

3. The racial composition of the pupil population enrolled in the regional district from the withdrawing district or municipality, and the effect of such withdrawal upon the racial composition of the remaining pupil population of the regional district;

4. Two appraisals of each school site which is part of the regional district prepared by qualified appraisers. If two or more constituent districts or municipalities request such a study, the selection of the appraisers and the cost of the required appraisals shall be made and shared jointly; and

5. The proposed educational plan for the pupils from the withdrawing district or municipality presently enrolled in the school or schools of the regional district.

(b) Within 21 days following adoption of such resolution, such body shall confer with the remaining constituent districts and/or the governing bodies of the constituent municipalities, and the regional board of education and the county superintendent to review the procedure required for withdrawal from a regional school district. Such conference may be called by the county superintendent at the request of a constituent district or municipality prior to its adoption of such resolution.

#### Case Notes

Request for severance of sending-receiving relationship between districts denied. *Bloomington Borough Board of Education v. Butler Borough Board of Education*, 94 N.J.A.R.2d (EDU) 553.

Negative racial impact of terminating sending-receiving agreement precluded termination, even though no financial or educational negative impact was shown. *Board of Education of Borough of Merchantville v. Board of Education of Township of Pennsauken*, 93 N.J.A.R.2d (EDU) 464.

#### 6:3-7.2 Investigation and report by county superintendent of schools

(a) Upon receipt of the resolution and accompanying data pursuant to N.J.A.C. 6:3-7.1, the county superintendent shall make an investigation and shall within 60 days after receipt of such request issue a report, in accordance with N.J.S.A. 18A:13-52 or 18A:13-67, to governing bodies of the municipalities constituting the regional district and the board of education of the regional district. If the county superintendent's report addresses the withdrawal of a constituent district or districts from a limited purpose regional district, the report shall also be issued to the boards of education of the constituent district. When the county superintendent has begun such investigation, no action shall be taken upon a subsequent request from another constituent district or municipality of the same regional district until the investigation, report and action thereon have been completed. This report shall be based on data supplied by the petitioning district(s) or municipality(ies) including, but not limited to, the following:

1. A general description of the regional district, including the number of constituent districts, schoolhouses, area of the total district, and area of the withdrawing district or municipality;

2. Enrollment data, including the number of pupils enrolled as reported by grade on the Annual Application for State School Aid and estimated projected enrollment, by grade level, for the succeeding five school years for both the withdrawing district or municipality and the remaining regional district, based on growth factors using average percentages for the last three school years;

3. Enrollment data, by grade level, showing the racial composition of the present regional pupil population and the resulting racial composition for both the withdrawing district or municipality and the remaining regional district if withdrawal is approved;

4. The operating expenses of the regional district for the present school year including the distribution of such current operating expenses among the constituent districts or municipalities;

5. The equalized valuation of each constituent district or municipality of the regional district as set forth in N.J.S.A. 18A:7F-1 et seq.;

6. The average equalized valuations of the real property of each constituent district or municipality of the regional district as set forth in N.J.S.A. 18A:24-1 et seq.;

7. The borrowing margin of each constituent district or municipality of the regional district as determined by N.J.S.A. 18A:24-1 et seq., and the revised borrowing margin of each constituent district or municipality and the withdrawing district or municipality, if approval is granted;

8. The apportionment of debt service for the current school year among all the constituent districts or municipalities of the regional district by dollar amounts and percentages;

9. The replacement costs of schoolhouses and additions, grounds, furnishings and equipment of the regional district, and the replacement cost of any schoolhouse, and additions of the regional district including grounds, furnishings, and equipment, situated in the withdrawing district or municipality. School building replacement costs will be calculated by the Bureau of Facility Planning Services as follows:

i. The current overall cost per square foot for school construction in New Jersey, updated annually in the fall of each year, will be multiplied by the gross area of the building;

ii. This figure will include construction costs, moveable and built-in furniture and equipment, and fees; and

iii. Site costs will be excluded since they are already included under N.J.A.C. 6:3-7.1(a)4;

10. The amount of indebtedness, if any, to be assumed by the withdrawing constituent district or municipality;

11. The distribution of assets and liabilities of the existing regional district and remaining regional district following withdrawal in the manner as provided by N.J.S.A. 18A:8-24;

12. A proposed educational plan for the withdrawing constituent district or municipality, if withdrawal is approved, including the effects of such withdrawal upon the educational program of the remaining regional district;

13. A summary of the advantages of withdrawal to both the withdrawing constituent district or municipality and the remaining regional district and the disadvantages to the withdrawing constituent district or municipality and the remaining regional district; and

14. A recommendation regarding the request for withdrawal from the regional school district by the county superintendent.

(b) Upon adoption of a resolution, in accordance with N.J.S.A. 18A:13-51 or 13-66, the board of education of the regional school district shall not incur any additional indebtedness for capital projects, pending either the rejection of the proposal at a special school election or an effective date of withdrawal as determined by the Commissioner of Education.

Amended by R.1999 d.342, effective October 4, 1999.

See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

In the introductory text of (a) and in (a)5, updated references.

#### Case Notes

Local school district lacked authority to issue bonds to finance proposed payment to regional district upon favorable vote. Winslow Tp. Bd. of Educ. v. Board of Review, 275 N.J.Super. 206, 645 A.2d 1230 (A.D.1994).

#### 6:3-7.3 Special school election

(a) If the application is granted upon completion of the procedures contained in N.J.S.A. 18A:13-54 to 56 or 18A:13-69 to 71, the county superintendent shall confer with the regional board and the boards of education of the constituent districts of a limited purpose regional district or the constituent municipal governing bodies of an all purpose regional district and fix a day and time for holding a special school election, in accordance with the provisions of N.J.S.A. 18A:13-57 or 18A:13-72.

(b) To be effective the proposal must be adopted by a majority of the legal votes cast within the withdrawing constituent district or municipality, and, in addition, a majority of the combined legal votes cast within the remainder of the regional district.

#### 6:3-7.4 Final determination of board of review

The board of review, which shall consist of the Commissioner, who shall be chairperson, the State Treasurer or his or her designee, and the Director of the Division of Local Government of Community Affairs, shall include in its final determinations required by N.J.S.A. 18A:13-56 or 18A:13-71, any specific conditions under which its consent is granted in order to insure that a thorough and efficient system of public schools will be maintained in the withdrawing district(s) or municipality(ies) and the remaining regional district.

#### Case Notes

Municipality's action challenging distribution of assets of dissolved regional high school district was an appeal from decision of county superintendent of schools approving the proposed distribution, and determination of Board of Review was entitled to no weight, nor were the determinations of county superintendent, Commissioner of Education, or State Board of Education to extent that those determinations were based on Board of Review order. In re Dist. of Liquid Assets, 773 A.2d 6 (2001).

Section of statute allowing state Board of Education to deny petition for authorization to conduct referendum on dissolution of regional school district for "Any other reason which it may deem to be sufficient..." requires reason that implicates constitutional obligation for maintenance of thorough and efficient system of free public schools. In re Petition for Authorization to Conduct a Referendum on the Dissolution of Union County Regional High School Dist. No. 1, 298 N.J.Super. 1, 688 A.2d 1082 (A.D.1997).

School districts cannot agree to a two-year moratorium on opposition to severance of a sending/receiving relationship. Lincoln Park Board of Education v. Boonton Board of Education, 95 N.J.A.R.2d (EDU) 493.

Negative fiscal and educational consequences precluded severance of sending-receiving relationship between school districts. Bloomingdale Board of Education v. Butler Board of Education, 95 N.J.A.R.2d (EDU) 151.

Termination of sending-receiving relationship authorized. Board of Education of Township of Boonton v. Board of Education of Town of Boonton, 92 N.J.A.R.2d (EDU) 235.

#### 6:3-7.5 Effective date of withdrawal

If approved at said election, the withdrawal of the district or municipality shall become effective upon a date to be determined by the Commissioner of Education, pursuant to the provisions of N.J.S.A. 18A:13-59 or 18A:13-74.

## SUBCHAPTER 8. ATHLETICS PROCEDURES

#### Authority

N.J.S.A. 2A:4A-60, 2A:170-25.9, 2C:5, 2C:12-1, 2C:33-19, 2C:39, 9:6-1, 10:4-6, 18A:40-12.5 to 12.6, 18A:17-46, 18A:35-4.8; 18A:37-2.1 to 2.5, 18A:37-7 to 12, 18A:38-1, 18A:38-25, 18A:38-31, 18A:40-1, 18A:40-3 to 4, 18A:40-7 to 18, 18A:40-23 to 31, 18A:40A-1 to 17, 18A:46-18.1, 24:21-2, 26:3d-17, 26:5C, 34:2-21.8(3), 34 CFR Part 98, 34 CFR Part 99, 42 CFR Part 2, 18 U.S.C. § 921 and 20 U.S.C. § 1400.

#### Source and Effective Date

R.2001 d.138, effective May 7, 2001.

See: 33 N.J.R. 399(a), 33 N.J.R. 1443(a).

#### Subchapter Historical Note

Subchapter 8, School Ethics Commission, was recodified as N.J.A.C. 6A:28 by R.2000 d.139, effective April 3, 2000. See: 31 N.J.R. 4166(a), 32 N.J.R. 1189(a).

Subchapter 8, Athletics Procedures, was adopted as R.2001 d.138, effective May 7, 2001. See: Source and Effective Date.

**6:3-8.1 General requirements**

(a) The program of activities or sports to be employed by any public school in competitive contests, games or events

or in exhibitions with individual pupils or teams of one or more schools of the same district, or of other districts, shall be recommended annually by the chief school administrator to the district board of education for approval.