

**NEW JERSEY 18A:6-52. Establishment of commission; petition** Whenever five or more boards of education in any county or in any two or more counties and the commissioner after study and investigation shall deem it advisable to establish a county educational services commission, such boards of education may petition the State Board of Education for permission to establish such a commission. A report shall be attached to such petition setting forth the kind or kinds of educational and administrative services and programs which are deemed to be needed and proposed to be provided, an estimate of the cost of providing such services and programs, a method of financing the expenditures of such commission, including a detailed budget which projects anticipated costs and identifies anticipated sources of revenue until such can be financed under its first regularly adopted budget, and any other data or information deemed pertinent. The State board, after studying the petition and report, shall determine whether there is a need for such a commission and whether its operation is feasible. If the State board finds that the need exists and further finds that the operation of a commission will be feasible, it shall approve the petition and so notify the petitioning boards of education and the county superintendent or county superintendents of the county or counties, as the case may be, in which such boards of education are located. b. Commissions of less than five member districts established prior to the effective date of this amendatory act may continue to provide services and programs pursuant to this act. L.1968, c.243, s.2; amended 1989,c.254,s.2. **18A:6-53. Approval of establishment; commissioners, first meeting**

Whenever the boards of education and the county superintendent or superintendents, as the case may be, receive notification that the State board approves the establishment of a commission, the county superintendent, or the county superintendents by agreement if more than one county is included, shall instruct each board of education to elect one of its members or the superintendent or chief school administrator, to represent the district on the commission, and shall fix a date and place for the first meeting of the representative assembly. L.1968, c.243, s.3; amended 1989,c.254,s.3. **18A:6-60. Superintendent or chief school administrator**

The board of directors shall appoint a suitable person to be the superintendent or chief school administrator of the commission. Such person shall possess a certificate appropriate to the position of superintendent or chief school administrator as prescribed under rules of the State Board of Examiners. The superintendent or chief school administrator shall have a seat on the board of directors, but no vote. He shall have the same powers as are conferred upon superintendents of schools by Title 18A of the New Jersey Statutes. L.1968, c.243, s.10; amended 1989,c.254,s.10. **18A:6-61. Body corporate**

The board of directors shall be a body corporate, and shall be known as "the board of directors of ..... " (here shall be inserted a suitable name to be adopted by the board of directors with the approval of the State Board of Education, but such name shall contain at least the words "Educational Services Commission)". The board of directors may purchase, lease-purchase or lease personal or real property in accordance with rules and regulations to be adopted by the State board of education. L.1968, c.243, s.11; amended 1989,c.254,s.11. **18A:6-62. Annual budget; preparation, adoption, funding**

12. The representative assembly shall annually, on or before March 8, adopt a budget **18A:6-64. Withdrawal of membership** for the ensuing fiscal year, which shall contain the estimated cost of providing each service or program, and submit such budget within three days of adoption to the county superintendent for approval. By January 15 prior to the adoption of the budget the board

shall notify each member board of education of the fees to be charged for each service and program for the ensuing school year and of the method by which the commission expenses shall be funded. The commission expenses may be paid from one or more of the following sources: a. unappropriated balances from the prebudget year; b. anticipated surpluses to be generated by fees for programs or services; c. payments by member districts; d. anticipated miscellaneous revenues. If payments shall be made by member districts to pay for all or part of the commission expenses, each member district's share shall be determined as the proportion which the total public school enrollment in the school district on the last school day prior to October 16 of the year in which the budget is made bears to the total public school enrollment for all member districts on the last school day prior to October 16 or in any other manner agreed to by two-thirds of the members of the representative assembly. Payment of the member district's share of the commission expense, when so determined, shall be an obligation of a member school district, and payments shall be made during the school year for which such budget shall have been made in a manner determined by the representative assembly.

L.1968,c.253,s.12; amended 1989,c.254,s.12; 1990,c.52,s.29; 1992,c.159,s.4. **18A:6-63.**

**Services; contracts** a. The representative assembly shall from time to time determine what services and programs shall be provided by the commission, subject to approval of and pursuant to rules of the State Board of Education. It shall determine the fee to be charged for providing each service and program, and enter into contracts with school districts, whether member districts of the commission or not, to provide any or all such services and programs. The commission may enter into contracts to provide these services and programs to nonpublic schools. Such contracts for member districts may be for terms not exceeding 10 years, and a member school district, having so contracted, may not withdraw from membership in the commission during the term of such a contract. b. Commissions may enter into contracts with other public and private agencies for the provision of approved services and programs to participating public school districts and nonpublic schools. These contractual arrangements shall conform to rules and regulations of the State Board of Education and be approved by the county superintendent or superintendents, as the case may be. L.1968, c.243, s.13; amended 1989,c.254,s.13. Except as provided in section 13 of this act, a school district which is a member of a commission may withdraw from membership by adopting a resolution setting forth its intention to withdraw and the reason or reasons for the withdrawal, and filing with the county superintendent or superintendents, as the case may be, and secretary of the board of directors a certified copy of such resolution. The withdrawal shall be effective at the conclusion of the third full school year after the filing of such resolution with the secretary of the board of directors. L.1968, c.243, s.14; amended 1989,c.254,s.14. **18A:6-65. Employment of personnel** The board may employ teachers, principals and other employees, subject to the provisions of Title 18A for the employment of personnel for public school districts, and subject to the rules of the State Board of Examiners for the employment of persons whose office, position or employment requires them to hold an appropriate certificate issued by the State Board of Examiners. L.1968, c. 243, s. 15, eff. July 1, 1968. **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 disabled pupils, and counseling, inclusionary, and child study

team services for, but not limited to, disabled pupils, the 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. The 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. The counseling services provided by a jointure commission to a nondisabled pupil e limited to preventive counseling services. Amended 2001, c.150. **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 shall b 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.

**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.