

ASSEMBLY, No. 143

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Wirths

SYNOPSIS

Restricts Commissioner of Education's authority to reject school district's budget proposal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning the approval of a school district's budget
2 proposal and amending P.L.1996, c.138.

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

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7 1. Section 6 of P.L.1996, c.138 (C.18A:7F-6) is amended to
8 read as follows:

9 6. a. **【The commissioner shall not approve any budget**
10 **submitted pursuant to subsection c. of section 5 of this act unless he**
11 **is satisfied that the district has adequately implemented within the**
12 **budget the thoroughness and efficiency standards set forth pursuant**
13 **to section 4 of P.L.2007, c.260 (C.18A:7F-46). In those instances**
14 **in which a district submits a budget with a general fund tax levy**
15 **and equalization aid set at less than its adequacy budget, the**
16 **commissioner may, when he deems it necessary to ensure**
17 **implementation of standards, direct additional expenditures, in**
18 **specific accounts and for specific purposes, up to the district's**
19 **adequacy budget. A district which submits a budget with a general**
20 **fund tax levy and equalization aid set at less than its adequacy**
21 **budget and which fails to meet core curriculum content standards in**
22 **any school year shall be required to increase expenditures so as to**
23 **meet at least the adequacy budget within the next two budget years.**
24 **In all cases, including those instances in which a district submits a**
25 **budget with a general fund tax levy and equalization aid above its**
26 **adequacy budget, the commissioner may direct such budgetary**
27 **reallocations and programmatic adjustments, or take such other**
28 **measures, as he deems necessary to ensure implementation of the**
29 **required thoroughness and efficiency standards.】** (Deleted by
30 amendment, P.L. , C.) (pending before the Legislature as this
31 bill)

32 b. **【In addition, whenever】** Whenever the commissioner
33 determines, through the results of Statewide assessments conducted
34 pursuant to law and regulation, or during the course of an
35 evaluation of school performance conducted pursuant to section 10
36 of P.L.1975, c.212 (C.18A:7A-10), that a district, or one or more
37 schools within the district, is failing to achieve the core curriculum
38 content standards, the commissioner may summarily take such
39 action as he deems necessary and appropriate, including but not
40 limited to:

- 41 (1) directing the restructuring of curriculum or programs;
- 42 (2) directing staff retraining or reassignment;
- 43 (3) conducting a comprehensive budget evaluation;
- 44 (4) redirecting expenditures;
- 45 (5) enforcing spending at the full adequacy budget; and

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (6) notwithstanding any provisions of the "New Jersey
2 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
3 et seq.), to the contrary, reviewing the terms of future collective
4 bargaining agreements.

5 The commissioner shall report any action taken under this
6 subsection to the State board within 30 days. A board of education
7 may appeal a determination that the district is failing to achieve the
8 core curriculum content standards and any action of the
9 commissioner to the State board.

10 Nothing in this section shall be construed to limit such general or
11 specific powers as are elsewhere conferred upon the commissioner
12 pursuant to law.

13 Nothing in this act shall be deemed to restrict or limit any rights
14 established pursuant to the "New Jersey Employer-Employee
15 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), nor shall the
16 commissioner's powers under this act be construed to permit the
17 commissioner to restrict, limit, interfere with, participate, or be
18 directly involved in collective negotiations, contract administration,
19 or processing of grievances, or in relation to any terms and
20 conditions of employment. This provision shall apply to an existing
21 State-operated school district or a district that is placed under full
22 State intervention only after the terms and conditions of a contract
23 have been finalized.

24 c. (Deleted by amendment, P.L.2007, c.260).

25 d. In addition to the audit required of school districts pursuant
26 to N.J.S.18A:23-1, the accounts and financial transactions of any
27 school district in which the State aid equals 80% or more of its net
28 budget for the budget year shall be directly audited by the Office of
29 the State Auditor on an annual basis.

30 e. (Deleted by amendment, P.L.2007, c.260).

31 f. The commissioner shall not reject any budget submitted
32 pursuant to subsection c. of section 5 of P.L.1996, c.138
33 (C.18A:7F-5) due to the fact that the budget submitted includes a
34 general fund tax levy or total general fund budget that is less than
35 the amount included in the prior budget year.

36 (cf. P.L.2007, c.260, s.30)

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38 2. This act shall take effect immediately and shall first be
39 applicable to the first full school year following the date of
40 enactment.

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STATEMENT

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45 Prior to adopting a budget or presenting it to voters for approval,
46 as may be applicable, a school district must submit the budget
47 proposal to the Commissioner of Education for review and
48 approval. The commissioner may reject the proposal and direct

1 modifications if the commissioner, among other things, is not
2 satisfied that the budget proposal is sufficient to satisfy the
3 thoroughness and efficiency standards that have been established.
4 This bill eliminates that statutory authority and specifies that the
5 commissioner may not reject a budget proposal based on the fact
6 that the proposal includes a general fund tax levy or total general
7 fund budget that is less than the amount included in the prior budget
8 year.