

**ASSEMBLY CONCURRENT
RESOLUTION No. 85**

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

SYNOPSIS

Proposes amendment to Constitution to describe manner in which Legislature will provide for maintenance and support of thorough and efficient system of free public schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **A CONCURRENT RESOLUTION** proposing to amend Article VIII,
2 Section IV, paragraph 1 of the Constitution of the State of New
3 Jersey.

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5 **BE IT RESOLVED** *by the General Assembly of the State of New*
6 *Jersey (the Senate concurring):*

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8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

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11 PROPOSED AMENDMENT

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13 Amend Article VIII, Section IV, paragraph 1 to read as follows:

14 1. The Legislature shall provide for the maintenance and
15 support of a thorough and efficient system of free public schools for
16 the instruction of all the children in the State between the ages of
17 five and eighteen years. Maintenance and support shall be provided
18 through the enactment, from time to time, of laws prescribing the
19 components of a thorough and efficient system of free public
20 schools. These laws shall also provide for the funding of a system
21 of free public schools in a manner and to the extent the Legislature
22 determines to be appropriate including, but not limited to, the
23 amount of funds to be provided by the State and by the local school
24 districts, the purposes for which these funds are to be expended, the
25 formulas pursuant to which these funds are to be allocated, and the
26 manner and means by which these funds are to be raised. These
27 laws shall provide for equitable funding, considering variations in
28 student and community need, as demonstrated by recent and
29 relevant data, and shall not result in significant disparities in the
30 amount of State funding provided per student in different
31 communities. Nothing herein contained shall be construed as
32 requiring any minimum or establishing any maximum amount of
33 funds to be provided by the State, requiring the State to provide
34 funding based on any level of funding provided in a prior year, or in
35 any way restricting, limiting, or otherwise affecting the right of the
36 Legislature to regulate the funding of a thorough and efficient
37 system of free public schools in the manner and to the extent the
38 Legislature determines to be appropriate.

39 (cf: Art. VIII, Sec. IV, par. 1)

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41 2. When this proposed amendment to the Constitution is finally
42 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
43 shall be submitted to the people at the next general election
44 occurring more than three months after the final agreement and
45 shall be published at least once in at least one newspaper of each

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 county designated by the President of the Senate, the Speaker of the
2 General Assembly and the Secretary of State, not less than three
3 months prior to the general election.

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5 3. This proposed amendment to the Constitution shall be
6 submitted to the people at that election in the following manner and
7 form:

8 There shall be printed on each official ballot to be used at the
9 general election, the following:

10 a. In every municipality in which voting machines are not used,
11 a legend which shall immediately precede the question as follows:

12 If you favor the proposition printed below make a cross (X), plus
13 (+), or check (✓) in the square opposite the word "Yes." If you are
14 opposed thereto make a cross (X), plus (+) or check (✓) in the
15 square opposite the word "No."

16 b. In every municipality the following question:

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	YES	<p>CONSTITUTIONAL AMENDMENT TO HAVE THE LEGISLATURE DETERMINE THE COMPONENTS OF A THOROUGH AND EFFICIENT SYSTEM OF PUBLIC SCHOOLS</p> <p>Do you approve amending the Constitution to state that the Legislature will decide how to provide for a thorough and efficient system of free public schools? The Legislature would also decide how to fund public education.</p>
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		<p>INTERPRETIVE STATEMENT</p> <p>This amendment provides that the Legislature will decide how to provide public education in New Jersey. The Legislature would pass laws to identify the components of a thorough and efficient system of public schools. It would also determine how public schools will be funded.</p> <p>Funding for public schools would be equitable and would use recent data to take into account the needs of students and school districts. The laws would provide for similar State per-pupil funding in different school districts. The amendment explicitly provides that there is no minimum or maximum amount of required State school funding in a given fiscal year. It also provides that State school funding does not have to be based on the amount provided in a prior year.</p>
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STATEMENT

This proposed amendment to the Constitution states that the Legislature, through the enactment of laws, will determine the components of a thorough and efficient system of free public schools, and how such a system will be funded. The financing mechanism would include the amount that should be funded locally, as well as by the State. State funding provided for education must be equitable, take student and community needs into consideration, and not result in significant disparities in per student funding across different communities. However, the constitutional provision is not to be construed as establishing a minimum or maximum funding level. Additionally, the State would not be required to consider the amount of funding provided to a community in prior years when determining State funding in subsequent years.