

Public Notice

Education

State Board of Education

Notice of Receipt and Action on Petition for Rulemaking

Attendance Outside of State

N.J.S.A. 18A:38-10

Petitioner: Patrice Green.

Take notice that on November 6, 2019, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner requesting the State Board to repeal N.J.S.A. 18A:38-10 to end the ability of school districts in New Jersey to send public students to an adjacent school district outside the State. The petitioner's request states that the statute undermines the New Jersey Constitution by virtue of allowing an out-of-State arrangement where there is no jurisdiction to monitor and/or manage educational programs, activities, governance, and contractual decisions.

The petitioner's request also states the Montague Township Board of Education is the only school district to have utilized the statute, which also states the Commissioner of Education (Commissioner) must give consent to allow a school district to send students out-of-State and can withdraw consent upon reasonable notice whenever the reason(s) for giving consent shall cease to exist. The petitioner's request further states the reason(s) for the previous consent by the Commissioner ceased to exist when the Montague Township Board of Education, in 2015, entered into a send-receive relationship with High Point Regional High School in Sussex, New Jersey. The petitioner's request alleges that there is a current controversy regarding the send-receive relationship with High Point Regional High School and some community members are advocating to terminate the relationship and, once again, send students to an out-of-State school district. The petitioner's request further states that continuing to send Montague Township

students to High Point Regional High School remains a viable option and repealing the statute will end the current controversy.

After reviewing the petition, the Department of Education (Department) has concluded the State Board does not have the authority to repeal a State law as that is the responsibility of the New Jersey Legislature.

Therefore, the petitioner's request is denied.