SENATE CONCURRENT RESOLUTION No. 149

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 19, 2021

Sponsored by:
Senator HOLLY T. SCHEPISI
District 39 (Bergen and Passaic)

SYNOPSIS

Proposes an amendment to the Constitution requiring certain State funding for public education to be distributed on a per pupil basis.

CURRENT VERSION OF TEXT

As introduced.

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

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

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

PROPOSED AMENDMENT

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

1. The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years. <u>The Legislature in providing for the maintenance and support of a thorough and efficient system of free public schools shall distribute State funding for education, other than funding for special education, on a per pupil basis; except that the Legislature may distribute funding other than on a per pupil basis if it determines that an alternative funding method is necessary.</u>
(cf: Article VIII, Section IV, paragraph 1, effective January 1, 1948)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

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

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

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

If you favor the proposition printed below make a cross (X), plus (+), or check (T) in the square opposite the word "Yes." If you are

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 <u>thus</u> is new matter.

opposed thereto make a cross (X), plus (+) or check (T) in the square opposite the word "No."

b. In every municipality the following question:

		PROVIDES THAT STATE EDUCATION AID BE DISTRIBUTED ON A PER PUPIL BASIS FOR PUBLIC SCHOOL PUPILS.
	YES	Do you approve the amendment to Article VIII, Section IV, paragraph 1 of the Constitution of the State of New Jersey to provide that State funding for public education, other than funding for special education, shall be distributed on a per pupil basis Statewide; except that the Legislature may distribute funding other than on a per pupil basis if it determines that an alternative funding method is necessary.
		INTERPRETIVE STATEMENT
	NO	If approved, this constitutional amendment would require the Legislature to distribute State funding for education on a per pupil basis, other than for State aid that supports special education programs and services; except that the Legislature may distribute funding other than on a per pupil basis if it determines that an alternative funding method is necessary. State aid for special education programs and services would continue to be distributed based on the number of children with special education needs and also the particular special education needs of the child. Under this proposal, all school districts would receive an equal amount of funding for each pupil enrolled in the district regardless of the relative wealth of the community, plus an amount to fund the special education programs and services.

STATEMENT

This proposed amendment would require the Legislature to distribute State funding for education, other than funding for special education, on a per pupil basis; except that the Legislature may distribute funding other than on a per pupil basis if it determines

that an alternative funding method is necessary.

Because the New Jersey Supreme Court has exceeded its authority under the Constitution in its Abbott line of decisions, the Legislature has proposed this constitutional amendment to restore the balance of power required by our form of representative government. The court in the Abbott decisions has ordered that moneys be distributed to districts which have proven they cannot produce educational excellence, and it has diverted funds from districts where educational excellence is in place. This diversion of funds has led to property taxes in many non-Abbott districts which have robbed senior citizens and others of the value of their homes.