

***School Districts—Withdrawal By Municipality From Regional School District—1989 N.J. Sess. Law Serv. 90 (West) (to be codified at N.J. Stat. Ann. §§ 18A:13-66 to -81).***

The Act provides the authorization and procedures for municipalities to withdraw from an all purpose regional school district.<sup>1</sup> A municipality may apply to the county superintendent of schools to investigate the advisability of its withdrawal from the regional school district.<sup>2</sup>

The county superintendent will file a report within sixty days with all the municipalities of the regional school district containing any financial, educational, or other information necessary to form an intelligent judgment regarding the proposed withdrawal.<sup>3</sup> The county superintendent will calculate the amount of indebtedness to be assumed by the withdrawing municipality.<sup>4</sup> Within thirty days of the filing of the superintendent's report, the withdrawing municipality may petition the Commissioner of Education to submit the withdrawal question to the voters of the regional school district.<sup>5</sup> Constituent municipalities in the regional district will have fifteen days to answer the withdrawing municipality's petition.<sup>6</sup>

After the filing of the answers, the Commissioner of Education will, within fifteen days, submit the petition and answers to a board of review to decide whether or not the petition should be granted.<sup>7</sup> If the petition is granted, the board of review will determine the amount of indebtedness to be assumed by the withdrawing municipality.<sup>8</sup> The board of review may oppose the application for withdrawal for any financial, educational, or other reason deemed sufficient.<sup>9</sup>

If the application is granted, it will be submitted to all voters in the regional school district.<sup>10</sup> The ballots will include financial

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<sup>1</sup> N.J. STAT. ANN. §§ 18A:13-66 to -81 (West Supp. 1989).

<sup>2</sup> *Id.* § 18A:13-66.

<sup>3</sup> *Id.* § 18A:13-67.

<sup>4</sup> *Id.* § 18A:13-68.

<sup>5</sup> *Id.* § 18A:13-69.

<sup>6</sup> *Id.* § 18A:13-70.

<sup>7</sup> *Id.* § 18A:13-71.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* § 18A:13-72.

information with regard to the withdrawal and should be conducted in the manner prescribed by law for special school elections.<sup>11</sup> If adopted, the withdrawing municipality will constitute a separate school district on a date to be decided by the Commissioner of Education.<sup>12</sup>

All members of the board of education for the regional school district will continue in office until the withdrawal of the municipality becomes effective.<sup>13</sup> After the withdrawal takes effect, the terms of the board members from the withdrawing municipality will expire.<sup>14</sup> These board members will form the first board of education of the new district until the expiration of their respective terms.<sup>15</sup>

On the effective date of withdrawal, the withdrawing municipality will take title and control of all school property situated within its district and a fair proportion of the shared property allowed by the county superintendent.<sup>16</sup> The county superintendent will file a written report at the end of the preceding school year detailing this division of assets and liabilities between the new and remaining school districts.<sup>17</sup>

All employees will continue to be employed in their respective positions retaining all rights of tenure, seniority, pension, leave of absence, and similar benefits.<sup>18</sup> Any employee located in the new district may apply for a transfer to the regional district.<sup>19</sup> Transfers will be granted based on tenure and seniority.<sup>20</sup>

A regional school district will be dissolved if all the municipalities withdraw from the school district or only one constituent municipality remains in the regional school district.<sup>21</sup> A withdrawal pursuant to this Act will not affect the rights of any hold-

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<sup>11</sup> *Id.* § 18A:13-73.

<sup>12</sup> *Id.* § 18A:13-74.

<sup>13</sup> *Id.* § 18A:13-75.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* § 18A:13-76.

<sup>16</sup> *Id.* § 18A:13-77.

<sup>17</sup> *Id.* § 18A:13-78.

<sup>18</sup> *Id.* § 18A:13-80.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* § 18A:13-79.

ers of bonds issued by any district or municipality affected by this Act.<sup>22</sup>

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<sup>22</sup> *Id.* § 18A:13-81.