

ASSEMBLY, No. 4930

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

SYNOPSIS

Renames “security aid” as “health and safety aid” to reflect that secure schools provide for students’ mental health; provides that State aid for nonpublic school security services may also be used for mental health services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/5/2020)

1 AN ACT concerning security aid and amending various parts of the
2 statutory law.

3

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

6

7 1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
8 read as follows:

9 19. For school funding purposes, the Commissioner of
10 Education shall determine district of residence as follows:

11 a. (1) In the case of a child placed in a resource family home
12 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),
13 the district of residence shall be the district in which the resource
14 family parents reside. If such a child in a resource family home is
15 subsequently placed in a State facility or by a State agency, the
16 district of residence of the child shall then be determined as if no
17 such resource family placement had occurred.

18 (2) In the case of a child placed in a resource family home on or
19 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the
20 district of residence shall be the present district of residence of the
21 parent or guardian with whom the child lived prior to the most
22 recent placement in a resource family home.

23 b. The district of residence for children who are in residential
24 State facilities, or who have been placed by State agencies in group
25 homes, skill development homes, private schools or out-of-State
26 facilities, shall be the present district of residence of the parent or
27 guardian with whom the child lived prior to his most recent
28 admission to a State facility or most recent placement by a State
29 agency.

30 c. The district of residence for children whose parent or
31 guardian temporarily moves from one school district to another as
32 the result of being homeless shall be the district in which the parent
33 or guardian last resided prior to becoming homeless. For the
34 purpose of this amendatory and supplementary act, "homeless" shall
35 mean an individual who temporarily lacks a fixed, regular and
36 adequate residence.

37 d. If the district of residence cannot be determined according to
38 the criteria contained herein, if the criteria contained herein identify
39 a district of residence outside of the State, or if the child has resided
40 in a domestic violence shelter, homeless shelter, or transitional
41 living facility located outside of the district of residence for more
42 than one year, the State shall assume fiscal responsibility for the
43 tuition of the child. The tuition shall equal the approved per pupil
44 cost established pursuant to section 24 of P.L.1996, c.138
45 (C.18A:7F-24). This amount shall be appropriated in the same

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 manner as other State aid under this act. The Department of
2 Education shall pay the amount to the Department of Human
3 Services, the Department of Children and Families, the Department
4 of Corrections or the Juvenile Justice Commission established
5 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the
6 case of a homeless child or a child in a family resource home, the
7 Department of Education shall pay to the school district in which
8 the child is enrolled the weighted base per pupil amount calculated
9 pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49) and the
10 appropriate **【security】** health and safety categorical aid per pupil
11 and special education categorical aid per pupil.

12 e. If the State has assumed fiscal responsibility for the tuition
13 of a child in a private educational facility approved by the
14 Department of Education to serve children who are classified as
15 needing special education services, the department shall pay to the
16 Department of Human Services, the Department of Children and
17 Families or the Juvenile Justice Commission, as appropriate, the aid
18 specified in subsection d. of this section and in addition, such aid as
19 required to make the total amount of aid equal to the actual cost of
20 the tuition.

21 (cf: P.L.2017, c.83, s.1)

22

23 2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to
24 read as follows:

25 5. As used in this section, "cost of living" means the CPI as
26 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

27 a. Within 30 days following the approval of the Educational
28 Adequacy Report, the commissioner shall notify each district of the
29 base per pupil amount, the per pupil amounts for full-day preschool,
30 the weights for grade level, county vocational school districts, at-
31 risk pupils, bilingual pupils, and combination pupils, the cost
32 coefficients for **【security】** health and safety aid and for
33 transportation aid, the State average classification rate and the
34 excess cost for general special education services pupils, the State
35 average classification rate and the excess cost for speech-only
36 pupils, and the geographic cost adjustment for each of the school
37 years to which the report is applicable.

38 Annually, within two days following the transmittal of the State
39 budget message to the Legislature by the Governor pursuant to
40 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
41 shall notify each district of the maximum amount of aid payable to
42 the district in the succeeding school year pursuant to the provisions
43 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each
44 district of the district's adequacy budget for the succeeding school
45 year.

46 For the 2008-2009 school year and thereafter, unless otherwise
47 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
48 payable for the budget year shall be based on budget year pupil

1 counts, which shall be projected by the commissioner using data
2 from prior years. Adjustments for the actual pupil counts of the
3 budget year shall be made to State aid amounts payable during the
4 school year succeeding the budget year. Additional amounts
5 payable shall be reflected as revenue and an account receivable for
6 the budget year.

7 Notwithstanding any other provision of this act to the contrary,
8 each district's State aid payable for the 2008-2009 school year, with
9 the exception of aid for school facilities projects, shall be based on
10 simulations employing the various formulas and State aid amounts
11 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
12 commissioner shall prepare a report dated December 12, 2007
13 reflecting the State aid amounts payable by category for each
14 district and shall submit the report to the Legislature prior to the
15 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
16 otherwise provided pursuant to this subsection and paragraph (3) of
17 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
18 amounts contained in the commissioner's report shall be the final
19 amounts payable and shall not be subsequently adjusted other than
20 to reflect the phase-in of the required general fund local levy
21 pursuant to paragraph (4) of subsection b. of section 16 of
22 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to
23 which a district may be entitled pursuant to section 20 of that act.
24 The projected pupil counts and equalized valuations used for the
25 calculation of State aid shall also be used for the calculation of
26 adequacy budget, local share, and required local share. For 2008-
27 2009, extraordinary special education State aid shall be included as
28 a projected amount in the commissioner's report dated December
29 12, 2007 pending the final approval of applications for the aid. If
30 the actual award of extraordinary special education State aid is
31 greater than the projected amount, the district shall receive the
32 increase in the aid payable in the subsequent school year pursuant
33 to the provisions of subsection c. of section 13 of P.L.2007, c.260
34 (C.18A:7F-55). If the actual award of extraordinary special
35 education State aid is less than the projected amount, other State aid
36 categories shall be adjusted accordingly so that the district shall not
37 receive less State aid than as provided in accordance with the
38 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47
39 and C.18A:7F-58).

40 In the event that the commissioner determines, following the
41 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the
42 issuance of State aid notices for the 2008-2009 school year, that a
43 significant district-specific change in data warrants an increase in
44 State aid for that district, the commissioner may adjust the State aid
45 amount provided for the district in the December 12, 2007 report to
46 reflect the increase.

47 b. Each district shall have a required local share. For districts
48 that receive educational adequacy aid pursuant to subsection b. of

1 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local
2 share shall be calculated in accordance with the provisions of that
3 subsection.

4 For all other districts, the required local share shall equal the
5 lesser of the local share calculated at the district's adequacy budget
6 pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the
7 district's budgeted local share for the prebudget year.

8 In order to meet this requirement, each district shall raise a
9 general fund tax levy which equals its required local share.

10 No municipal governing body or bodies or board of school
11 estimate, as appropriate, shall certify a general fund tax levy which
12 does not meet the required local share provisions of this section.

13 c. Annually, on or before March 4, or on or before March 20 in
14 the case of a school district with an annual school election in
15 November, each district board of education shall adopt, and submit
16 to the commissioner for approval, together with such supporting
17 documentation as the commissioner may prescribe, a budget that
18 provides for a thorough and efficient education. Notwithstanding
19 the provisions of this subsection to the contrary, the commissioner
20 may adjust the date for the submission of district budgets if the
21 commissioner determines that the availability of preliminary aid
22 numbers for the subsequent school year warrants such adjustment.

23 Notwithstanding any provision of this section to the contrary, for
24 the 2005-2006 school year each district board of education shall
25 submit a proposed budget in which the advertised per pupil
26 administrative costs do not exceed the lower of the following:

27 (1) the district's advertised per pupil administrative costs for the
28 2004-2005 school year inflated by the cost of living or 2.5 percent,
29 whichever is greater; or

30 (2) the per pupil administrative cost limits for the district's
31 region as determined by the commissioner based on audited
32 expenditures for the 2003-2004 school year.

33 The executive county superintendent of schools may disapprove
34 the school district's 2005-2006 proposed budget if he determines
35 that the district has not implemented all potential efficiencies in the
36 administrative operations of the district. The executive county
37 superintendent shall work with each school district in the county
38 during the 2004-2005 school year to identify administrative
39 inefficiencies in the operations of the district that might cause the
40 superintendent to reject the district's proposed 2005-2006 school
41 year budget.

42 For the 2006-2007 school year and each school year thereafter,
43 each district board of education shall submit a proposed budget in
44 which the advertised per pupil administrative costs do not exceed
45 the lower of the following:

46 (1) the district's prior year per pupil administrative costs; except
47 that the district may submit a request to the commissioner for
48 approval to exceed the district's prior year per pupil administrative

1 costs due to increases in enrollment, administrative positions
2 necessary as a result of mandated programs, administrative
3 vacancies, nondiscretionary fixed costs, and such other items as
4 defined in accordance with regulations adopted pursuant to section
5 7 of P.L.2004, c.73. In the event that the commissioner approves a
6 district's request to exceed its prior year per pupil administrative
7 costs, the increase authorized by the commissioner shall not exceed
8 the cost of living or 2.5 percent, whichever is greater; or

9 (2) the prior year per pupil administrative cost limits for the
10 district's region inflated by the cost of living or 2.5 percent,
11 whichever is greater.

12 d. (1) A district's general fund tax levy shall not exceed the
13 district's adjusted tax levy as calculated pursuant to sections 3 and 4
14 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).

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

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

17 (4) Any debt service payment made by a school district during
18 the budget year shall not be included in the calculation of the
19 district's adjusted tax levy.

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

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

22 (7) (Deleted by amendment, P.L.2004, c.73).

23 (8) (Deleted by amendment, P.L.2010, c.44)

24 (9) Any district may submit at the annual school budget
25 election, in accordance with subsection c. of section 4 of P.L.2007,
26 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
27 funds, including interpretive statements, specifically identifying the
28 program purposes for which the proposed funds shall be used, to the
29 voters, who may, by voter approval, authorize the raising of an
30 additional general fund tax levy for such purposes. In the case of a
31 district with a board of school estimate, one proposal for the
32 additional spending shall be submitted to the board of school
33 estimate. Any proposal or proposals submitted to the voters or the
34 board of school estimate shall not: include any programs and
35 services that were included in the district's prebudget year net
36 budget unless the proposal is approved by the commissioner upon
37 submission by the district of sufficient reason for an exemption to
38 this requirement; or include any new programs and services
39 necessary for students to achieve the thoroughness standards
40 established pursuant to subsection a. of section 4 of P.L.2007, c.260
41 (C.18A:7F-46).

42 The executive county superintendent of schools may prohibit the
43 submission of a separate proposal or proposals to the voters or
44 board of school estimate if he determines that the district has not
45 implemented all potential efficiencies in the administrative
46 operations of the district, which efficiencies would eliminate the
47 need for the raising of an additional general fund tax levy.

1 (10) Notwithstanding any provision of law to the contrary, if a
2 district proposes a budget with a general fund tax levy and
3 equalization aid which exceed the adequacy budget, the following
4 statement shall be published in the legal notice of public hearing on
5 the budget pursuant to N.J.S.18A:22-28, posted at the public
6 hearing held on the budget pursuant to N.J.S.18A:22-29, and
7 printed on the sample ballot required pursuant to section 10 of
8 P.L.1995, c.278 (C.19:60-10):

9 "Your school district has proposed programs and services in
10 addition to the core curriculum content standards adopted by the
11 State Board of Education. Information on this budget and the
12 programs and services it provides is available from your local
13 school district."

14 (11) Any reduction that may be required to be made to programs
15 and services included in a district's prebudget year net budget in
16 order for the district to limit the growth in its budget between the
17 prebudget and budget years by its tax levy growth limitation as
18 calculated pursuant to sections 3 and 4 of P.L.2007, c.62
19 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to
20 excessive administration or programs and services that are
21 inefficient or ineffective.

22 e. (1) Any general fund tax levy rejected by the voters for a
23 proposed budget that includes a general fund tax levy and
24 equalization aid in excess of the adequacy budget shall be submitted
25 to the governing body of each of the municipalities included within
26 the district for determination of the amount that should be expended
27 notwithstanding voter rejection. In the case of a district having a
28 board of school estimate, other than a Type II district with a board
29 of school estimate in which the annual election is in November, the
30 general fund tax levy shall be submitted to the board for
31 determination of the amount that should be expended. If the
32 governing body or bodies or board of school estimate, as
33 appropriate, reduce the district's proposed budget, the district may
34 appeal any of the reductions to the commissioner on the grounds
35 that the reductions will negatively impact on the stability of the
36 district given the need for long term planning and budgeting. In
37 considering the appeal, the commissioner shall consider enrollment
38 increases or decreases within the district; the history of voter
39 approval or rejection of district budgets; the impact on the local
40 levy; and whether the reductions will impact on the ability of the
41 district to fulfill its contractual obligations. A district may not
42 appeal any reductions on the grounds that the amount is necessary
43 for a thorough and efficient education.

44 (2) Any general fund tax levy rejected by the voters for a
45 proposed budget that includes a general fund tax levy and
46 equalization aid at or below the adequacy budget shall be submitted
47 to the governing body of each of the municipalities included within
48 the district for determination of the amount that should be expended

1 notwithstanding voter rejection. In the case of a district having a
2 board of school estimate, other than a Type II district with a board
3 of school estimate in which the annual election is in November, the
4 general fund tax levy shall be submitted to the board for
5 determination. Any reductions may be appealed to the
6 commissioner on the grounds that the amount is necessary for a
7 thorough and efficient education or that the reductions will
8 negatively impact on the stability of the district given the need for
9 long term planning and budgeting. In considering the appeal, the
10 commissioner shall also consider the factors outlined in paragraph
11 (1) of this subsection.

12 In addition, the municipal governing body or board of school
13 estimate shall be required to demonstrate clearly to the
14 commissioner that the proposed budget reductions shall not
15 adversely affect the ability of the school district to provide a
16 thorough and efficient education or the stability of the district given
17 the need for long term planning and budgeting.

18 (3) In lieu of any budget reduction appeal provided for pursuant
19 to paragraphs (1) and (2) of this subsection, the State board may
20 establish pursuant to the "Administrative Procedure Act," P.L.1968,
21 c.410 (C.52:14B-1 et seq.), an expedited budget review process
22 based on a district's application to the commissioner for an order to
23 restore a budget reduction.

24 (4) When the voters, municipal governing body or bodies, board
25 of education in the case of a school district in which the annual
26 school election has been moved to November pursuant to subsection
27 a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), or the board of
28 school estimate authorize the general fund tax levy, the district shall
29 submit the resulting budget to the commissioner within 15 days of
30 the authorization.

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

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

33 (cf: P.L.2013, c.280, s.1)

34

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

37 8. The amounts payable to each school district and county
38 vocational school district pursuant to this act shall be paid by the
39 State Treasurer upon the certification of the commissioner and
40 warrant of the Director of the Division of Budget and Accounting.
41 Five percent of the appropriation for equalization aid, special
42 education categorical aid, preschool education aid, **security** health
43 and safety aid, transportation aid, adjustment aid, and any other aid
44 pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.) shall be paid on
45 the eighth and twenty-second of each month from September
46 through June. If a local board of education requires funds prior to
47 the first payment, the board shall file a written request with the
48 commissioner stating the need for the funds. The commissioner

1 shall review each request and forward for payment those for which
2 need has been demonstrated.

3 Facilities funds shall be paid as required to meet due dates for
4 payment of principal and interest. Each school district, county
5 vocational school district, and county special services school
6 district shall file an annual report regarding facilities payments to
7 the commissioner. The report shall include the amount of interest
8 bearing school debt, if any, of the municipality or district then
9 remaining unpaid, together with the rate of interest payable thereon,
10 the date or dates on which the bonds or other evidences of
11 indebtedness were issued, and the date or dates upon which they fall
12 due. In the case of a Type I school district, the board secretary shall
13 secure the schedule of outstanding obligations from the clerk of the
14 municipality.
15 (cf: P.L.2007, c.260, s.31)
16

17 4. Section 4 of P.L.2007, c.260 (C.18A:7F-46) is amended to
18 read as follows:

19 4. a. The State Board of Education shall review and update the
20 core curriculum content standards every five years. The standards
21 shall ensure that all children are provided the educational
22 opportunity needed to equip them for the role of citizen and labor
23 market competitor.

24 The Commissioner of Education shall develop and establish,
25 through the report issued pursuant to subsection b. of this section,
26 efficiency standards which define the types of programs, services,
27 activities, and materials necessary to achieve a thorough and
28 efficient education.

29 b. By September 1 of 2010 and by September 1 every three
30 years thereafter, the Governor, after consultation with the
31 commissioner, shall recommend to the Legislature through the
32 issuance of the Educational Adequacy Report for the three school
33 years to which the report is applicable:

34 (1) the base per pupil amount based upon the core curriculum
35 content standards established pursuant to subsection a. of this
36 section;

37 (2) the per pupil amounts for full-day preschool;

38 (3) the weights for grade level, county vocational school
39 districts, at-risk pupils, bilingual pupils, and combination pupils;

40 (4) the cost coefficients for **security** health and safety aid and
41 transportation aid;

42 (5) the State average classification rate for general special
43 education services pupils and for speech-only pupils;

44 (6) the excess cost for general special education services pupils
45 and for speech-only pupils; and

46 (7) the extraordinary special education aid thresholds.

47 The base per pupil amount, the per pupil amounts for full-day
48 preschool, the excess costs for general special education services

1 pupils and for speech-only pupils, and the cost-coefficients for
2 **【security】** health and safety aid and transportation aid shall be
3 adjusted by the CPI for each of the two school years following the
4 first school year to which the report is applicable.

5 The amounts shall be deemed approved for the three successive
6 fiscal years beginning from the subsequent July 1, unless between
7 the date of transmittal and the subsequent November 30, the
8 Legislature adopts a concurrent resolution stating that the
9 Legislature is not in agreement with all or any specific part of the
10 report. The concurrent resolution shall advise the Governor of the
11 Legislature's specific objections to the report and shall direct the
12 commissioner to submit to the Legislature a revised report which
13 responds to those objections by January 1.

14 (cf: P.L.2007, c.260, s.4)

15

16 5. Section 14 of P.L.2007, c.260 (C.18A:7F-56) is amended to
17 read as follows:

18 14. **【Security】** Health and safety categorical aid for each school
19 district and county vocational school district shall be calculated as
20 follows:

21 $SA = ((RE \times \$70) + (AREN \times ARSA)) \times GCA$

22 where

23 RE means the school district's or county vocational school
24 district's resident enrollment;

25 ARENR means the district's number of at-risk pupils;

26 ARSA means the at-risk **【security】** health and safety amount;
27 and

28 GCA is the geographic cost adjustment as developed by the
29 commissioner.

30 For the 2008-2009 through 2010-2011 school years the at-risk
31 **【security】** health and safety amount shall be calculated as follows:

32 for a district in which the concentration of at-risk pupils is less
33 than 40% of resident enrollment, the at-risk **【security】** health and
34 safety amount shall equal the district's $(AR\% \times \$10.15 \times 100)$; and

35 for a district in which the concentration of at-risk pupils is equal
36 to or greater than 40%, the at-risk **【security】** health and safety
37 amount shall equal \$406.

38 The **【security】** health and safety cost coefficients, \$70, \$10.15 and
39 \$406, used to determine the **【security】** health and safety amount,
40 shall be adjusted by the CPI in the 2009-2010 and 2010-2011
41 school years as required pursuant to subsection b. of section 4 of
42 this act. For subsequent school years, the cost coefficients shall be
43 established in the Educational Adequacy Report, with adjustments
44 by the CPI for each of the two school years following the first
45 school year to which the report is applicable.

46 (cf: P.L.2007, c.260, s.14)

1 6. Section 16 of P.L.2007, c.260 (C.18A:7F-58) is amended to
2 read as follows:

3 16. a. (1) For the 2008-2009 school year, each school district
4 and county vocational school district shall receive adjustment aid in
5 such amount as to ensure that the district receives the greater of the
6 amount of State aid calculated for the district pursuant to the
7 provisions of this act or the State aid received by the district for the
8 2007-2008 school year multiplied by 102%. The State aid received
9 by the district for the 2007-2008 school year shall include the
10 following aid categories: Core Curriculum Standards Aid,
11 Supplemental Core Curriculum Standards Aid, Education
12 Opportunity Aid, Above Average Enrollment Growth Aid, High
13 Expectations for Learning Proficiency Aid, Instructional
14 Supplement Aid, Demonstrably Effective Program Aid,
15 Stabilization Aid, Supplemental Stabilization Aid, Adult and
16 Postsecondary Education Grants, Bilingual Education Aid, Special
17 Education Aid, County Vocational Program Aid, Transportation
18 Aid, School Choice Aid, Consolidated Aid, Additional Formula
19 Aid, Full-day Kindergarten Supplemental Aid, Targeted-At-Risk
20 Aid, Abbott-Bordered District Aid, Nonpreschool ECPA,
21 Extraordinary Special Education Aid paid in 2006-2007, and Aid
22 for Enrollment Adjustments, taking into consideration the June
23 2008 payment made in July 2008.

24 (2) For the 2009-2010 and 2010-2011 school years a school
25 district or county vocational school district shall receive adjustment
26 aid in such amount as to ensure that the district receives the greater
27 of the amount of State aid calculated for the district pursuant to the
28 provisions of this act or the State aid, other than educational
29 adequacy aid, received by the district for the 2008-2009 school
30 year.

31 (3) For the 2011-2012 school year through the 2017-2018
32 school year, a school district or county vocational school district
33 that does not have a decline in its weighted enrollment, adjusted for
34 bilingual education pupils and at-risk pupils, between the 2008-
35 2009 school year and the budget year that is greater than 5% shall
36 receive adjustment aid in such amount as to ensure that the district
37 receives the greater of the amount of State aid calculated pursuant
38 to the provisions of this act or the State aid, other than educational
39 adequacy aid, received by the district for the 2008-2009 school
40 year.

41 (4) For the 2011-2012 school year through the 2017-2018
42 school year, a school district or county vocational school district
43 that has a decline in its weighted enrollment, adjusted for bilingual
44 education pupils and at-risk pupils, between the 2008-2009 school
45 year and the budget year that is greater than 5% shall have its
46 adjustment aid reduced in an amount equal to the district's 2008-
47 2009 per pupil adjustment aid amount multiplied by the decline in
48 its resident enrollment that is greater than 5%.

1 b. In the case of a school district that received education
2 opportunity aid in the 2007-2008 school year and for which the sum
3 of the district's 2007-2008 State aid under the State aid categories
4 listed under paragraph (1) of subsection a. of this section and
5 general fund local levy is less than the sum of the district's
6 adequacy budget as calculated pursuant to section 9 of this act,
7 special education categorical aid calculated pursuant to section 13
8 of this act, and **【security】** health and safety aid calculated pursuant
9 to section 14 of this act, the district shall receive educational
10 adequacy aid if it meets the following criteria:

11 (1) the district fails to meet educational adequacy standards as
12 determined by the commissioner; or

13 (2) the district is located in a municipality with an equalized
14 total tax rate that is greater than 130% of the Statewide average
15 equalized total tax rate; or

16 (3) the district has an equalized school tax rate that is greater
17 than 110% of the Statewide average equalized school tax rate and is
18 located in a municipality with an equalized total tax rate that is
19 greater than 120% of the Statewide average equalized total tax rate;
20 and

21 (4) the district will not meet adequacy in the 2008-2009 school
22 year based on the State aid increase received by the district for that
23 school year.

24 An eligible district shall receive educational adequacy aid for the
25 2008-2009 school year in accordance with the following formula:

26 $EA\ aid = ((AB + SE + SA) - (GFL + A08)) \times .33) - ls - SA;$

27 where AB is the district's adequacy budget as calculated pursuant
28 to section 9 of this act;

29 SE is the district's special education categorical aid calculated
30 pursuant to section 13 of this act;

31 SA is the district's **【security】** health and safety categorical aid
32 calculated pursuant to section 14 of this act;

33 GFL is the district's prebudget year general fund local levy;

34 A08 is the sum of the district's 2007-2008 State aid under the
35 State aid categories listed under paragraph (1) of subsection a. of
36 this section;

37 ls is the district's prebudget year general fund local levy,
38 multiplied by 4% in the case of a district which meets the criteria of
39 paragraph (2) or paragraph (3) of this subsection, or in the case of a
40 district which does not meet those criteria multiplied by 6%; and

41 SA is any increase in State aid between the prebudget and budget
42 years.

43 An eligible district shall receive educational adequacy aid for the
44 2009-2010 school year in accordance with the following formula:

45 $EA\ aid = ((AB - (GFL + PEQAID)) \times .50) - ls;$ and

46 An eligible district shall receive educational adequacy aid for the
47 2010-2011 school year in accordance with the following formula:

48 $EA\ aid = (AB - (GFL + PEQAID) - ls)$

1 where

2 AB is the district's adequacy budget as calculated pursuant to
3 section 9 of this act;

4 GFL is the district's prebudget year general fund local levy;

5 PEQAID is the district's prebudget year equalization aid
6 calculated pursuant to section 11 of this act; and

7 ls is the district's prebudget year general fund local levy,
8 multiplied by 4% in the case of a district which meets the criteria of
9 paragraph (2) or paragraph (3) of this subsection, or in the case of a
10 district which does not meet those criteria multiplied by 8% for the
11 2009-2010 school year and by 10% for the 2010-2011 school year;

12 For the 2011-2012 school year and for each school year
13 thereafter, the district shall receive the amount of educational
14 adequacy aid that the district received in the 2010-2011 school year.
15 (cf: P.L.2018, c.67, s.7)

16

17 7. Section 3 of P.L.2018, c.67 (C.18A:7F-67) is amended to
18 read as follows:

19 3. As used in P.L.2018, c.67 (C.18A:7F-67 et al.):

20 "State aid differential" means the difference between the sum of
21 a school district's or county vocational school district's allocations
22 of equalization aid, special education categorical aid, **【security】**
23 health and safety categorical aid, transportation aid, adjustment aid,
24 and non-SFRA aids in the prebudget year, and the sum of
25 equalization aid, special education categorical aid, **【security】** health
26 and safety categorical aid, and transportation aid as calculated for
27 the budget year in each category in accordance with the provisions
28 of sections 11, 13, 14, and 15 of P.L.2007, c.260 (C.18A:7F-53,
29 C.18A:7F-55, C.18A:7F-56, and C.18A:7F-57), respectively.

30 "Non-SFRA aids" means the sum of supplemental enrollment
31 growth aid, per pupil growth aid, PARCC readiness aid,
32 professional learning community aid, under adequacy aid, and host
33 district support aid received by a school district in the prebudget
34 year.

35 (cf: P.L.2018, c.67, s.3)

36

37 8. Section 4 of P.L.2018, c.67 (C.18A:7F-68) is amended to
38 read as follows:

39 4. a. Notwithstanding the provisions of P.L.2007, c.260
40 (C.18A:7F-43 et al.) or any other law to the contrary, in the 2019-
41 2020 through 2024-2025 school years, a school district or county
42 vocational school district in which the State aid differential
43 calculated is negative shall receive State school aid in an amount
44 equal to the sum of the district's State aid in the prior school year
45 plus the district's proportionate share of the sum of any increase in
46 State aid included in the annual appropriations act for that fiscal
47 year and the total State aid reduction pursuant to subsection b. of
48 this section based on the district's State aid differential as a percent

1 of the Statewide total State aid differential among all school
2 districts and county vocational school districts for which the State
3 aid differential is negative. Any increase in State aid pursuant to
4 this subsection shall first be allocated to equalization aid, followed
5 by special education categorical aid, ~~security~~ health and safety
6 categorical aid, and transportation aid, except that no category shall
7 exceed the total amount as calculated in accordance with the
8 provisions of sections 11, 13, 14, and 15 of P.L.2007, c.260
9 (C.18A:7F-53, C.18A:7F-55, C.18A:7F-56, and C.18A:7F-57),
10 respectively.

11 b. Except as provided pursuant to subsection c. of this section,
12 and notwithstanding the provisions of P.L.2007, c.260 (C.18A:7F-
13 43 et al.) or any other law to the contrary, in the 2019-2020 through
14 2024-2025 school years, a school district or county vocational
15 school district in which the State aid differential is positive shall
16 receive State school aid in an amount equal to the district's State aid
17 in the prior school year minus a percent of the State aid differential
18 according to the following schedule:

- 19 (1) 13 percent in the 2019-2020 school year;
- 20 (2) 23 percent in the 2020-2021 school year;
- 21 (3) 37 percent in the 2021-2022 school year;
- 22 (4) 55 percent in the 2022-2023 school year;
- 23 (5) 76 percent in the 2023-2024 school year; and
- 24 (6) 100 percent in the 2024-2025 school year.

25 c. (1) An SDA district that is located in a municipality in
26 which the equalized total tax rate is greater than the Statewide
27 average equalized total tax rate for the most recent available
28 calendar year and is spending below adequacy as calculated
29 pursuant to section 1 of P.L.2018, c.67 (C.18A:7F-70) shall not be
30 subject to a reduction in State aid pursuant to subsection b. of this
31 section.

32 (2) An SDA district that is located in a municipality in which
33 the equalized total tax rate is greater than the Statewide average
34 equalized total tax rate for the most recent available calendar year
35 and is spending above adequacy as calculated pursuant to section 1
36 of P.L.2018, c.67 (C.18A:7F-70) shall be subject to a reduction not
37 to exceed the amount by which the district is spending above
38 adequacy multiplied by the corresponding percentage included in
39 subsection b. of this section.

40 (3) A school district, other than an SDA district, that is located
41 in a municipality in which the equalized total tax rate is at least 10
42 percent greater than the Statewide average equalized total tax rate
43 for the most recent available calendar year and is spending at least
44 10 percent below adequacy as calculated pursuant to section 1 of
45 P.L.2018, c.67 (C.18A:7F-70) shall not be subject to a reduction in
46 State aid pursuant to subsection b. of this section.

47 d. Any decrease in State aid pursuant to subsection b. or c. of
48 this section shall first be deducted from a school district's or county

1 vocational school district's allotment of adjustment aid. Any
2 additional reduction shall be deducted from the school district's or
3 county vocational school district's allotment of non-SFRA aids,
4 followed by equalization aid, special education categorical aid,
5 **【security】** health and safety aid, and transportation aid.

6 e. Any remaining adjustment aid or non-SFRA aids shall be
7 reallocated to other State aid categories in a manner to be
8 determined by the commissioner.

9 (cf: P.L.2018, c.67, s.4)

10

11 9. Section 1 of P.L.2018, c.67 (C.18A:7F-70) is amended to
12 read as follows:

13 1. For the purpose of determining whether a school district or
14 county vocational school district is spending above or below
15 adequacy, the commissioner shall compare the sum from the
16 prebudget year its equalization aid calculated pursuant to section 11
17 of P.L.2007, c.260 (C.18A:7F-53), special education categorical aid
18 as calculated pursuant to section 13 of P.L.2007, c.260 (C.18A:7F-
19 55), **【security】** health and safety categorical aid as calculated
20 pursuant to section 14 of P.L.2007, c.260 (C.18A:7F-56), and the
21 general fund tax levy with the district's adequacy budget, as
22 calculated pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51),
23 special education categorical aid as calculated pursuant to section
24 13 of P.L.2007, c.260 (C.18A:7F-55), and **【security】** health and
25 safety categorical aid as calculated pursuant to section 14 of
26 P.L.2007, c.260 (C.18A:7F-56).

27 (cf: P.L.2018, c.67, s.1)

28

29 10. N.J.S.18A:22-8 is amended to read as follows:

30 18A:22-8. The budget shall be prepared in such detail and upon
31 such forms as shall be prescribed by the commissioner and to it
32 shall be annexed a statement so itemized as to make the same
33 readily understandable, in which shall be shown:

34 a. In tabular form there shall be set forth the following:

35 (1) The total expenditure for each item for the preceding school
36 year, the amount appropriated for the current school year adjusted
37 for transfers as of February 1 of the current school year, and the
38 amount estimated to be necessary to be appropriated for the ensuing
39 school year, indicated separately for each item as determined by the
40 commissioner;

41 (2) The amount of the surplus account available at the beginning
42 of the preceding school year, at the beginning of the current school
43 year, and the amount anticipated to be available for the ensuing
44 school year;

45 (3) The amount of revenue available for budget purposes for the
46 preceding school year, the amount available for the current school
47 year as of February 1 of the current school year, and the amount

1 anticipated to be available for the ensuing school year in the
2 following categories:

- 3 (a) Total to be raised by local property taxes
- 4 (b) Total State aid
- 5 (i) Equalization aid
- 6 (ii) Special education categorical aid
- 7 (iii) Transportation aid
- 8 (iv) Preschool education aid
- 9 (v) **【Security】** Health and safety aid
- 10 (vi) Adjustment aid
- 11 (vii) Other (detailed at the discretion of the commissioner)
- 12 (c) Total federal aid
- 13 (i) Elementary and Secondary Education Act of 1965 (20
- 14 U.S.C.s.2701 et seq.)
- 15 (ii) Students with disabilities
- 16 (iii) Impact Aid
- 17 (iv) Vocational
- 18 (v) Other (detailed at the discretion of the commissioner)
- 19 (d) Other sources (detailed at the discretion of the
- 20 commissioner).
- 21 b. (Deleted by amendment, P.L.1993, c.117).
- 22 c. In the event that the total expenditure for any item of
- 23 appropriation is equal to \$0.00 for: (1) the preceding school year,
- 24 (2) the current school year, and (3) the amount estimated to be
- 25 necessary to be appropriated for the ensuing school year, that item
- 26 shall not be required to be published pursuant to N.J.S.18A:22-11.
- 27 d. The instruction function of the budget shall be divided at a
- 28 minimum into elementary (K-5), middle school (6-8), and high
- 29 school (9-12) cost centers, each of which shall be further divided by
- 30 the core curriculum content areas. The commissioner shall phase in
- 31 these requirements as soon as practicable.
- 32 e. The budget as adopted for the school year pursuant to
- 33 section 5 of P.L.1996, c.138 (C.18A:7F-5) shall be provided for
- 34 public inspection on the school district's Internet site, if one exists,
- 35 and made available in print in a "user-friendly" format using plain
- 36 language. The Commissioner of Education shall promulgate a
- 37 "user-friendly," plain language budget summary format for the use
- 38 of school districts for this purpose.
- 39 (cf: P.L.2017, c.131, s.22)

40

41 11. Section 12 of P.L.1995, c.426 (C.18A:36A-12) is amended
42 to read as follows:

43 12. a. (Deleted by amendment, P.L.2007, c.260).

44 b. The school district of residence shall pay directly to the
45 charter school for each student enrolled in the charter school who
46 resides in the district an amount equal to 90% of the sum of the
47 budget year equalization aid per pupil, the prebudget year general
48 fund tax levy per pupil inflated by the CPI rate most recent to the

1 calculation, and the employer payroll tax per pupil that is
2 transferred to the school district pursuant to subsection d. of section
3 1 of P.L.2018, c.68. In addition, the school district of residence
4 shall pay directly to the charter school the **【security】** health and
5 safety categorical aid attributable to the student and a percentage of
6 the district's special education categorical aid equal to the
7 percentage of the district's special education students enrolled in the
8 charter school and, if applicable, 100% of preschool education aid.
9 The district of residence shall also pay directly to the charter school
10 any federal funds attributable to the student.

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

12 d. Notwithstanding the provisions of subsection b. of this
13 section, in the case of a student who was not included in the
14 district's projected resident enrollment for the school year, the State
15 shall pay 100% of the amount required pursuant to subsection b. of
16 this section for the first year of the student's enrollment in the
17 charter school.

18 e. The State shall make payments required pursuant to
19 subsection d. of this section directly to the charter school.

20 (cf: P.L.2018, c.68, s.2)

21

22 12. Section 7 of P.L.2011, c.176 (C.18A:36C-7) is amended to
23 read as follows:

24 7. a. Notwithstanding that a renaissance school project shall be
25 constructed, controlled, operated, and managed by a nonprofit
26 entity, and not the local board of education, it shall be a public
27 school. However nothing contained herein shall restrict a for-profit
28 entity from constructing a renaissance school project, or a
29 renaissance school project from being located on land owned by a
30 for-profit entity. Further, the renaissance school project shall be
31 authorized to retain any business entity, however formed, whose
32 primary purpose is the staffing, operation, and management of
33 elementary schools, middle schools, or high schools in the United
34 States, except as it relates to instructional services.

35 b. The costs of a renaissance school project including, but not
36 limited to, the costs of land acquisition, site remediation, site
37 development, design, construction, and any other costs required to
38 place into service the school facility or facilities constituting the
39 renaissance school project shall be at the sole expense of the
40 nonprofit entity. The nonprofit entity may use State funds to pay
41 for a lease, debt service, or mortgage for any facility constructed or
42 otherwise acquired.

43 c. Notwithstanding the provisions of the "Educational Facilities
44 Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et
45 al.), or any other law or regulation to the contrary, there shall be no
46 State share for the costs of a renaissance school project.

47 d. Notwithstanding the provisions of the "Public School
48 Contracts Law," N.J.S.18A:18A-1 et seq., or any other law or

1 regulation to the contrary, the nonprofit entity or any entity acting
2 in cooperation with a renaissance school project shall not be subject
3 to public bidding for goods and services, and any contracts entered
4 into by the nonprofit entity shall not be deemed public contracts or
5 public works; except that any contract entered into by the nonprofit
6 entity or any entity acting in cooperation with a renaissance school
7 project shall be deemed a public work for the purposes of the "New
8 Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et
9 seq.), and subject to the applicable provisions of that act.

10 e. The renaissance school district in which a renaissance school
11 project is located shall pay to the nonprofit entity in 12 equal
12 monthly installments an amount per pupil equal to 95% of the
13 district's per pupil expenditure. In addition the 12 monthly
14 installments shall include the **【security】** health and safety
15 categorical aid attributable to the student, a percentage of the
16 district's special education categorical aid equal to the percentage of
17 the district's special education students enrolled in the renaissance
18 school project, and if applicable 100% of preschool education aid.
19 The district shall also pay directly to the renaissance school project
20 any federal funds attributable to the student.

21 f. Renaissance school projects shall be required to meet the
22 same testing and academic performance standards established by
23 law and regulation for public school students, and shall meet any
24 additional testing and academic performance standards established
25 by the nonprofit entity and approved by the commissioner.

26 g. The nonprofit entity shall have complete discretion in
27 naming the renaissance school project. The nonprofit entity may
28 not realize a net profit from its operation of a renaissance school
29 project. A private or parochial school shall not be eligible for
30 renaissance school project status.

31 h. A nonprofit entity shall operate a renaissance school project
32 in accordance with the contract entered into pursuant to section 6 of
33 this act, the provisions of this act, and the laws and regulations that
34 govern charter schools which are not inconsistent with this act.

35 (cf: P.L.2014, c.61, s.3)

36
37 13. Section 3 of P.L.2016, c.49 (C.18A:58-37.10) is amended to
38 read as follows:

39 3. A board of education of a school district in which a
40 nonpublic school is located shall within the limit of funds
41 appropriated or otherwise made available, adopt policies and
42 procedures to provide the students who are enrolled full-time in the
43 nonpublic school with security services, equipment, or technology,
44 or mental health services to help ensure a healthy, safe, and secure
45 school environment.

46 (cf: P.L.2016, c.49, s.3)

1 14. Section 4 of P.L.2016, c.49 (C.18A:58-37.11) is amended to
2 read as follows:

3 4. a. The superintendent of schools of each school district in
4 which a nonpublic school is located shall confer annually with the
5 chief school administrator of each of the nonpublic schools to:

6 (1) advise the nonpublic school of the limit of funds available
7 pursuant to this act;

8 (2) agree upon the security services, equipment, or technology,
9 or mental health services to be provided to the students of the
10 nonpublic school, within the limit of the funds that are available;
11 and

12 (3) agree on the date when the board of education will meet to
13 approve how the security services, equipment, or technology, or
14 mental health services will be provided to the students of the
15 nonpublic school.

16 b. In the event that the superintendent of schools and the chief
17 school administrator of the nonpublic school are unable to agree
18 regarding the security services, equipment, or technology, or mental
19 health services to be provided for a safe and secure school
20 environment, the executive county superintendent shall be consulted
21 to determine the security services, equipment, or technology, or
22 mental health services to be provided. The decision of the
23 executive county superintendent shall be final.

24 (cf: P.L.2016, c.49, s.4)

25

26 15. Section 5 of P.L.2016, c.49 (C.18A:58-37.12) is amended to
27 read as follows:

28 5. a. The support limit for the 2016-2017 school year shall be
29 \$75. For each school year thereafter the commissioner shall
30 determine the support limit by multiplying the support limit for the
31 previous school year times the sum of 1.0 plus the average annual
32 percentage increase in the consumer price index for the New York
33 and Philadelphia areas during the fiscal year preceding the
34 prebudget year as reported by the United States Department of
35 Labor.

36 b. On or before November 5 of each year, each board of
37 education shall forward to the Commissioner of Education an
38 estimate of the cost of providing, during the next school year, the
39 security services, equipment, or technology, or mental health
40 services required pursuant to this act and the number of students
41 attending nonpublic schools located within the district as of the last
42 school day of October of the current school year. The
43 commissioner shall provide State aid to each school district in an
44 amount equal to the number of nonpublic school students within the
45 district identified by the district on or before November 5 multiplied
46 by the State support limit. In the event that the expenditure
47 incurred by any district is less than the amount of State aid
48 received, the district shall refund the unexpended State aid after the

1 completion of the school year, but not later than December 1 of the
2 following school year.

3 c. If in any year, the amount of State aid appropriated is
4 insufficient to carry out in full the provisions of this act, the
5 commissioner shall apportion that appropriation among the districts
6 in proportion to the State aid each district would have received had
7 the full amount of State aid been appropriated. In any year, no
8 district shall be required to make expenditures for the purposes of
9 this act in excess of the amount of State aid received for these
10 purposes.

11 (cf: P.L.2016, c.49, s.5)

12

13 16. Section 6 of P.L.2016, c.49 (C.18A:58-37.13) is amended to
14 read as follows:

15 6. A school district and a nonpublic school and their employees
16 shall be immune from civil liability in the provision of security
17 services, equipment, or technology, or mental health services
18 pursuant to the provisions of this act, except for actions that
19 constitute gross negligence or willful misconduct.

20 (cf: P.L.2016, c.49, s.6)

21

22 17. Section 7 of P.L.2016, c.49 (C.18A:58-37.14) is amended to
23 read as follows:

24 7. The State Board of Education shall promulgate rules
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a
27 manner that comports with the provisions of the State and federal
28 Constitutions, including a list of allowable expenditures for security
29 services, equipment, or technology, or mental health services to
30 ensure a healthy, safe, and secure school environment for nonpublic
31 school students.

32 (cf: P.L.2016, c.49, s.7)

33

34 18. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill changes all references of security aid to health and
40 safety aid in the "School Funding Reform Act of 2008," P.L.2007,
41 c.260 (C.18A:7F-43 et al.), and related statutes to reflect that a
42 secure school also includes students' mental health and wellbeing.

43 This bill also amends the "Secure Schools for All Children Act,"
44 P.L.2016, c.49 (C.18A:58-37.8 et seq.), to provide that the aid
45 allocated for the provision of security services to nonpublic schools
46 under the statute may also be used for mental health services. The
47 bill also makes various other changes to the law to reflect this
48 change.