

SENATE, No. 2939

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Requires Type II school district without board of school estimate holding its school election in November to receive voter approval of base budget.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the operation of school districts and amending
2 various parts of the statutory law.

3

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

6

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

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

11 a. Within 30 days following the approval of the Educational
12 Adequacy Report, the commissioner shall notify each district of the
13 base per pupil amount, the per pupil amounts for full-day preschool,
14 the weights for grade level, county vocational school districts, at-
15 risk pupils, bilingual pupils, and combination pupils, the cost
16 coefficients for security aid and for transportation aid, the State
17 average classification rate and the excess cost for general special
18 education services pupils, the State average classification rate and
19 the excess cost for speech-only pupils, and the geographic cost
20 adjustment for each of the school years to which the report is
21 applicable.

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

30 For the 2008-2009 school year and thereafter, unless otherwise
31 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
32 payable for the budget year shall be based on budget year pupil
33 counts, which shall be projected by the commissioner using data
34 from prior years. Adjustments for the actual pupil counts of the
35 budget year shall be made to State aid amounts payable during the
36 school year succeeding the budget year. Additional amounts
37 payable shall be reflected as revenue and an account receivable for
38 the budget year.

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

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

34 b. Each district shall have a required local share. For districts
35 that receive educational adequacy aid pursuant to subsection b. of
36 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local
37 share shall be calculated in accordance with the provisions of that
38 subsection.

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

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

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

1 c. Annually, on or before March 4, or on or before March 20 in
2 the case of a school district with an annual school election in
3 November, each district board of education shall adopt, and submit
4 to the commissioner for approval, together with such supporting
5 documentation as the commissioner may prescribe, a budget that
6 provides for a thorough and efficient education. Notwithstanding
7 the provisions of this subsection to the contrary, the commissioner
8 may adjust the date for the submission of district budgets if the
9 commissioner determines that the availability of preliminary aid
10 numbers for the subsequent school year warrants such adjustment.

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

15 (1) the district's advertised per pupil administrative costs for the
16 2004-2005 school year inflated by the cost of living or 2.5 percent,
17 whichever is greater; or

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

21 The executive county superintendent of schools may disapprove
22 the school district's 2005-2006 proposed budget if he determines
23 that the district has not implemented all potential efficiencies in the
24 administrative operations of the district. The executive county
25 superintendent shall work with each school district in the county
26 during the 2004-2005 school year to identify administrative
27 inefficiencies in the operations of the district that might cause the
28 superintendent to reject the district's proposed 2005-2006 school
29 year budget.

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

34 (1) the district's prior year per pupil administrative costs; except
35 that the district may submit a request to the commissioner for
36 approval to exceed the district's prior year per pupil administrative
37 costs due to increases in enrollment, administrative positions
38 necessary as a result of mandated programs, administrative
39 vacancies, nondiscretionary fixed costs, and such other items as
40 defined in accordance with regulations adopted pursuant to section
41 7 of P.L.2004, c.73. In the event that the commissioner approves a
42 district's request to exceed its prior year per pupil administrative
43 costs, the increase authorized by the commissioner shall not exceed
44 the cost of living or 2.5 percent, whichever is greater; or

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

- 1 d. (1) A district's general fund tax levy shall not exceed the
2 district's adjusted tax levy as calculated pursuant to sections 3 and 4
3 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).
- 4 (2) (Deleted by amendment, P.L.2007, c.260).
- 5 (3) (Deleted by amendment, P.L.2007, c.260).
- 6 (4) Any debt service payment made by a school district during
7 the budget year shall not be included in the calculation of the
8 district's adjusted tax levy.
- 9 (5) (Deleted by amendment, P.L.2007, c.260).
- 10 (6) (Deleted by amendment, P.L.2007, c.260).
- 11 (7) (Deleted by amendment, P.L.2004, c.73).
- 12 (8) (Deleted by amendment, P.L.2010, c.44)
- 13 (9) Any district may submit at the annual school budget
14 election, in accordance with subsection c. of section 4 of P.L.2007,
15 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
16 funds, including interpretive statements, specifically identifying the
17 program purposes for which the proposed funds shall be used, to the
18 voters, who may, by voter approval, authorize the raising of an
19 additional general fund tax levy for such purposes. In the case of a
20 district with a board of school estimate, one proposal for the
21 additional spending shall be submitted to the board of school
22 estimate. Any proposal or proposals submitted to the voters or the
23 board of school estimate shall not: include any programs and
24 services that were included in the district's prebudget year net
25 budget unless the proposal is approved by the commissioner upon
26 submission by the district of sufficient reason for an exemption to
27 this requirement; or include any new programs and services
28 necessary for students to achieve the thoroughness standards
29 established pursuant to subsection a. of section 4 of P.L.2007, c.260
30 (C.18A:7F-46).
- 31 The executive county superintendent of schools may prohibit the
32 submission of a separate proposal or proposals to the voters or
33 board of school estimate if he determines that the district has not
34 implemented all potential efficiencies in the administrative
35 operations of the district, which efficiencies would eliminate the
36 need for the raising of an additional general fund tax levy.
- 37 (10) Notwithstanding any provision of law to the contrary, if a
38 district proposes a budget with a general fund tax levy and
39 equalization aid which exceed the adequacy budget, the following
40 statement shall be published in the legal notice of public hearing on
41 the budget pursuant to N.J.S.18A:22-28, posted at the public
42 hearing held on the budget pursuant to N.J.S.18A:22-29, and
43 printed on the sample ballot required pursuant to section 10 of
44 P.L.1995, c.278 (C.19:60-10):
- 45 "Your school district has proposed programs and services in
46 addition to the core curriculum content standards adopted by the
47 State Board of Education. Information on this budget and the

1 programs and services it provides is available from your local
2 school district."

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

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

33 (2) Any general fund tax levy rejected by the voters for a
34 proposed budget that includes a general fund tax levy and
35 equalization aid at or below the adequacy budget shall be submitted
36 to the governing body of each of the municipalities included within
37 the district for determination of the amount that should be expended
38 notwithstanding voter rejection. In the case of a district having a
39 board of school estimate, other than a Type II district with a board
40 of school estimate in which the annual election is in November, the
41 general fund tax levy shall be submitted to the board for
42 determination. Any reductions may be appealed to the
43 commissioner on the grounds that the amount is necessary for a
44 thorough and efficient education or that the reductions will
45 negatively impact on the stability of the district given the need for
46 long term planning and budgeting. In considering the appeal, the
47 commissioner shall also consider the factors outlined in paragraph
48 (1) of this subsection.

1 In addition, the municipal governing body or board of school
2 estimate shall be required to demonstrate clearly to the
3 commissioner that the proposed budget reductions shall not
4 adversely affect the ability of the school district to provide a
5 thorough and efficient education or the stability of the district given
6 the need for long term planning and budgeting.

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

13 (4) When the voters, municipal governing body or bodies,
14 **【**board of education in the case of a school district in which the
15 annual school election has been moved to November pursuant to
16 subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1),**】** or the
17 board of school estimate authorize the general fund tax levy, the
18 district shall submit the resulting budget to the commissioner within
19 15 days of the authorization.

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

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

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

23

24 2. Section 41 of P.L.2011, c.202 (C.18A:7F-5.4) is amended to
25 read as follows:

26 41. A board of education of a school district in which the annual
27 school election has been moved to November pursuant to subsection
28 a. of section 1 of P.L.2011, c.202 (C.19:60-1.1) **【**and which has
29 determined to submit a proposal or proposals for additional funds to
30 the voters at the annual school election pursuant to paragraph (9) of
31 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5),**】** shall
32 adopt and submit to the commissioner for approval pursuant to
33 subsection c. of section 5 of P.L.1996, c.138 (C.18A:7F-5), a
34 temporary budget for the school year pending the approval or
35 disapproval of the **【**proposal or proposals for additional funds**】**
36 general fund tax levy by the voters. The temporary budget shall be
37 calculated pursuant to the provisions of paragraph (1) and paragraph
38 (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) or
39 P.L.2007, c.62 (C.18A:7F-37 et al.), as appropriate.
40 (cf: P.L.2011, c.202, s.41)

41

42 3. Section 42 of P.L.2011, c.202 (C.18A:7F-5.5) is amended to
43 read as follows:

44 42. In the case of a school district in which the annual school
45 election has been moved to November pursuant to subsection a. of
46 section 1 of P.L.2011, c.202 (C.19:60-1.1), if the voters fail to
47 authorize the **【**proposal or proposals for additional funds pursuant

1 to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138
2 (C.18A:7F-5) **】** general fund tax levy, the district shall submit the
3 resulting final budget to the commissioner within 15 days of the
4 **【**action of the voters**】** appropriate authorization pursuant to
5 paragraph (4) of subsection e. of section 5 of P.L.1996, c.138
6 (C.18A:7F-5). If the voters **【**fail to**】** authorize the **【**proposal or
7 **proposals for additional funds**】** general fund tax levy, the temporary**
8 budget shall be the final budget for the district for that school year.
9 (cf: P.L.2011, c.202, s.42)

10
11 4. Section 43 of P.L.2011, c.202 (C.18A:7F-5.6) is amended to
12 read as follows:

13 43. In the case of a school district in which the annual school
14 election has been moved to November pursuant to subsection a. of
15 section 1 of P.L.2011, c.202 (C.19:60-1.1), if the voters fail to
16 approve **【**a proposal or proposals for additional funds pursuant to
17 **paragraph (9) of subsection d. of section 5 of P.L.1996, c.138**
18 **(C.18A:7F-5)**】** the general fund tax levy and the district's budget is
19 reduced pursuant to the provisions of subsection e. of section 5 of
20 P.L.1996, c.138 (C.18A:7F-5) or if the voters fail to approve a
21 proposal or proposals for additional funds, the secretary of the
22 board of education shall re-certify to the county board of taxation
23 the sum or sums to be raised by special district tax for the school
24 year. The amount re-certified shall be included in the taxes
25 assessed, levied and collected in the municipality or municipalities
26 comprising the district.
27 (cf: P.L.2011, c.202, s.43)**

28
29 5. Section 44 of P.L.2011, c.202 (C.18A:7F-5.7) is amended to
30 read as follows:

31 44. The Director of the Division of Local Government Services
32 in the Department of Community Affairs and the Director of the
33 Division of Taxation in the Department of the Treasury, in
34 consultation with the Commissioner of Education, shall take such
35 action as deemed necessary for the delivery of estimated tax bills
36 and the recertification of the school district tax levy pursuant to
37 section 43 of P.L.2011, c.202 (C.18A:7F-5.6) for districts in which
38 the annual school election is in November **【**and that determine to
39 **submit proposal or proposals for additional funds pursuant to**
40 **paragraph (9) of subsection d. of section 5 of P.L.1996, c.138**
41 **(C.18A:7F-5)**】**.**

42 (cf: P.L.2011, c.202, s.44)

43
44 6. N.J.S.18A:8-20 is amended to read as follows:

45 18A:8-20. The first board of education of the new district and the
46 first board of education of the remaining district shall each prepare
47 and submit**【**, if applicable,**】** to the voters of the district, as required

1 by law, the first budgets for said district and they shall make proper
2 provision for an election to be conducted, in accordance with the
3 provisions of P.L.1995, c.278 (C.19:60-1 et al.), for the members of
4 the board of education of the district to replace the appointed
5 members of the board, for such terms that three members of the
6 board of the district, as thereafter constituted, will be elected each
7 year, at an annual election to be held in the district at the same time
8 as that on which the next annual election for the original district
9 would have been held.

10 (cf: P.L.2011, c.202, s.4)

11
12 7. N.J.S.18A:13-17 is amended to read as follows:

13 18A:13-17. **【a.】** The regional board of education shall, at each
14 annual **【April】** school election, submit to the voters of the regional
15 district the amount of money fixed and determined in its budget to
16 be voted upon for the use of the regional schools of the district for
17 the ensuing school year in the case of an April school election or
18 the current school year in the case of a November school election
19 and may submit thereat any other question authorized by this law to
20 be submitted at such an election. The board may, in submitting to
21 the voters the amount of money to be voted upon for the use of the
22 regional schools of the district, identify the amount of money
23 determined to be the constituent municipality's share. The board
24 shall follow the procedures established in section 5 of P.L.1996,
25 c.138 (C.18A:7F-5) and N.J.S.18A:22-33.

26 **【b. In the case of a regional district in which the annual school**
27 **election is in November, the regional board of education shall fix**
28 **and determine the district's budget for the ensuing school year and**
29 **may submit at the annual school election any question authorized by**
30 **law to be submitted at such an election. The board shall follow the**
31 **procedures established in section 5 of P.L.1996, c.138 (C.18A:7F-**
32 **5), N.J.S.18A:22-33, and section 41 of P.L.2011, c.202 (C.18A:7F-**
33 **5.4).】**

34 (cf: P.L.2011, c.202, s.13)

35
36 8. N.J.S.18A:13-19 is amended to read as follows:

37 18A:13-19. a. If the voters reject any of the items submitted at
38 the annual **【April】** school election, within two days thereafter the
39 board of education of the regional district shall certify to the
40 governing body of each municipality, included within the regional
41 district, the item or items so rejected**【, and such】** . In the case of an
42 April school election, the governing bodies, after consultation with
43 the board【,】 and no later than May 19, shall determine the amount
44 or amounts for the ensuing school year and cause the same to be
45 certified by the respective municipal clerks to the board of
46 education of the regional district. In the case of a November school
47 election, the governing bodies, after consultation with the board and

1 no later than a date determined by the Commissioner of Education,
2 shall determine the amount or amounts for the current school year
3 and cause the same to be certified by the respective municipal
4 clerks to the board of education of the regional district. The board
5 and the governing bodies shall follow the procedures established in
6 section 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.

7 b. Notwithstanding the provisions of subsection a. of this
8 section to the contrary, whenever the Commissioner of Education
9 changes the annual school election date pursuant to section 1 of
10 P.L.1995, c.278 (C.19:60-1), the commissioner shall change the
11 deadline set forth in subsection a. of this section by which date the
12 governing bodies are required to determine the amount for the
13 ensuing school year and cause the same to be certified to the board
14 of education of the regional district. The commissioner in changing
15 the deadline shall ensure that the number of calendar days from the
16 changed date of the annual school election to the deadline is no less
17 than the number of calendar days from the third Tuesday of April to
18 May 19 of that calendar year.

19 (cf: P.L.2013, c.173, s.1)

20
21 9. N.J.S.18A:13-40 is amended to read as follows:

22 18A:13-40. The board of education of a newly created regional
23 district may, prior to taking charge and control of the educational
24 facilities of the regional district, do all other acts and things which
25 may be necessary for the proper organization and functioning of the
26 public schools of the regional district during its first year, including
27 the making of contracts for the employment of necessary personnel
28 and for other proper purposes, the preparation and **[, if applicable,]**
29 submission to the voters of the regional district for their approval or
30 disapproval of the budget and the appropriations for the conduct of
31 the public schools of the regional district during its first school
32 year, the authorization of the purchase of real and personal
33 property, and the construction, enlargement and repair of buildings,
34 for school purposes, and the appropriations of the funds necessary
35 to carry out the same and the authorization of the issuance and sale
36 of bonds in order to provide for the payment therefor in whole or in
37 part and the calling and holding of special elections when necessary
38 for any such purposes and to carry out any or all of said purposes.

39 (cf: P.L.2011, c.202, s.15)

40
41 10. N.J.S.18A:22-33 is amended to read as follows:

42 18A:22-33. a. The board of education of a type II district not
43 having a board of school estimate shall at the April school election,
44 submit to the voters of the district, the amount of money fixed and
45 determined in its budget pursuant to section 5 of P.L.1996, c.138
46 (C.18A:7F-5), excluding therefrom the sum or sums stated therein
47 to be used for interest and debt redemption charges, in the manner
48 provided by law, to be voted upon for the use of the public schools

1 of the district for the ensuing school year, which amount shall be
2 stated in the notice of the election, and the legal voters of the
3 district shall determine at the April election, by a majority vote of
4 those voting upon the proposition, the sum or sums, not exceeding
5 those stated in the notice of the election, to be raised by special
6 district tax for said purposes, in the district during the ensuing
7 school year and the secretary of the board of education shall certify
8 the amount so determined upon, if any, and the sums so stated for
9 interest and debt redemption charges, to the county board of
10 taxation of the county within two days following the certification of
11 the election results and the amount or amounts so certified shall be
12 included in the taxes assessed, levied and collected in the
13 municipality or municipalities comprising the district for such
14 purposes; except that, in the case of a district which , following the
15 school election and the approval by the voters of the sum to be
16 raised by special district tax for the schools of the district,
17 determines that it has a greater surplus account available for the
18 school year than estimated when the sum to be raised by special
19 district tax was presented to the voters, the secretary of the board of
20 education, with the approval of the commissioner, may between the
21 date of the school election and the delivery of tax bills pursuant to
22 R.S.54:4-64 re-certify to the county board of taxation the sum or
23 sums to be raised by special district tax in the district during the
24 ensuing school year, if the sum is lower than that approved by the
25 voters in the school election, and if the reduction is equivalent to
26 the additional amount available in the surplus account to be applied
27 towards the district's budget. The amount re-certified shall be
28 included in the taxes assessed, levied and collected in the
29 municipality or municipalities comprising the district.

30 b. In the case of a district in which the annual school election is
31 in November pursuant to subsection a. of section 1 of P.L.2011,
32 c.202 (C.19:60-1.1), by May 19 the secretary of the board of
33 education shall certify the amount fixed and determined by the
34 school board pursuant to N.J.S.18A:22-32 **【other than any**
35 **additional funds to be voted upon by the legal voters of the district】**
36 and the sums so stated for interest and debt redemption charges, to
37 the county board of taxation of the county and the amount or
38 amounts so certified shall be included in the taxes assessed, levied
39 and collected in the municipality or municipalities comprising the
40 district for such purposes; except that, in the case of a district which
41 determines that it has a greater surplus account available for the
42 school year than estimated when the sum to be raised by special
43 district tax was certified to the county board of taxation of the
44 county, the secretary of the board of education, with the approval of
45 the commissioner, may between May 19 and the delivery of tax
46 bills pursuant to R.S.54:4-64 re-certify to the county board of
47 taxation the sum or sums to be raised by special district tax in the
48 district during the ensuing school year, if the sum is lower than that

1 initially certified to the county board of taxation of the county, and
2 if the reduction is equivalent to the additional amount available in
3 the surplus account to be applied towards the district's budget. The
4 amount re-certified shall be included in the taxes assessed, levied
5 and collected in the municipality or municipalities comprising the
6 district.

7 (cf: P.L.2011, c.202, s.20)

8
9 11. N.J.S.18A:22-37 is amended to read as follows:

10 18A:22-37. If the voters reject any of the items submitted at the
11 annual **April** school election, the board of education shall deliver
12 the proposed school budget pursuant to section 5 of P.L.1996, c.138
13 (C.18A:7F-5) to the governing body of the municipality, or of each
14 of the municipalities included in the district within two days
15 thereafter. The governing body of the municipality, or of each of
16 the municipalities, included in the district shall, after consultation
17 with the board, and by May 19 in the case of an April school
18 election or by a date determined by the Commissioner of Education
19 in the case of a November school election, determine the amount
20 which, in the judgment of the body or bodies, is necessary to be
21 appropriated for each item appearing in the budget, pursuant to
22 section 5 of P.L.1996, c.138 (C.18A:7F-5) and certify, or re-certify
23 as appropriate in the case of a November school election, to the
24 county board of taxation the totals of the amount so determined to
25 be necessary for each of the following:

- 26 a. General fund expenses of schools; or
27 b. Appropriations to capital reserve account.

28 Within 15 days after the governing body of the municipality or
29 of each of the municipalities included in the district shall make the
30 certification to the county board of taxation, the board of education
31 shall notify the governing body or bodies if it intends to appeal to
32 the commissioner pursuant to section 5 of P.L.1996, c.138
33 (C.18A:7F-5) the amount which the body or bodies determined to
34 be necessary to be appropriated for each item appearing in the
35 proposed school budget.

36 Notwithstanding the provisions of this section to the contrary,
37 whenever the Commissioner of Education changes the annual
38 school election date pursuant to section 1 of P.L.1995, c.278
39 (C.19:60-1), the commissioner shall change the deadline set forth in
40 this section by which date the governing body of the municipality or
41 of each of the municipalities included in the district is required to
42 determine the amount necessary to be appropriated for each item
43 appearing in the budget, and certify to the county board of taxation
44 the totals of the amount so determined. The commissioner in
45 changing the deadline shall ensure that the number of calendar days
46 from the changed date of the annual school election to the deadline

1 is no less than the number of calendar days from the third Tuesday
2 of April to May 19 of that calendar year.

3 (cf: P.L.2013, c.173, s.2)

4
5 12. N.J.S.18A:22-38 is amended to read as follows:

6 18A:22-38. If the governing body or bodies fail to certify any
7 amount determined to be necessary pursuant to section 5 of
8 P.L.1996, c.138 (C.18A:7F-5) for any item rejected at the annual
9 **【April】** school election, or in the event that the governing bodies of
10 the municipalities comprising a school district, shall certify
11 different amounts, then the commissioner shall determine the
12 amount or amounts which in his judgment, are necessary to be
13 appropriated, for each of the items appearing in the budget,
14 submitted to the governing body or bodies, and certify, or re-certify
15 as appropriate in the case of a November school election, to the
16 county board of taxation the totals of the amount determined to be
17 necessary for the general fund expenses of the schools; and the
18 amount certified or re-certified shall be included in the taxes to be
19 assessed, levied and collected in the municipality or municipalities
20 for those purposes.

21 (cf: P.L.2011, c.202, s.22)

22
23 13. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
24 as follows:

25 1. a. Except as otherwise provided in this section, an annual
26 school election shall be held in a **【type】** Type II district on the third
27 Tuesday in April. However, in any school year, the Commissioner
28 of Education shall make any adjustments to the school budget and
29 election calendar which may be necessary to change the annual
30 school election date or any other school budget and election
31 calendar date if that date coincides with a period of religious
32 observance that limits significantly the usual activities of the
33 followers of a particular religion or that would result in significant
34 religious consequences for such followers. The commissioner shall
35 inform local school boards, county clerks and boards of election of
36 these adjustments no later than the first working day in January of
37 the year in which the adjustments are to occur.

38 As used in this subsection "a period of religious observance"
39 means any day or portion thereof on which a religious observance
40 imposes a substantial burden on an individual's ability to vote.

41 An annual school election shall be held simultaneously with the
42 general election on the first Tuesday after the first Monday in
43 November in school districts in which the annual school election
44 has been moved to that date pursuant to subsection a. of section 1 of
45 P.L.2011, c.202 (C.19:60-1.1) or pursuant to section 1 of P.L.2012,
46 c.78 (C.19:60-1.2). **【The annual school election in November shall**
47 **be for the purpose of submitting a proposal to the voters for the**
48 **approval of additional funds in a Type II district without a board of**

1 school estimate pursuant to paragraph (9) of subsection d. of section
2 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing
3 members of the board of education, and for any other purpose
4 authorized by law.】

5 b. All school elections shall be by ballot and, except as
6 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
7 conducted in the manner provided for general elections pursuant to
8 Title 19 of the Revised Statutes. No party designation shall appear
9 on any ballot to be used in a school election. At the request of one
10 or more candidates, the ballot for a school election may include a
11 designation in not more than three words that conveys the principles
12 which the candidate or candidates therein named represent, but such
13 designation shall not contain the name, or a derivative or any part
14 thereof, as a noun or an adjective of any political party entitled to
15 participate in a primary election.

16 (cf: P.L.2018, c.20, s.1)

17
18 14. Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to
19 read as follows:

20 1. a. (1) The question of moving the date of a school district's
21 annual school election to the first Tuesday after the first Monday in
22 November, to be held simultaneously with the general election,
23 shall be submitted to the legal voters of a local or regional school
24 district, other than a Type II district with a board of school estimate,
25 whenever a petition signed by not less than 15% of the number of
26 legally qualified voters who voted in the district at the last
27 preceding general election held for the election of electors for
28 President and Vice-President of the United States is filed with the
29 board of education. The question shall be submitted to the voters of
30 the district at the next general election, provided that at least 60
31 days have lapsed since the date of the filing of the petition. In the
32 event that the question is not approved by the voters, no petition
33 may be filed to submit the question to the voters within one year
34 after an election shall have been held pursuant to any petition filed
35 pursuant to this subsection.

36 The date of the annual school election may be moved to the first
37 Tuesday after the first Monday in November without voter
38 approval, upon the adoption of a resolution by the board of
39 education of a local or regional school district, other than a Type II
40 district with a board of school estimate, or the governing body or
41 bodies of the municipality or municipalities constituting the district.
42 Prior to holding a meeting for the adoption of the resolution to
43 move the date of the annual school election, the governing body or
44 bodies of the municipality or municipalities constituting the district
45 shall provide adequate notice of the meeting to the affected board or
46 boards of education.

47 (2) In the event that the date of a school district's annual school
48 election is moved to the day of the general election, 【the annual

1 school election in November shall be held for the purpose of
2 submitting] a vote shall be held on the district's general fund tax
3 levy for the budget year including any proposal to the voters for
4 approval of additional funds pursuant to paragraph (9) of subsection
5 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), [for the purpose of
6 electing] the election of members of the board of education, and for
7 any other purpose authorized by law. [A vote shall not be required
8 on the district's general fund tax levy for the budget year, other than
9 the general fund tax levy required to support a proposal for
10 additional funds.]

11 (3) In addition to the process set forth in paragraph (1) of this
12 subsection, in the event that all the constituent districts of a limited
13 purpose regional school district approve moving the date of their
14 annual school elections to November, by any of the procedures
15 established pursuant to this subsection, then the annual school
16 election for the limited purpose regional school district shall also be
17 conducted simultaneously with the general election.

18 (4) In the event that the date of a school district's annual school
19 election is moved to the day of the general election pursuant to this
20 subsection, the board of education and the county board of elections
21 shall enter into an agreement, pursuant to guidelines established by
22 the Secretary of State, under which the board of education shall pay
23 any agreed upon increase in the costs, charges, and expenses that
24 may be associated with holding the school election simultaneously
25 with the general election.

26 b. (1) In the case of a school district that has moved the date of
27 its annual school election to November pursuant to subsection a. of
28 this section, the question of moving the date of the school district's
29 annual school election to the third Tuesday in April shall be
30 submitted to the legal voters of a local or regional school district,
31 other than a Type II district with a board of school estimate,
32 whenever a petition signed by not less than 15% of the number of
33 legally qualified voters who voted in the district at the last
34 preceding general election held for the election of electors for
35 President and Vice-President of the United States is filed with the
36 board of education. The question shall be submitted to the voters of
37 the district at the next general election, provided that at least 60
38 days have lapsed since the date of the filing of the petition.

39 The date of the annual school election may be moved to the third
40 Tuesday in April without voter approval, upon the adoption of a
41 resolution by the board of education of a local or regional school
42 district, other than a Type II district with a board of school estimate,
43 or the governing body or bodies of the municipality or
44 municipalities constituting the district. Prior to holding a meeting
45 for the adoption of the resolution to move the date of the annual
46 school election, the governing body or bodies of the municipality or

1 municipalities constituting the district shall provide adequate notice
2 of the meeting to the affected board or boards of education.

3 No resolution may be adopted and no petition may be filed
4 pursuant to this subsection until at least four annual school elections
5 have been held in November.

6 (2) In the event that the date of the annual school election is
7 moved to the third Tuesday in April, a vote shall be held on the
8 district's general fund tax levy for the budget year including any
9 proposal for additional funds pursuant to paragraph (9) of
10 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
11 election of members of the board of education, and for any other
12 purpose authorized by law.

13 (3) In addition to the process set forth in paragraph (1) of this
14 subsection, in the event that all the constituent districts of a limited
15 purpose regional school district approve moving the date of their
16 annual school elections to the third Tuesday in April, by any of the
17 procedures established pursuant to this subsection, then the annual
18 school election for the limited purpose regional school district shall
19 also be conducted on the third Tuesday in April.

20 c. Notice, in writing, to change the date of a school election
21 from the third Tuesday in April to the first Tuesday in November
22 shall be given to the county clerk no less than 60 days prior to the
23 third Tuesday in April to take effect for that year's election. For a
24 change from the first Tuesday in November to the third Tuesday in
25 April, notice must be given to the county clerk no less than 85 days
26 prior to the third Tuesday in April to take effect for that year's
27 election. Timely notice shall also be given by the board of
28 education or municipal governing body adopting such resolution to
29 any other affected boards of education and municipal governing
30 bodies.

31 (cf: P.L.2013, c.172, s.5)

32

33 15. Section 4 of P.L.1995, c.278 (C.19:60-4) is amended to read
34 as follows:

35 4. The secretary of each board of education shall, not later than
36 10 o'clock a.m. of the 18th day preceding the annual April school
37 election or a special school election, make and certify and forward
38 to the clerk of the county in which the school district is located a
39 statement designating the public question to be voted upon by the
40 voters of the district which may be required pursuant to the
41 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
42 New Jersey Statutes.

43 The secretary of each board of education of a school district in
44 which the annual school election has been moved to November
45 pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-
46 1.1), not later than 10 o'clock a.m. of the 60th day preceding the
47 November school election, shall make and certify and forward to
48 the clerk of the county in which the school district is located a

1 statement designating **any** the public question to be voted upon
2 by the voters of the district which may be required pursuant to the
3 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
4 New Jersey Statutes.
5 (cf: P.L.2011, c.202, s.35)
6

7 16. Section 9 of P.L.1995, c.278 (C.19:60-9) is amended to read
8 as follows:

9 9. The ballot for a school election shall be a single or blanket
10 form of ballot, upon which shall be printed in bold-faced type the
11 words "OFFICIAL SCHOOL ELECTION BALLOT" or
12 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
13 appropriate.

14 Any public question which is to be submitted to the voters at a
15 school election shall be printed in a separate space below or to the
16 right of, as the county clerk shall determine, the listing of
17 candidates in the election.

18 In the columns in which are listed the titles of the offices to be
19 filled at a school election and the names of candidates for those
20 offices, the title of and the names of candidates for the office of
21 member of the regional board of education shall appear above the
22 title of and the names of candidates for the office of member of the
23 local board of education. With respect to either office, in the event
24 that one or more persons are to be elected to membership thereon
25 for a full term and one or more persons are to be elected to
26 membership thereon to fill an unexpired term, the ballots shall
27 designate which of the candidates to be voted for is to be elected for
28 a full term and which for an unexpired term. In all cases in which
29 one or more persons are to be elected for an unexpired term, the
30 ballots shall indicate the duration of that unexpired term.

31 The names of two or more candidates for any given term who
32 have notified the secretary of the board, or the county clerk if the
33 annual school election is to be held in November, in writing that
34 they wish to be bracketed together with their chosen designation, if
35 any, shall appear as a group in the appropriate location on the
36 ballot, depending on whether the candidates are to be elected to fill
37 an expired or an unexpired term.

38 All public questions to be voted upon at a school election by the
39 voters of more than one municipality shall be placed first before
40 any question to be voted upon at that election by the voters of a
41 single municipality. When the public question to be voted upon by
42 the voters of a regional school district is the amount of money to be
43 raised for the use of the regional schools of the district, the amount
44 of money determined to be the constituent municipality's share
45 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

46 Every county clerk shall have ready for the printer a copy of the
47 contents of official ballots required by law to be printed for use at a
48 school election, as follows: in the case of the annual April school

1 election, not later than the 17th day preceding that election; in the
2 case of any special school election, not later than two business days
3 following receipt by the clerk of official notice of the complete
4 content of the ballot to be voted upon at that election; and in the
5 case of the annual November school election, in accordance with
6 the provisions of R.S.19:14-1.

7 The ballots for an annual school election to be held
8 simultaneously with the general election shall be in accordance with
9 the provisions of chapter 14 of Title 19 of the Revised Statutes.

10 At an annual school election held simultaneously with the
11 general election, the names of the candidates for the office of
12 member of the board of education shall appear on the ballot
13 separately from the names of candidates for other offices whenever
14 possible. **【Any】** The district's general fund tax levy for the budget
15 year including any proposals for additional funds pursuant to
16 paragraph (9) of subsection d. of section 5 of P.L.1996, c.138
17 (C.18A:7F-5) shall appear on the ballot near the names of the
18 candidates for the office of member of the board of education
19 whenever possible.

20 (cf: P.L.2018, c.20, s.4)

21
22 17. This act shall take effect immediately.

23 24 25 STATEMENT

26
27 Pursuant to P.L.2011, c.202 (C.19:60-1.1 et al.), procedures were
28 established whereby the annual school election in a Type II school
29 district could be moved from April to the date of the general
30 election. A school election held in November is only for the
31 purpose of electing the district's board members and for voting on
32 any proposal for additional funds above the school district's tax
33 levy cap. For a school district which holds its annual school
34 election in November, no voter approval is required for the base
35 budget.

36 This bill will return to voters residing in school districts in which
37 the annual school election has been moved to November the right to
38 approve or disapprove the district's base budget. Under the
39 provisions of this bill, a voter at the November school election will
40 have the right to vote on the same matters that are presented to a
41 voter at an April school election.

42 Under the provisions of this bill, a school district with a
43 November school election will continue to submit its budget to the
44 commissioner by March 20, except that this budget will be a
45 temporary budget for the upcoming school year. As current law
46 provides, the secretary of the board of education by May 19 will
47 certify the amount fixed and determined by the school board to the
48 county board of taxation and the amount certified will be included

1 in the taxes levied and collected in the municipality or
2 municipalities comprising the district. If the voters approve the
3 budget at the November school election, the temporary budget will
4 be the final budget for the district for that school year. If the voters
5 disapprove the budget, the budget will be submitted to the
6 governing body of each of the municipalities included within the
7 district for determination of the amount that should be expended
8 notwithstanding voter rejection, as is the process under current law
9 for defeated school budgets. If under this process the general fund
10 tax levy of the district is reduced, or if the voters in November fail
11 to approve any separate proposal on the ballot to spend above cap,
12 then the secretary of the board of education will re-certify to the
13 county board of taxation the sum or sums to be raised for that
14 school year.