:16-7	Editorial
18A:16-8	Editorial
18A:16-9	Editorial
18A:16-10	Revised to consolidate source sections
18A:16-11	Editorial
18A:17-1	New
18A:17-2	Revised to consolidate source sections
18A:17-3	Editorial
18A:17-4	Editorial
18A:17-5	Revised to consolidate and correct present law
18A:17-6	Revised to consolidate source sections
18A:17-7	Revised to consolidate source sections
18A:17-8	Revised
18A:17-9	Revised to consolidate source sections
18A:17-10	Revised to consolidate source sections
18A:17-11	Editorial
18A:17-12	Editorial
18A:17-13	Revised
18A:17-14	Editorial
18A:17-14.1	Editorial
18A:17-14.2	Editorial
18A:17-14.3	Editorial
18A:17-15	Revised to consolidate source sections
18A:17-16	Revised to consolidate source sections
18A:17-17	Revised to consolidate source sections
18A:17-18	Revised to consolidate source sections
18A:17-19	Revised to consolidate source sections
18A:17-20	Revised to consolidate source sections
18A:17-21	Revised to consolidate source sections
18A:17-22	New
18A:17-23	Revised to consolidate source sections
18A:17-24	Revised to consolidate source sections
18A:17-25	Editorial
18A:17-26	Editorial
18A:17-27	Editorial
18A:17-28	Revised to consolidate source sections
18A:17-29	Editorial
18A:17-30	Editorial
18A:17-31	Revised to consolidate source sections
18A:17-32	Revised to consolidate source sections
18A:17-33	Revised to consolidate source sections
18A:17-34	Revised
18A:17-35	Revised to consolidate source sections
18A:17-36	Revised to consolidate source sections
18A:17-37	Editorial
18A:17-38	Editorial
18A:17-39	Editorial
18A:17-40	Editorial
18A:17-41	Editorial
18A:17-42	Editorial
18A:17-43	Editorial
18A:17-44	Editorial
18A:17-45	Editorial
18A:18-1	Editorial
18A:18-1.1	Editorial
18A:18-1.2	Editorial
18A:18-1.3	Editorial
18A:18-1.4	Editorial
18A:18-1.5	Editorial
18A:18-2	Revised to consolidate source sections
18A:18-3	Revised to consolidate and to make section inclusive
18A:18-4	Revised to consolidate source sections
18A:18-4.1	Revised to consolidate source sections
18A:18-5	Revised to consolidate source sections
18A:18-5.1	Editorial
18A:18-6	Editorial
18A:18-7	Editorial

Revised Section	Treatment of Source
18A:18-8	Editorial
18A:18-9	Editorial
18A:18-10	Editorial
18A:18-11	Editorial
18A:18-12	Editorial
18A:18-13	Editorial
18A:18-14	Editorial
18A:18-15	Editorial
18A:18-16	Editorial
18A:18-17	Editorial
18A:18-18	Editorial
18A:18-19	Revised with reference to 18A:18-5.1
18A:18-20	Revised to consolidate source sections
18A:18-21	Editorial
18A:18-22	Editorial
18A:18-23	Revised to consolidate source sections
18A:18-24	Revised to consolidate source sections
18A:18-25	Same
18A:19-1	Revised to meet modern conditions
18A:19-2	Revised to consolidate source sections
18A:19-3	Editorial
18A:19-4	Revised
18A:19-5	Editorial
18A:19-6	Editorial
18A:19-7	Editorial
18A:19-8	Editorial
18A:19-9	Editorial
18A:19-10	Editorial
18A:19-11	Editorial
18A:19-12	Editorial
18A:19-13	New
18A:19-14	New
18A:20-1	Revised to consolidate source sections
18A:20-2	Revised
18A:20-3	Editorial
18A:20-4	Revised
18A:20-4.1	Editorial
18A:20-4.2	Revised to consolidate source sections
18A:20-5	Revised to consolidate source sections
18A:20-6	Revised to omit sales to U. S. A.
18A:20-7	Editorial
18A:20-8	Editorial
18A:20-9	Revised to consolidate source sections
18A:20-9.1	Editorial
18A:20-10	Editorial
18A:20-11	Editorial
18A:20-12	Editorial
18A:20-13	Editorial
18A:20-14	Editorial
18A:20-15	Editorial
18A:20-16	Editorial
18A:20-17	Editorial
18A:20-18	Revised
18A:20-19	Revised
18A:20-20	Editorial
18A:20-21	Editorial
18A:20-22	Editorial
18A:20-23	Editorial - See 18A:20-24
18A:20-24	Editorial
18A:20-25	Revised to make mandatory in all districts
18A:20-26	Editorial
18A:20-27	Editorial
18A:20-28	Editorial
18A:20-29	Editorial
18A:20-30	Editorial
18A:20-31	Editorial
18A:20-32	Same
18A:20-33	Revised
18A:20-34	Editorial
18A:20-35	Editorial
18A:20-36	Revised - first paragraph obsolete
18A:21-1	Editorial - See 18A:22-33
18A:21-2	Editorial
18A:21-3	Revised to accord with School Building Aid Law
18A:21-4	Editorial
18A:21-5	Editorial
18A:22-1	Editorial
18A:22-2	Editorial

Revised Section	Treatment of Source
18A:22-3	Revised to include only districts now so constituted
18A:22-4	Editorial
18A:22-5	Editorial
18A:22-6	New
18A:22-7	Revised to consolidate and to bring section into accord with 18A:22-10
18A:22-8	Revised to consolidate source sections
18A:22-9	New
18A:22-10	Revised to consolidate and to include regional districts
18A:22-11	Revised to consolidate source sections
18A:22-12	Revised to consolidate source sections
18A:22-13	Revised to consolidate source sections
18A:22-14	Revised to consolidate source sections
18A:22-15	Revised to consolidate source sections
18A:22-16	Editorial
18A:22-17	Revised to consolidate source sections
18A:22-18	Editorial
18A:22-19	Editorial
18A:22-20	Editorial
18A:22-21	Editorial
18A:22-22	Editorial
18A:22-23	Editorial
18A:22-24	Same
18A:22-25	Same
18A:22-26	Revised to consolidate source sections
18A:22-27	Editorial
18A:22-28	Editorial
18A:22-29	Editorial
18A:22-30	Editorial
18A:22-31	Editorial
18A:22-32	Editorial
18A:22-33	Revised without substantive change
18A:22-34	Editorial
18A:22-35	Editorial
18A:22-36	Editorial
18A:22-37	Same
18A:22-38	Editorial
18A:22-39	Editorial
18A:22-40	Editorial
18A:22-41	Editorial
18A:22-42	Editorial
18A:22-43	Editorial
18A:22-44	Editorial
18A:22-45	Editorial
18A:22-46	Editorial
18A:22-47	Editorial
18A:22-48	Editorial
18A:23-1	Editorial
18A:23-2	Revised
18A:23-3	Editorial
18A:23-4	Revised to consolidate source sections
18A:23-5	Editorial
18A:23-6	Revised
18A:23-7	Editorial
18A:23-8	Editorial
18A:23-9	Editorial
18A:23-10	Editorial
18A:23-11	Editorial
18A:24-1	Revised
18A:24-2	Editorial
18A:24-3	Revised to consolidate source sections
18A:24-4	Revised to consolidate source sections
18A:24-4.1	Saved from repeal
18A:24-5	Revised to consolidate source sections
18A:24-6	Revised to consolidate source sections
18A:24-7	Revised to consolidate source sections
18A:24-8	Revised to consolidate source sections
18A:24-9	Revised to consolidate source sections
18A:24-9.1	Revised to consolidate source sections
18A:24-10	Revised

Revised Section	Treatment of Source
18A:24–11	Revised to consolidate source sections
18A:24–12	Revised to consolidate source sections
18A:24–13	Editorial
18A:24–16	Editorial
18A:24–17	Editorial
18A:24–18	Editorial
18A:24–19	Editorial
18A:24–20	Editorial
18A:24–21	Revised to consolidate source sections
18A:24–22	Editorial
18A:24–23	Editorial
18A:24–24	Revised
18A:24–25	Editorial
18A:24–26	Editorial
18A:24–27	Revised
18A:24–27.1	Editorial
18A:24–28	Editorial
18A:24–28.1	Saved from repeal
18A:24–29	Editorial
18A:24–30	Editorial
18A:24–31	Editorial
18A:24–32	Editorial
18A:24–33	Editorial
18A:24–34	Editorial
18A:24–35	New, to accord with Local Bond Law
18A:24–36	Editorial
18A:24–37	Editorial
18A:24–38	Editorial
18A:24–39	Editorial
18A:24–40	Editorial
18A:24–41	Editorial
18A:24–42	Editorial
18A:24–43	Editorial
18A:24–44	New
18A:24–45	Revised – 3% in source changed to 5%; ⅔ vote added to conform to Local Bond Law (40A:2–27)
18A:24–46	Editorial
18A:24–47	Revised to consolidate source sections
18A:24–48	New
18A:24–49	New
18A:24–50	New
18A:24–51	Revised – 6 years limitation added
18A:24–52	Editorial
18A:24–53	Editorial
18A:24–54	Revised to consolidate source sections
18A:24–55	Revised to consolidate source sections
18A:24–56	Editorial
18A:24–57	Revised to consolidate source sections
18A:24–58	Editorial
18A:24–59	Revised to consolidate source sections
18A:24–60	Editorial
18A:24–61	Revised to consolidate source sections
18A:24–62	Saved from Repeal
18A:24–63	Editorial
18A:24–64	Editorial
18A:24–65	Revised to consolidate source sections
18A:25–1	Revised to consolidate source sections
18A:25–2	Editorial
18A:25–3	Editorial
18A:25–4	Editorial
18A:25–5	Editorial
18A:25–6	Revised to consolidate source sections
18A:26–1	Revised to consolidate source sections
18A:26–1.1	Editorial
18A:26–2	Editorial
18A:26–3	Revised to consolidate source sections
18A:26–4	Editorial
18A:26–5	Editorial
18A:26–6	Editorial
18A:26–7	Editorial
18A:26–8	Editorial
18A:26–8.1	Editorial
18A:26–9	Editorial
18A:26–10	Editorial
18A:27–1	Editorial
18A:27–2	Editorial
18A:27–3	Editorial

Revised Section	Treatment of Source
18A:27-4	Editorial
18A:27-5	Editorial
18A:27-6	Editorial
18A:27-7	Editorial
18A:27-8	Editorial
18A:27-9	Editorial
18A:28-1	New
18A:28-2	Editorial
18A:28-3	Editorial
18A:28-4	Revised to consolidate source sections
18A:28-5	Revised to consolidate source sections
18A:28-6	Editorial
18A:28-6.1	Revised to consolidate source sections
18A:28-7	Saved from Repeal
18A:28-8	Editorial
18A:28-9	Revised to consolidate source sections
18A:28-10	Revised to consolidate source sections
18A:28-11	Revised to consolidate source sections
18A:28-12	Revised to consolidate source sections
18A:28-13	Revised to consolidate source sections
18A:28-14	Editorial
18A:28-15	Editorial
18A:29-1	Editorial
18A:29-2	Editorial
18A:29-3	Editorial
18A:29-4	Editorial
18A:29-4.1	Revised to consolidate source sections
18A:29-5	Editorial
18A:29-6	Editorial
18A:29-7	Editorial
18A:29-8	Editorial
18A:29-9	Editorial
18A:29-10	Editorial
18A:29-11	Editorial
18A:29-12	Editorial
18A:29-13	Editorial
18A:29-14	Editorial
18A:29-15	Editorial
18A:29-16	Editorial
18A:30-1	Editorial
18A:30-2	Revised to consolidate source sections
18A:30-2.1	Editorial
18A:30-3	Editorial
18A:30-3.1	Revised to make complete
18A:30-3.2	Editorial
18A:30-3.3	Editorial
18A:30-3.4	Editorial
18A:30-4	Editorial
18A:30-5	Editorial
18A:30-6	Revised
18A:30-7	Editorial
18A:31-1	Editorial
18A:31-2	Editorial
18A:32-1	Editorial
18A:32-2	Editorial
18A:33-1	Revised - See 18A:25-1, 18A:27-1, 18A:34-1
18A:33-2	Editorial
18A:33-2.1	Same
18A:33-3	Revised to include reference to 18A:18-5.1
18A:34-1	Revised to consolidate source sections
18A:34-2	Editorial
18A:35-1	Editorial
18A:35-2	Editorial
18A:35-3	Editorial
18A:35-4	Editorial
18A:35-4.1	Editorial
18A:35-5	Editorial
18A:35-6	Editorial
18A:35-7	Editorial
18A:35-8	Editorial
18A:35-9	Editorial
18A:35-10	Editorial
18A:35-11	Editorial
18A:35-12	Editorial
18A:35-13	Editorial
18A:35-14	Editorial
18A:36-1	Editorial
18A:36-2	New
18A:36-3	Editorial
18A:36-6	Editorial
18A:36-7	Same
18A:36-8	Editorial

Revised Section	Treatment of Source
18A:36–9	Editorial
18A:36–10	Editorial
18A:36–11	Editorial
18A:36–12	Editorial
18A:36–13	Editorial
18A:36–14	Editorial
18A:36–15	Editorial
18A:36–16	Editorial
18A:36–17	Editorial
18A:36–18	Editorial
18A:36–19	Editorial
18A:37–1	Revised
18A:37–2	Revised to consolidate source sections
18A:37–3	Editorial
18A:37–4	Revised to add superintendent of schools
18A:37–5	New
18A:38–1	Revised
18A:38–2	Editorial
18A:38–2.1	Editorial
18A:38–3	Editorial
18A:38–4	Revised
18A:38–5	Editorial
18A:38–5.1	Editorial
18A:38–6	Editorial
18A:38–7	Editorial
18A:38–8	Editorial
18A:38–9	Editorial
18A:38–10	Revised to consolidate source sections
18A:38–11	Editorial
18A:38–12	Editorial
18A:38–13	Editorial
18A:38–14	Editorial
18A:38–15	Editorial
18A:38–16	Editorial
18A:38–17	Editorial
18A:38–18	Editorial
18A:38–19	Revised to consolidate source sections
18A:38–20	Editorial
18A:38–21	Editorial
18A:38–22	Editorial
18A:38–23	Editorial
18A:38–24	Revised to consolidate source sections
18A:38–25	Editorial
18A:38–26	Editorial
18A:38–27	Editorial
18A:38–28	Editorial
18A:38–29	Editorial
18A:38–30	Editorial
18A:38–31	Editorial
18A:38–32	Editorial
18A:38–33	Revised to consolidate source sections
18A:38–34	Editorial
18A:38–35	Editorial
18A:38–36	Editorial
18A:39–1	Editorial
18A:39–1.1	Editorial
18A:39–1.2	Editorial
18A:39–2	Editorial
18A:39–3	Revised to consolidate source sections
18A:39–4	Editorial
18A:39–5	Editorial
18A:39–6	Editorial
18A:39–10	Editorial
18A:39–11	Same
18A:39–12	Same
18A:39–13	Editorial
18A:39–14	Editorial
18A:39–15	Editorial
18A:39–16	Editorial
18A:39–17	Editorial
18A:39–18	Editorial
18A:39–19	Editorial
18A:39–20	Editorial
18A:39–21	Editorial
18A:40–1	Editorial
18A:40–2	Editorial
18A:40–3	Editorial
18A:40–3.1	Editorial
18A:40–4	Editorial
18A:40–5	Editorial
18A:40–6	Revised to include reference to 18A:18–5.1
18A:40–7	Editorial
18A:40–8	Editorial
18A:40–9	Editorial
18A:40–10	Editorial
18A:40–11	Editorial
18A:40–12	Same
18A:40–12.1	Editorial

Revised Section	Treatment of Source
18A:40-12.2	Editorial
18A:40-13	Same
18A:40-14	Editorial
18A:40-15	Editorial
18A:40-16	Editorial
18A:40-17	Editorial
18A:40-18	Editorial
18A:40-19	Editorial
18A:40-20	Editorial
18A:40-21	Revised; certification of physician approved by medical inspector substituted for certificate of medical inspector
18A:40-22	Editorial
18A:41-1	Editorial
18A:41-2	Editorial
18A:41-3	Editorial
18A:41-4	Editorial
18A:42-1	Editorial
18A:42-2	Same
18A:42-3	Revised
18A:42-4	Revised to consolidate source sections
18A:42-5	Editorial
18A:42-6	Editorial
18A:43-1	Same
18A:43-2	Same
18A:43-3	Editorial
18A:43A-1	Editorial
18A:43A-2	Editorial
18A:43A-3	Editorial
18A:43A-4	Editorial
18A:43A-5	Editorial
18A:43A-6	Editorial
18A:43A-7	Editorial
18A:43A-8	Editorial
18A:43A-9	Editorial
18A:43A-10	Editorial
18A:44-1	Editorial
18A:44-2	Editorial
18A:44-3	Revised to consolidate source sections
18A:44-4	Revised to consolidate source sections
18A:45-1	Revised to consolidate source sections
18A:46-1	Editorial
18A:46-2	Editorial
18A:46-3	Revised to consolidate source sections
18A:46-4	Revised to consolidate source sections
18A:46-5	Editorial
18A:46-6	Revised to consolidate source sections
18A:46-7	Editorial
18A:46-8	Editorial
18A:46-9	Editorial
18A:46-10	Editorial
18A:46-11	Revised to consolidate source sections
18A:46-12	Revised to consolidate source sections
18A:46-13	Revised to consolidate source sections
18A:46-14	Revised to consolidate source sections
18A:46-15	Revised to consolidate source sections
18A:46-16	Revised to consolidate source sections
18A:46-17	Editorial
18A:46-18	Editorial
18A:46-19	Revised to consolidate source sections
18A:46-20	Revised to consolidate source sections
18A:46-21	Revised to consolidate source sections
18A:46-22	Revised to consolidate source sections
18A:46-23	Revised to consolidate source sections
18A:46-24	Revised to consolidate source sections
18A:46-25	Editorial
18A:46-26	Revised to consolidate source sections
18A:46-27	Editorial
18A:46-28	Editorial
18A:47-1	Editorial
18A:47-2	Editorial
18A:47-3	Editorial
18A:47-4	Editorial

Revised Section	Treatment of Source
18A:47–5	Editorial
18A:47–6	Editorial
18A:47–7	Editorial
18A:47–8	Editorial
18A:47–9	Editorial
18A:47–10	Editorial
18A:47–11	Editorial
18A:47–12	Editorial
18A:47–13	Editorial
18A:48–1	Editorial
18A:48–2	Editorial
18A:49–1	Editorial
18A:49–2	Editorial
18A:49–3	Editorial
18A:49–4	Editorial
18A:49–5	Editorial
18A:49–6	Editorial
18A:49–7	Editorial
18A:49–8	Editorial
18A:50–1	Editorial
18A:50–2	Editorial
18A:50–3	Editorial
18A:50–4	Editorial
18A:50–5	Editorial
18A:50–6	Editorial
18A:50–7	Editorial
18A:50–8	Editorial
18A:50–9	Editorial
18A:50–10	Editorial
18A:50–11	Editorial
18A:51–1	Same
18A:51–2	Same
18A:51–3	Editorial
18A:51–4	Same
18A:51–5	Editorial
18A:51–6	Same
18A:51–7	Same
18A:51–8	Editorial
18A:51–9	Editorial
18A:51–10	Editorial
18A:51–11	Editorial
18A:51–12	Editorial
18A:51–13	Revised
18A:51–14	Revised
18A:51–15	Revised
18A:51–16	Editorial
18A:51–17	Editorial
18A:52–1	Editorial
18A:52–2	Editorial
18A:52–3	Editorial
18A:53–1	Same
18A:53–2	Same
18A:54–1	Revised to accord with current nomenclature
18A:54–2	Editorial
18A:54–3	Editorial
18A:54–4	Editorial
18A:54–5	Editorial
18A:54–6	Editorial
18A:54–7	Editorial
18A:54–8	Editorial
18A:54–9	Editorial
18A:54–10	Editorial
18A:54–11	Editorial
18A:54–11.1	Editorial
18A:54–11.2	Editorial
18A:54–11.3	Editorial
18A:54–12	Editorial
18A:54–13	Editorial
18A:54–14	Editorial
18A:54–15	Editorial
18A:54–16	Revised to consolidate source sections
18A:54–17	Editorial
18A:54–18	Revised to consolidate source sections
18A:54–19	Revised to consolidate source sections
18A:54–20	Revised to consolidate source sections
18A:54–21	Editorial
18A:54–22	Editorial
18A:54–23	Editorial
18A:54–24	Editorial
18A:54–25	Editorial
18A:54–26	Revised
18A:54–27	Editorial
18A:54–28	Editorial
18A:54–29	Editorial
18A:54–29.1	Editorial
18A:54–29.2	Editorial
18A:54–29.3	Editorial
18A:54–30	Revised to consolidate source sections
18A:54–31	Editorial

Revised Section	Treatment of Source
18A:54–32	Revised to consolidate source sections
18A:54–33	Editorial
18A:54–34	Editorial
18A:54–35	Editorial
18A:54–36	Editorial
18A:55–1	Editorial
18A:55–2	Editorial
18A:56–1	Editorial
18A:56–2	Editorial
18A:56–3	Same
18A:56–4	Editorial
18A:56–5	Editorial
18A:56–6	Editorial
18A:56–7	Editorial
18A:56–8	Same
18A:56–9	Same
18A:56–10	Same
18A:56–11	Editorial
18A:56–12	Editorial
18A:56–13	Editorial
18A:56–14	Editorial
18A:56–15	Editorial
18A:56–16	Editorial
18A:57–1	Editorial
18A:58–1	Editorial
18A:58–2	Editorial
18A:58–3	Editorial
18A:58–4	Editorial
18A:58–5	Same
18A:58–5.1	Editorial
18A:58–5.2	Editorial
18A:58–5.3	Editorial
18A:58–5.4	Editorial
18A:58–6	Revised to consolidate source sections
18A:58–6.1	Editorial
18A:58–7	Editorial
18A:58–8	Editorial
18A:58–9	Same
18A:58–10	Editorial
18A:58–11	Editorial
18A:58–12	Editorial
18A:58–13	Editorial
18A:58–15	Editorial
18A:58–16	Editorial
18A:58–17	Editorial
18A:58–18	Editorial
18A:58–19	Saved from repeal
18A:58–20	Editorial
18A:58–21	Editorial
18A:58–22	Same
18A:58–23	Same
18A:58–24	Same
18A:58–25	Editorial
18A:58–26	Same
18A:58–27	Editorial
18A:58–29	Editorial
18A:58–30	Editorial
18A:58–31	Editorial
18A:58–32	Editorial
18A:58–33	Saved from repeal
18A:58–33.1	Saved from repeal
18A:58–34	Editorial
18A:58–35	Editorial
18A:58–36	Editorial
18A:58–37	Editorial
18A:59–1	Revised to consolidate source sections
18A:59–2	Revised to consolidate source sections
18A:59–3	Revised to consolidate source sections
18A:59–4	Editorial
18A:59–5	Editorial
18A:59–6	Editorial
18A:59–7	Editorial
18A:59–8	Same
18A:60–1	Revised to consolidate source sections
18A:60–2	Editorial
18A:60–3	Revised to consolidate source sections
18A:60–4	Revised to consolidate source sections
18A:60–5	Revised to consolidate source sections
18A:61–1	Same
18A:61–2	Editorial
18A:61–3	Same
18A:61–4	Same
18A:61–5	Same
18A:62–1	Editorial
18A:62–2	Same
18A:63–1	Revised to consolidate source sections

Revised Section	Treatment of Source
18A:63-2	Revised to consolidate source sections
18A:63-3	Editorial
18A:64-1	Editorial
18A:64-2	Editorial
18A:64-3	Editorial
18A:64-4	Editorial
18A:64-5	Editorial
18A:64-6	Revised
18A:64-7	Editorial
18A:64-8	Same
18A:64-9	Editorial
18A:64-10	Revised to consolidate source sections
18A:64-11	Revised to consolidate source sections
18A:64-12	Editorial
18A:64-13	Revised to consolidate source sections
18A:64-14	Revised to consolidate source sections
18A:64-15	Editorial
18A:64-16	Revised to consolidate source sections
18A:64-17	Revised to consolidate source sections
18A:64-18	Revised
18A:64-19	Revised to consolidate source sections
18A:64-20	Editorial
18A:64-21	Editorial
18A:64-22	Same
18A:64-23	Same
18A:64-24	Editorial
18A:64-25	Same
18A:64A-1	Editorial
18A:64A-2	Revised to consolidate source sections
18A:64A-3	Revised to consolidate source sections
18A:64A-4	Revised to consolidate source sections
18A:64A-5	Revised to consolidate source sections
18A:64A-6	Revised to consolidate source sections
18A:64A-7	Revised to consolidate source sections
18A:64A-8	Revised to consolidate source sections
18A:64A-9	Revised to consolidate source sections
18A:64A-10	Same
18A:64A-11	Revised to consolidate source sections
18A:64A-12	Revised to consolidate source sections
18A:64A-13	Same
18A:64A-14	Revised to consolidate source sections
18A:64A-15	Same
18A:64A-16	Same
18A:64A-17	Revised to consolidate source sections
18A:64A-18	Same
18A:64A-19	Revised to consolidate source sections
18A:64A-20	Revised to consolidate source sections
18A:64A-21	Revised to consolidate source sections
18A:64A-22	Revised to consolidate source sections
18A:64A-23	Revised to consolidate source sections
18A:64A-24	Revised to consolidate source sections
18A:64A-25	Editorial
18A:64A-26	Same
18A:64A-27	Editorial
18A:64A-28	Editorial
18A:64A-29	Editorial
18A:64B-1	Revised to consolidate source sections
18A:64B-2	Revised to consolidate source sections
18A:64B-3	Revised to consolidate source sections
18A:64C-1	Same
18A:64C-2	Revised to consolidate source sections
18A:64C-3	Same
18A:64C-4	Same
18A:64C-5	Same
18A:64C-6	Editorial
18A:64C-7	Same

Revised Section	Treatment of Source
18A:64C-8	Editorial
18A:64C-9	Editorial
18A:64C-9.1	Same
18A:64C-9.2	Same
18A:64C-9.3	Same
18A:64C-10	Same
18A:64C-11	Editorial
18A:64C-11.1	Editorial
18A:64C-11.2	Editorial
18A:64C-11.3	Same
18A:64C-11.4	Same
18A:64C-11.5	Same
18A:64C-11.6	Editorial
18A:64C-11.7	Editorial
18A:64C-11.8	Same
18A:64C-11.9	Same
18A:64C-12	Same
18A:64C-13	Editorial
18A:64C-14	Same
18A:64C-15	Same
18A:64C-16	Same
18A:64C-17	Editorial
18A:64C-18	Same
18A:64C-19	Revised to consolidate source sections
18A:64C-20	Revised
18A:64D-1	Revised to consolidate source sections
18A:64E-1	Editorial
18A:64E-2	Editorial
18A:64E-3	Editorial
18A:64E-4	Revised without substantive change
18A:64E-5	Revised to consolidate source sections
18A:64E-6	Same
18A:64E-7	Same
18A:64E-8	Editorial
18A:64E-9	Same
18A:64E-10	Editorial
18A:64E-11	Editorial
18A:64F-1	Revised
18A:64F-2	Same
18A:64F-3	Same
18A:64F-4	Revised
18A:65-1	Editorial
18A:65-2	Revised to consolidate source sections
18A:65-3	Revised to consolidate source sections
18A:65-4	Editorial
18A:65-5	Editorial
18A:65-6	Editorial
18A:65-7	Revised to consolidate source sections
18A:65-8	Editorial
18A:65-9	Editorial
18A:65-9.1	Saved from repeal
18A:65-10	Editorial
18A:65-11	Editorial
18A:65-12	Editorial
18A:65-13	Editorial
18A:65-14	Revised to consolidate source sections
18A:65-15	Revised to consolidate source sections
18A:65-16	Revised to consolidate source sections
18A:65-17	Revised to consolidate source sections
18A:65-18	Same
18A:65-19	Editorial
18A:65-20	Same
18A:65-21	Same
18A:65-22	Same
18A:65-23	Same
18A:65-24	Editorial
18A:65-25	Revised to consolidate source sections
18A:65-26	Editorial
18A:65-27	Revised to consolidate source sections
18A:65-28	Editorial
18A:65-29	Editorial
18A:65-30	Editorial
18A:65-31	Same
18A:65-32	Editorial
18A:65-33	Editorial
18A:65-33.1	Revised to consolidate source sections
18A:65-34	Revised to consolidate source sections
18A:65-35	Revised to consolidate source sections
18A:65-36	Editorial

Revised Section	Treatment of Source
18A:65-37	Editorial
18A:65-38	Editorial
18A:65-39	Editorial
18A:65-40	Editorial
18A:65-41	Editorial
18A:65-42	Editorial
18A:65-43	Editorial
18A:65-44	Editorial
18A:65-45	Editorial
18A:65-46	Editorial
18A:65-47	Editorial
18A:65-48	Editorial
18A:65-49	Editorial
18A:65-50	Editorial
18A:65-51	Editorial
18A:65-52	Editorial
18A:65-53	Editorial
18A:65-54	Revised
18A:65-55	Revised
18A:65-56	Revised
18A:65-57	Same
18A:65-58	Editorial
18A:65-59	Same
18A:65-60	Revised to consolidate source sections
18A:65-61	Revised to consolidate source sections
18A:65-62	Editorial
18A:65-63	Editorial
18A:65-64	Editorial
18A:65-65	Editorial
18A:65-66	Editorial
18A:65-67	Editorial
18A:65-68	Revised to consolidate source sections
18A:65-69	Editorial
18A:65-70	Revised to consolidate source sections
18A:65-71	Editorial
18A:65-72	Revised to consolidate source sections
18A:65-73	Editorial
18A:65-74	Editorial
18A:65-75	Editorial
18A:65-76	Editorial
18A:65-77	Editorial
18A:65-78	Editorial
18A:65-79	Editorial
18A:65-80	Editorial
18A:65-81	Editorial
18A:65-82	Editorial
18A:65-83	Editorial
18A:65-84	Editorial
18A:65-85	Editorial
18A:66-1	Editorial
18A:66-2	Editorial
18A:66-3	Editorial
18A:66-4	Editorial
18A:66-5	Same
18A:66-6	Same
18A:66-7	Editorial
18A:66-8	Editorial
18A:66-9	Editorial
18A:66-10	Editorial
18A:66-11	Editorial
18A:66-13	Editorial
18A:66-14	Same
18A:66-15	Editorial
18A:66-15.1	Same
18A:66-16	Same
18A:66-17	Editorial
18A:66-18	Editorial
18A:66-19	Editorial
18A:66-20	Editorial
18A:66-21	Editorial
18A:66-22	Editorial
18A:66-24	Editorial
18A:66-25	Same
18A:66-26	Editorial
18A:66-27	Editorial
18A:66-28	Editorial
18A:66-29	Editorial
18A:66-30	Editorial
18A:66-31	Editorial
18A:66-32	Editorial
18A:66-32.1	Editorial
18A:66-33	Editorial
18A:66-34	Editorial
18A:66-35	Editorial
18A:66-36	Editorial
18A:66-37	Editorial
18A:66-38	Editorial
18A:66-39	Editorial
18A:66-40	Editorial
18A:66-41	Editorial
18A:66-42	Editorial

Revised Section	Treatment of Source
18A:66-43	Same
18A:66-44	Editorial
18A:66-45	Editorial
18A:66-46	Editorial
18A:66-47	Editorial
18A:66-48	Editorial
18A:66-49	Same
18A:66-51	Editorial
18A:66-52	Same
18A:66-53	Editorial
18A:66-53.1	Editorial
18A:66-53.2	Editorial
18A:66-54	Same
18A:66-55	Editorial
18A:66-56	Editorial
18A:66-57	Editorial
18A:66-58	Editorial
18A:66-59	Editorial
18A:66-60	Same
18A:66-61	Editorial
18A:66-62	Editorial
18A:66-63	Same
18A:66-64	Same
18A:66-65	Revised
18A:66-66	Same
18A:66-67	Editorial
18A:66-68	Editorial
18A:66-69	Editorial
18A:66-70	Editorial
18A:66-71	Editorial
18A:66-73	New
18A:66-74	Editorial
18A:66-75	Editorial
18A:66-76	Editorial
18A:66-77	Editorial
18A:66-78	Same
18A:66-79	Editorial
18A:66-80	Editorial
18A:66-81	Editorial
18A:66-82	Same
18A:66-83	Editorial
18A:66-84	Editorial
18A:66-85	Editorial
18A:66-86	Editorial
18A:66-87	Same
18A:66-88	Editorial
18A:66-89	Editorial
18A:66-90	Edtorial
18A:66-91	Saved from repeal
18A:66-92	Saved from repeal
18A:66-93	Saved from repeal
18A:66-94	New
18A:66-95	Same
18A:66-96	Editorial
18A:66-97	Editorial
18A:66-98	Same
18A:66-99	Same
18A:66-100	Same
18A:66-101	Same
18A:66-102	Editorial
18A:66-103	Editorial
18A:66-104	Same
18A:66-105	Editorial
18A:66-106	Editorial
18A:66-107	Editorial
18A:66-108	Editorial
18A:66-109	Same
18A:66-110	Editorial
18A:66-111	Same
18A:66-112	Same
18A:66-113	Editorial
18A:66-114	Editorial
18A:66-115	Editorial
18A:66-116	Same
18A:66-117	Editorial
18A:66-118	Editorial
18A:66-119	Editorial
18A:66-120	Editorial
18A:66-121	Same
18A:66-122	Same
18A:66-123	Editorial
18A:66-124	Editorial
18A:66-125	Same
18A:66-126	Same
18A:66-127	Editorial
18A:66-128	Editorial
18A:66-129	Editorial
18A:67-1	Editorial
18A:67-2	Revised to consolidate source sections
18A:68-1	Editorial
18A:68-2	Editorial
18A:68-3	Revised to consolidate source sections
18A:68-4	Revised to consolidate source sections

Revised Section	Treatment of Source
18A:68–5	Revised to consolidate source sections
18A:68–6	Revised to consolidate source sections and correct date
18A:68–7	Revised to consolidate source sections
18A:68–8	Editorial
18A:68–9	Revised to consolidate source sections
18A:68–10	Same
18A:68–11	Revised to consolidate source sections
18A:68–12	Same
18A:68–13	Editorial
18A:68–14	Same
18A:68–15	Same
18A:68–16	Same
18A:68–17	Same
18A:68–18	Editorial
18A:69–1	Revised to consolidate source sections
18A:69–2	Revised to consolidate source sections
18A:69–3	Same
18A:69–4	Editorial
18A:69–5	Editorial
18A:69–6	Editorial
18A:69–7	Editorial
18A:69–8	Editorial
18A:69–9	Editorial
18A:69–10	Same
18A:69–11	Editorial
18A:69–12	Editorial
18A:69–13	Editorial
18A:69–14	Editorial
18A:69–15	Editorial
18A:69–16	Editorial
18A:70–1	Editorial
18A:70–2	Editorial
18A:70–3	Editorial
18A:70–4	Same
18A:70–5	Editorial
18A:70–6	Editorial
18A:70–7	Editorial
18A:70–8	Editorial
18A:70–9	Editorial
18A:71–1	Editorial
18A:71–2	Editorial
18A:71–3	Revised to consolidate source sections
18A:71–4	Editorial
18A:71–5	Same
18A:71–6	Same
18A:71–7	Editorial
18A:71–7.1	Revised to consolidate source sections
18A:71–8	Editorial
18A:71–9	Editorial
18A:71–10	Revised to consolidate source sections
18A:71–11	Same
18A:71–12	Same
18A:71–13	Same
18A:71–14	Editorial
18A:71–15	Editorial
18A:71–16	Same
18A:71–17	Revised to consolidate source sections
18A:71–18	Revised to consolidate source sections
18A:71–19	Editorial
18A:71–20	Editorial
18A:71–21	Editorial
18A:71–22	Revised to consolidate source sections
18A:71–23	Same
18A:71–24	Same
18A:71–25	Editorial
18A:71–26	Editorial
18A:71–27	Editorial
18A:72–1	Editorial
18A:72–2	Revised to consolidate source sections
18A:72–3	Revised to consolidate source sections
18A:72–4	Revised to consolidate source sections
18A:72–5	Same
18A:72–6	Same
18A:72–7	Editorial
18A:72–8	Editorial
18A:72–9	Editorial
18A:72–10	Revised to consolidate source sections

Revised Section	Treatment of Source
18A:72-11	Revised to consolidate source sections
18A:72-12	Revised to consolidate source sections
18A:72-13	Editorial
18A:72-14	Same
18A:72-15	Editorial
18A:72-16	Same
18A:72-17	Editorial
18A:72-18	Same
18A:72-19	Editorial
18A:72-20	Revised to consolidate source sections
18A:72-21	Editorial
18A:72A-1	Editorial
18A:72A-2	Editorial
18A:72A-3	Revised; definition added
18A:72A-4	Editorial
18A:72A-5	Editorial
18A:72A-6	Editorial
18A:72A-7	Same
18A:72A-8	Editorial
18A:72A-9	Editorial
18A:72A-10	Editorial
18A:72A-11	Same
18A:72A-12	Editorial
18A:72A-13	Editorial
18A:72A-14	Editorial
18A:72A-15	Editorial
18A:72A-16	Editorial
18A:72A-17	Same
18A:72A-18	Editorial
18A:72A-19	Editorial
18A:72A-20	Editorial
18A:72A-21	Same
18A:72A-22	Editorial
18A:72A-23	Same
18A:72A-24	Revised to consolidate source sections
18A:72A-25	Same
18A:72A-26	Revised to consolidate source sections
18A:72A-27	Revised to consolidate source sections
18A:72A-27.1	Revised to consolidate source sections
18A:72A-28	Revised to consolidate source sections
18A:72A-29	Revised to consolidate source sections
18A:72A-30	Same
18A:72A-31	Same
18A:72A-32	Editorial
18A:72A-33	Same
18A:72A-34	Editorial
18A:72A-35	Editorial
18A:72A-36	Editorial
18A:72A-37	Editorial
18A:72A-38	Editorial
18A:72A-39	Editorial
18A:73-1	Editorial
18A:73-2	Editorial
18A:73-3	Editorial
18A:73-4	Same
18A:73-5	Same
18A:73-6	Editorial
18A:73-7	Editorial
18A:73-8	Editorial
18A:73-9	Editorial
18A:73-10	Editorial
18A:73-11	Editorial
18A:73-12	Editorial
18A:73-13	Same
18A:73-14	Editorial
18A:73-15	Editorial
18A:73-16	Editorial
18A:73-17	Editorial
18A:73-18	Editorial
18A:73-19	Editorial
18A:73-20	Same
18A:73-21	Same
18A:73-22	Same
18A:73-23	Same
18A:73-24	Same
18A:73-25	Same
18A:74-1	Editorial
18A:74-2	Editorial
18A:74-3	Editorial
18A:74-4	Same
18A:74-5	Same
18A:74-6	Editorial
18A:74-7	Editorial
18A:74-8	Editorial
18A:74-9	Editorial
18A:74-10	Editorial
18A:74-11	Editorial

Revised Section	Treatment of Source	Revised Section	Treatment of Source
18A:74–12	Editorial	18A:75–8	Same
18A:74–13	Editorial	18A:75–9	Same
18A:75–1	Same	18A:75–10	Same
18A:75–2	Same	18A:75–11	Same
18A:75–3	Same	18A:75–12	Same
18A:75–4	Same	18A:76–1	New
18A:75–5	Same	18A:76–2	New
18A:75–6	Same	18A:76–3	New
18A:75–7	Same	18A:76–4	New

TITLE 18A. EDUCATION.

SCHEDULE C.

ACTS SAVED FROM REPEAL—COMPILATION.

TITLE 18A. PAMPHLET LAWS OR REVISED STATUTES.

18A:3-5 1966, c. 302, article V
(C. 18:21A-34 to C. 18:21A-44 incl.)

Article V

34. All appropriations and other moneys available and to become available to any department, division, bureau or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Higher Education, are hereby transferred to the Department of Higher Education established hereunder, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

35. Such employees of any department, commission, council, board, authority, office or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Higher Education or to any office, authority or agency designated, continued or constituted therein, as the Board of Higher Education may determine are needed for the proper performance of the functions and duties imposed upon the Department of Higher Education, or such office, authority or agency therein, are hereby transferred to the department, office, authority or agency to which such functions, powers and duties have been herein assigned or transferred.

36. Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11, Civil Service, of the Revised Statutes, or under any pension law or retirement system.

37. All files, books, papers, records, equipment and other property of any department, commission, council, board, office, authority or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Higher Education or to any office, authority or agency designated, continued or constituted hereunder, shall upon the effective date of this act be transferred to the department, office, authority or agency to which such assignment or transfer has been made hereunder.

38. This act shall not affect the orders, rules and regulations heretofore made or promulgated by any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which

have been herein assigned or transferred to the Department of Higher Education or to any officer, authority or agency designated, continued or constituted hereunder; but such orders, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law.

39. This act shall not affect actions or proceedings, civil or criminal, brought by or against any department, commission, council, board, authority, officer or other agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Higher Education or to any officer, authority or agency designated, continued or constituted hereunder, and pending on the effective date of this act, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the department, officer, authority or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or recommendation made by, or other matters or proceedings before, any department, commission, council, board, officer, authority or agency, the functions, powers and duties of which have been herein assigned or transferred to the Department of Higher Education or to any officer, authority or agency designated, continued or instituted hereunder, and all such matters or proceedings pending before such department, commission, council, board, officer, authority or other agency on the effective date of this act shall be continued by the department, officer, authority or agency to which such assignment or transfer has been made hereunder, as if the foregoing provisions had not taken effect.

40. Unless specifically otherwise provided in this act or by any operative law, whenever, pursuant to existing law, reports, certifications, applications or requests are required or permitted to be made to the department, board, division, commission, office or officer, whose powers and duties are herein assigned or transferred, such reports and certifications shall hereafter be required to be filed with, and such applications or requests shall hereafter be made to, the department, officer or agency to which such assignment or transfer has been made hereunder.

41. Whenever the term "State Board of Education" occurs or any reference is made thereto, the same shall be deemed to mean or refer to the Department of Higher Education and whenever the term "commissioner" occurs or any reference is made thereto, the same shall be deemed to mean or refer to the chancellor in any statute in Title 18 of the Revised Statutes which is applicable to any public institution of higher education.

42. This act being deemed and hereby declared necessary for the welfare of the State and the people of New Jersey to provide for the development of public higher education in the State and thereby to increase the efficiency of the public school system of the State, shall be liberally construed to effectuate the purposes and intent thereof.

43. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed; provided, however, that nothing in this act shall be construed as expressly or impliedly repealing any provision of the "Rutgers, The State University Act of 1956," P. L. 1956, c. 61.

44. There is hereby appropriated to the Department of Higher Education the sum of $75,000.00 to carry out the purpose of this act for the fiscal period ending June 30, 1967.

45. This act shall be known as, and may be cited as, the "Higher Education Act of 1966."

46. Section 44 of this act shall take effect immediately and the remainder of this act shall take effect on July 1, 1967, except that any appointment, and any confirmation or approval of any appointment, permitted by this act may be made prior to such date and the Department of Higher Education may expend such funds prior to said date as may be necessary to provide for the orderly transfer to the department of the powers and duties herein prescribed.

18A:6-32 1943, c. 187
(C. 18:5-50.14 to C. 18:5-50.16 incl.)

1. Any person holding office, position or employment under the government of any public school district or county vocational school system of this State or in any public educational institution under the control of the Commissioner of Education or the State Board of Education, who, after July first, one thousand nine hundred and forty, has entered, or hereafter shall enter, full time service of the American Red Cross, in time of war or an emergency, shall be entitled to all of the benefits and privileges concerning tenure and pensions as in this act provided.

2. Any such person who at the time of such entry was or is a member in good standing of the Teachers' Pension and Annuity Fund, if he was or shall be granted leave of absence to enter such service, shall not be subject to subsections "a" and "b" of section 18:13-41 of the Revised Statutes, and shall not lose his membership status which he enjoyed at the time of entering the service of any of said organizations providing he terminates his service with such organization within two years after the termination of such state of war or of emergency and resumes service under the government of any public school district or county vocational school system or in any public institution under the control of the Commissioner of Education or the State Board of Education within six months after the date of the termination of his service with the American Red Cross, and such person may contribute to said fund on the same basis as if said person had not entered said service or such contributions may be made for him by the board of education of said school district or by the board of education of said county vocational school system or by the State, as the case may be, during his said absence and until he shall resume the office, position or employment held by him as provided in this act or such person may within six months after resuming such office, position or employment make such contribution to said fund as may be requisite to complete his contributions to said fund to the date of the making of such contribution.

3. Any such person, being under tenure at the time of entering the service of the American Red Cross, who was or shall be granted a leave of absence by his employer or employing body for the length of such

service; provided, he terminates such service within two years of the termination of such state of war or of emergency, and for six months after the date of the termination of his service and shall be protected in the tenure rights which he possessed at the time of entering such service and shall be entitled to resume the office, position or employment, held by him at the time he entered such service, within three months from the time of making application therefor, provided such application is made within three months from the date of the termination of such service and provided that he terminates such service within two years after the termination of such state of war or of emergency.

18A:6–33 1944, c. 226
(C. 18:4A–1 to C. 18:4A–4 incl.)

1. Every person holding office, position or employment other than for a fixed term or period in the public school system of this State who, after July first, one thousand nine hundred and forty, has entered, or hereafter shall enter, the active military or naval service of the United States or of this State, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service, or who, after July first, one thousand nine hundred and forty, has entered or hereafter, in time of war, shall enter the active service of the Women's Army Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy, shall be entitled to all of the benefits and be subject to all of the terms and conditions of chapter one hundred nineteen of the laws of one thousand nine hundred and forty-one as amended and supplemented, except that if and in event that during his said leave of absence the salary of any such person was or shall be increased, or salary increments arising from the carrying out of a scale of salary increments in full force and effect applying to all persons employed in the same classification as such person, were or shall be granted, which such person would have enjoyed had he not entered such service, such person after resuming his said office, position or employment shall be entitled to said increased salary and shall be entitled to the benefit of said increased salary during his said leave of absence if his leave of absence was or is granted with pay.

2. Every person holding office, position or employment for a fixed term or period under the government of any school district of this state or in any public educational institution under the control of the Commissioner of Education or the State Board of Education, who, after July first, one thousand nine hundred and forty, has entered or hereafter shall enter, the active military or naval service of the United States or of this State, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service or who, after July first, one thousand nine hundred and forty, has entered or hereafter, in time of war, shall enter the active service of the Women's Army Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy, shall be granted leave of absence for the period of such

service and for a further period of three months after receiving his discharge from such service. If any such person shall be incapacitated by wound or sickness at the time of his discharge from such service, his leave of absence shall be extended until three months after his recovery from such wound or sickness, or until the expiration of two years from the date of his discharge from such service, whichever shall first occur.

In no case shall such person be discharged or separated from his office, position or employment during such period of leave of absence because of his entry into such service. Such person shall be entitled to resume the office, position or employment held by him at the time of his entrance into such service; provided, he shall apply therefor before the expiration of his leave of absence; and provided, he shall be honorably discharged from such service, and shall be entitled to continue in such office, position or employment for a period of time equivalent to that part of the term or period for which he was employed, which had not expired at the time of his entering into such service and shall be re-employed in such office, position or employment for such additional period, if any, as when added thereto shall equal one year from the date of his resumption of such office, position or employment and in any such case the period or periods of employment served in said school district or public educational institution before entering such service and after his resumption of said office, position or employment shall be counted in determining his right to tenure in said office, position or employment in the same manner as though they had not been interrupted by his said leave of absence and if and in event that during his said leave of absence any such person's salary was or shall be increased or if salary increments arising from the carrying out of a scale of salary increments in full force and effect applying to all persons employed in the same classification as such person, were or shall be granted, which such person would have enjoyed had he not entered such service, such person after resuming his said office, position or employment shall be entitled to said increased salary and shall be entitled to the benefit of said increased salary during his leave of absence if his leave of absence was or is granted with pay. Upon resumption of his office, position or employment the service in such office, position or employment of the person temporarily filling the same shall immediately cease.

3. Any person holding any office, position or employment in the public school system of this State who, heretofore and subsequent to July first, one thousand nine hundred and forty, entered or hereafter, in time of war, shall enter the active military or naval service of the United States or the active service of the Women's Army Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy and who, at the time of such entry was or is a member in good standing of any pension, retirement or annuity fund, shall retain and have all of the rights, benefits and privileges in said pension, retirement or annuity fund prescribed by chapter two hundred fifty-two of the laws of one thousand nine hundred and forty-two as amended and supplemented and shall be subject to all the conditions and provisions thereof except that if and in event that during his said leave of absence the salary of any such person was or shall be increased or

if salary increments arising from the carrying out of a scale of salary increments in full force and effect in the school district or public educational institution in which such person was employed and applying to all persons so employed in the same classification as such person, were or shall be granted, which such person would have enjoyed had he not entered such service, his right to participate in the benefits of said pension, retirement or annuity fund and the amount of contributions required by said act to be made to said pension, retirement or annuity fund shall be calculated on the basis of such increased salary.

4. The act entitled "An act concerning the holders of offices, positions and employments in the public schools of this State, concerning re-employment, acquisition of tenure and protecting pension rights when the holders of such offices, positions or employments enter the military or naval services of the United States, and supplementing Title 18 of the Revised Statutes," approved May nineteenth, one thousand nine hundred and forty-one (P. L. 1941, c. 134), as said title was amended by chapter one hundred nineteen of the laws of one thousand nine hundred and forty-two (P. L. 1942, c. 119) is repealed.

18A:8–39 R. S. 18:5–18

Districts consolidated prior to 1903, continued. Wherever prior to October nineteenth, one thousand nine hundred and three, any township, incorporated town or borough school district had been consolidated with an adjoining township, incorporated town, or borough school district, by an election of the legal voters of the township, incorporated town, or borough school district, so that on that date the same formed one combined or consolidated school district, and the legal voters of such district have not, since that time, rejected a proposition to confirm or continue the consolidation at an election called for that purpose, and the district has been, since that date, maintained and governed as one consolidated school district, such district shall continue to exist as a consolidated school district in the same manner as though the consolidated school district had been established by an election of the legal voters of the district held pursuant to section 18:5–14 of this title.

18A:8–40 R. S. 18:5–19

Bonds issued prior to 1903 by consolidated district. Where any school district issued bonds prior to October nineteenth, one thousand nine hundred and three, for the erection of a graded or high school building therein, and at the time of the issuance of the bonds and the erection of the building, the district comprised the territory of two adjoining municipalities the voters of which joined or participated in the election authorizing the issuance of the bonds, and the district was governed as a consolidated district on that date, such school district shall continue to be governed as a consolidated district in the same manner as though the consolidation had been effected in the manner provided by section 18:5–14 of this title, and the bonds so issued shall be deemed to have been and shall continue to be a lien upon the inhabitants and property of the municipalities comprising the school district at the time of the issuance thereof, notwithstanding any other provision of this title.

18A:8-41 1947, c. 86, s. 29
(C. 18:5-17.29)

29. Sections 18:5-14 to 18:5-17, both inclusive, of the Revised Statutes and "An act relating to the public schools of this State, and supplementing chapter five of Title 18 of the Revised Statutes," approved May seventh, one thousand nine hundred and thirty-eight, are repealed.

18A:24-4.1 1967, c. 75

1. Whenever it shall be determined that it is necessary to raise in any school district, additional sums of money, over and above the amount fixed and determined in the annual school budget of the 1967-68 fiscal year for the transportation of children to and from school, when the necessity of such transportation and the cost and method thereof have been approved by the county superintendent of schools of the county in which the district paying the cost of such transportation is situated, the board of education of the district is authorized to borrow in anticipation of the taxes to be raised, levied and collected to provide for said expenditures, such sum or sums as it may determine to be necessary for said purpose, upon its promissory notes bearing interest at a rate or rates not to exceed 6% per annum maturing not later than December 31, 1969.

2. The secretary of the board of education shall certify the amount to be raised to the county board of taxation within 5 days after the date of the borrowing.

3. In the case that such certificate shall be delivered to the county board of taxation on or prior to April 1, 1968, the amount so certified shall be raised, levied and collected by the taxes within that year and in case any such certificate shall be delivered to said board after April 1, 1968, the amount so certified shall be raised, levied and collected by taxes in the next year.

4. The amount so raised, levied and collected shall be paid to the custodian of school moneys of the district as other school moneys are paid and shall be used to pay the principal and interest due upon such notes as they mature.

5. The amounts paid for interest upon said notes shall be reimbursed in full by the State to a school district for the fiscal year in which said payment is made and the county superintendent of schools of the county in which the district paying such interest is situated shall upon the receipt of a claim from the school district certify this amount to the Commissioner of Education. Payments shall be made by the State Treasurer to each school district upon certificate of the Commissioner of Education and warrant of the Director of the Division of Budget and Accounting. Said payments shall be made as follows: interest paid prior to June 30, 1968 on August 1, 1968; interest paid from July 1, 1968 to June 30, 1969 on August 1, 1969; and interest paid from July 1, 1969 to December 31, 1969 on February 1, 1970.

18A:24-28.1 1964, c. 73, s. 8
(C. 18:5-84.2)

8. Proceedings for the authorization of bonds by any school district initiated by adoption of a resolution of the board of education of the school district calling a special school district meeting or election, or initiated by endorsement of a bonding proposal by the Commissioner of Education pursuant to section 18:5-86 of the Revised Statutes, or initiated by passage on first reading of an ordinance of any municipality authorizing bonds for school purposes pursuant to section 18:6-61 of the Revised Statutes, may in each instance proceed to the completion of the authorization of such bonds in accordance with the provisions of Title 18, Education, of the Revised Statutes, as if this act had not taken effect, and any such bonds, or promissory notes or temporary loan bonds in anticipation of such bonds so authorized, and any bonds, promissory notes or temporary loan bonds of any school district.

18A:24-62 R. S. 18:7-84

Notes for certain purposes; bonds to redeem notes. Whenever the board of education of a school district has heretofore issued and sold or shall hereafter issue and sell a note or notes for the purpose of purchasing land, the erection of a schoolhouse, the purchase of furniture and equipment for such schoolhouse, the erection of an addition to any schoolhouse, or the repair or improvement of any schoolhouse, and such note or notes are now or shall hereafter be outstanding and unpaid, the board of education may issue bonds for the purpose of redeeming and paying such notes. Such bonds shall be authorized and issued in the same manner as bonds for the erection or improvement of schoolhouses are authorized to be issued in the district.

18A:28-7 1957, c. 181, s. 4
(C. 18:14-64.1d)

4. Section 18:14-64.1 of the Revised Statutes is repealed, provided that the repeal of the said act shall not in any manner affect any tenure of service or tenure of service rights to which any person was entitled thereunder on the effective date of this act but said tenure of service and tenure of service rights shall continue with the same force and effect as though said act had not been repealed.

18A:58-19 1954, c. 85, s. 18
(C. 18:10-29.47)

18. Repealers. The following acts and parts of acts and all amendments and supplements thereto are hereby repealed:

P. L. 1946, c. 63; P. L. 1948, c. 66; P. L. 1951, c. 227.

Sections 18:10-49, 18:12-4 through 18:12-9, and 18:15-6 through 18:15-16 of the Revised Statutes.

18A:58-33 1956, c. 8, s. 14
(C. 18:10-29.62)

14. Transition. (a) For the school year 1956-1957 the commissioner shall forthwith make an estimate of the amount payable to each district

or creditable to its capital reserve fund under this act, and shall as soon as possible notify each school district as to the amount payable or creditable under this act for the school year 1956-1957.

(b) If this act becomes law prior to March 31, 1956, the commissioner shall certify to each county board of taxation, on or before that date, the amount of the building aid allowance due each school district in the county for the school year 1956-1957, except that in the case of school districts operating under chapter 6 of Title 18 of the Revised Statutes and those operating under chapter 7 of said Title on a calendar year basis for taxation purposes he shall certify only the amount of such allowance which is payable in the calendar year 1956. Each county board of taxation shall deduct the amount so certified in striking the respective tax rates for the municipalities within the counties. In such event, the amount required to be raised by taxation for school purposes in each municipality shall be deemed to have been reduced by the respective amounts so certified.

(c) If this act does not become law prior to March 31, 1956, for the school year 1956-1957 building aid allowance payments otherwise due shall be credited to the capital reserve fund of each district.

18A:58–33.1 1966, c. 31, s. 17

17. (a) Each school district shall be paid State aid under this act for the school year 1966-67 using resident enrollments and equalized valuation of the taxing district or districts within the school district. The commissioner shall certify to each county board of taxation ⅔ of the amount by which the aid so determined for each school district in the county exceeds the aid actually anticipated in the budget for the school district adopted for the school year 1966-67. The county board of taxation shall reduce the amount required for school purposes previously certified to the said county board of taxation for the purposes of the 1966 county table of aggregates by the amount so certified by the commissioner. The county board of taxation will recalculate and reduce the respective municipal tax rates accordingly. Any additional amount of aid under this act which is not used for tax reduction under this section shall be credited to the current expense fund of the school district.

(b) Each school district in which the amount of the local tax levy for school purposes is less than the amount of the additional aid provided for this act for the school year 1966-67 shall be paid the aid determined under the State School Aid Act of 1954 as amended (P. L. 1954, c. 85) and the State School Building Aid Act of 1956 as amended (P. L. 1956, c. 8).

18A:65–9.1 1956, c. 61, s. 36
(C. 18:22–15.60)

36. (a) Section 3 of Chapter 49 of the Laws of 1945, approved March 26, 1945 (R. S. 18:22–15.3), is hereby repealed, effective September 1, 1956;

(b) The resolutions adopted by the Corporation on February 18, 1927 and on April 8, 1932, certificates of which were filed in the office of the Secretary of State on February 21, 1927 and April 25, 1932, respectively, increasing the number of ex-officio Trustees, shall, effective September 1, 1956, be of no further force or effect, except so much thereof as applies to the Commissioner of Education; and

(c) All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed, effective September 1, 1956; and all provisions of the Charter and resolutions of the Board of Trustees of the Corporation inconsistent with the provisions of this Act shall be of no further force or effect on and after September 1, 1956.

18A:66-91 1955, c. 37, s. 3
(C. 18:13-112.5)

3. Sections 24 to 110, inclusive, of chapter 13 of Title 18 of the Revised Statutes of New Jersey with all amendments and supplements thereto are repealed as of the effective date of this act; provided, however, that the Teachers' Pension and Annuity Fund is hereby continued with the membership, all securities, investments and other assets and, except as provided herein, all obligations and liabilities existing as of the effective date of this act, to be hereafter administered in accordance with the provisions of this act. Any benefits and allowances granted under the statutes repealed by this section prior to the effective date of this act shall be continued in the same manner and under the same conditions as originally granted.

18A:66-92 1966, c. 66, s. 11
(C. 18:13-112.70f)

11. The following acts and parts of acts are repealed, effective July 1, 1966:

P. L. 1955, c. 37, s. 68;
P. L. 1956, c. 218;
P. L. 1960, c. 123;
P. L. 1962, c. 108; and
P. L. 1964, c. 190.

The repeal of the aforesaid section and acts shall not be construed to provide for any retroactive effect. Where a member's retirement allowance was reduced by the amount of the old age insurance benefit under Title II of the Social Security Act, paid or payable to him, whether received or not, or if such reduction is to be made upon the member's attainment of 65, on or after July 1, 1966 such reductions shall cease or no reduction shall be made.

18A:66-93 1966, c. 66, s. 12
(C. 18:13-112.35a)

12. The liabilities established pursuant to section 33(a) of the act to which this act is amendatory and supplementary on account of veteran members employed as teachers on January 1, 1955 shall be proportionately increased for each such school district to cover the additional liabilities created by section 11 of this act for all veterans who were employed as teachers on January 1, 1955 and who are employed as teachers on June 30, 1966. Such increased liabilities shall be paid annually in the manner prescribed by section 33(a) of the act to which this act is amendatory and supplementary over the remainder of the 30-year period established for the liquidation of the liabilities.

18A:66-93 1966, c. 66, s. 13
(C. 18:13-112.35b)

13. a. In addition to the amounts required of the State and other employers pursuant to sections 18 and 33 of the act to which this act is amendatory and supplementary, the additional liabilities created by the provisions of this amendatory and supplementary act, except for those provided for under section 12 of this act, shall be computed by the actuary and shall be paid by the State beginning July 1, 1967 through (1) an increase in the normal rate of contribution and (2) an accrued liability contribution, which, if paid in each fiscal year, for a period of 30 years, will provide for this accrued liability.

b. The liability created by P. L. 1962, chapter 108, shall be recomputed by the actuary and added to the additional liabilities created by the provisions of this amendatory and supplementary act. The recomputed liability shall be paid by the State as part of the payment established by subsection (a) of this section, allowing a credit for the payments already made by the State towards the funding of this liability.

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