

[First Reprint]

ASSEMBLY, No. 5879

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED DECEMBER 11, 2023

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

SYNOPSIS

Eliminates vote on school budgets for Type II school districts in April elections, except for separate proposals to spend above cap.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on December 14, 2023, with amendments.



1 AN ACT concerning school elections, supplementing chapter 60 of
2 Title 19 of the Revised Statutes, and revising various parts of the
3 statutory law.

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

7
8 1. (New section) Notwithstanding any other provision of law to
9 the contrary, a school district that holds its annual school election in
10 November may submit to the voters at the April school election a
11 proposal for additional funds pursuant to paragraph (9) of
12 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) or a
13 proposal to issue school bonds.

14
15 2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to
16 read as follows:

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

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

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

38 For the 2008-2009 school year and thereafter, unless otherwise
39 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
40 payable for the budget year shall be based on budget year pupil
41 counts, which shall be projected by the commissioner using data
42 from prior years. Adjustments for the actual pupil counts of the
43 budget year shall be made to State aid amounts payable during the
44 school year succeeding the budget year. Additional amounts

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted December 14, 2023.

1 payable shall be reflected as revenue and an account receivable for
2 the budget year.

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

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

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

48 For all other districts, the required local share shall equal the
49 lesser of the local share calculated at the district's adequacy budget

1 pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the
2 district's budgeted local share for the prebudget year.

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

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

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

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

22 (1) the district's advertised per pupil administrative costs for the
23 2004-2005 school year inflated by the cost of living or 2.5 percent,
24 whichever is greater; or

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

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

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

41 (1) the district's prior year per pupil administrative costs; except
42 that the district may submit a request to the commissioner for
43 approval to exceed the district's prior year per pupil administrative
44 costs due to increases in enrollment, administrative positions
45 necessary as a result of mandated programs, administrative
46 vacancies, nondiscretionary fixed costs, and such other items as
47 defined in accordance with regulations adopted pursuant to section
48 7 of P.L.2004, c.73. In the event that the commissioner approves a
49 district's request to exceed its prior year per pupil administrative

- 1 costs, the increase authorized by the commissioner shall not exceed
2 the cost of living or 2.5 percent, whichever is greater; or
- 3 (2) the prior year per pupil administrative cost limits for the
4 district's region inflated by the cost of living or 2.5 percent,
5 whichever is greater.
- 6 d. (1) A district's general fund tax levy shall not exceed the
7 district's adjusted tax levy as calculated pursuant to sections 3 and 4
8 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).
- 9 (2) (Deleted by amendment, P.L.2007, c.260).
- 10 (3) (Deleted by amendment, P.L.2007, c.260).
- 11 (4) Any debt service payment made by a school district during
12 the budget year shall not be included in the calculation of the
13 district's adjusted tax levy.
- 14 (5) (Deleted by amendment, P.L.2007, c.260).
- 15 (6) (Deleted by amendment, P.L.2007, c.260).
- 16 (7) (Deleted by amendment, P.L.2004, c.73).
- 17 (8) (Deleted by amendment, P.L.2010, c.44)
- 18 (9) Any district may submit at the annual school budget
19 election, in accordance with subsection c. of section 4 of P.L.2007,
20 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
21 funds, including interpretive statements, specifically identifying the
22 program purposes for which the proposed funds shall be used, to the
23 voters, who may, by voter approval, authorize the raising of an
24 additional general fund tax levy for such purposes. In the case of a
25 district with a board of school estimate, one proposal for the
26 additional spending shall be submitted to the board of school
27 estimate. Any proposal or proposals submitted to the voters or the
28 board of school estimate shall not: include any programs and
29 services that were included in the district's prebudget year net
30 budget unless the proposal is approved by the commissioner upon
31 submission by the district of sufficient reason for an exemption to
32 this requirement; or include any new programs and services
33 necessary for students to achieve the thoroughness standards
34 established pursuant to subsection a. of section 4 of P.L.2007, c.260
35 (C.18A:7F-46).
- 36 The executive county superintendent of schools may prohibit the
37 submission of a separate proposal or proposals to the voters or
38 board of school estimate if he determines that the district has not
39 implemented all potential efficiencies in the administrative
40 operations of the district, which efficiencies would eliminate the
41 need for the raising of an additional general fund tax levy.
- 42 (10) Notwithstanding any provision of law to the contrary, if a
43 district proposes a budget with a general fund tax levy and
44 equalization aid which exceed the adequacy budget, the following
45 statement shall be published in the legal notice of public hearing on
46 the budget pursuant to N.J.S.18A:22-28, and posted at the public
47 hearing held on the budget pursuant to N.J.S.18A:22-29[, and
48 printed on the sample ballot required pursuant to section 10 of
49 P.L.1995, c.278 (C.19:60-10)]:

1 "Your school district has proposed programs and services in
2 addition to the core curriculum content standards adopted by the
3 State Board of Education. Information on this budget and the
4 programs and services it provides is available from your local
5 school district."

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

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

38 (2) **Any general fund tax levy rejected by the voters for a**
39 **proposed budget that includes a general fund tax levy and**
40 **equalization aid at or below the adequacy budget shall be submitted**
41 **to the governing body of each of the municipalities included within**
42 **the district for determination of the amount that should be expended**
43 **notwithstanding voter rejection.** In the case of a district having a
44 board of school estimate, other than a Type II district with a board
45 of school estimate **in which the annual election is in November**,
46 which has a proposed budget that includes a general fund tax levy
47 and equalization aid at or below the adequacy budget, the general
48 fund tax levy shall be submitted to the board for determination.

1 Any reductions may be appealed to the commissioner on the
2 grounds that the amount is necessary for a thorough and efficient
3 education or that the reductions will negatively impact on the
4 stability of the district given the need for long term planning and
5 budgeting. In considering the appeal, the commissioner shall also
6 consider the factors outlined in paragraph (1) of this subsection.

7 In addition, the **【municipal governing body or】** board of school
8 estimate shall be required to demonstrate clearly to the
9 commissioner that the proposed budget reductions shall not
10 adversely affect the ability of the school district to provide a
11 thorough and efficient education or the stability of the district given
12 the need for long term planning and budgeting.

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

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

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

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

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

29

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

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

46 (cf: P.L.2011, c.202, s.41)

47

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

1 42. In the case of a school district in which the annual school
2 election has been moved to November pursuant to subsection a. of
3 section 1 of P.L.2011, c.202 (C.19:60-1.1), if the voters authorize
4 the proposal or proposals for additional funds pursuant to paragraph
5 (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) at
6 the annual November school election, the district shall submit the
7 resulting final budget to the commissioner within 15 days of the
8 action of the voters. If the voters fail to authorize the proposal or
9 proposals for additional funds, the temporary budget shall be the
10 final budget for the district for that school year.
11 (cf: P.L.2011, c.202, s.42)

12
13 5. Section 43 of P.L.2011, c.202 (18A:7F-5.6) is amended to
14 read as follows:

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

27
28 6. Section 44 of P.L.2011, c.202 (C.18A:7F-5.7) is amended to
29 read as follows:

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

42
43 7. N.J.S.18A:10-3 is amended to read as follows:

44 18A:10-3. Each board of education shall organize annually at a
45 regular meeting held not later than at 8 p.m. at which time new
46 members shall take office:

47 a. In type I districts on May 16, or on the following day if that
48 day be Sunday.

1 b. In all type II districts with an April school election on any
2 day **【of the first or second week following the April school**
3 **election】** from May 1 through May 7, inclusive.

4 c. In all type II districts with a November school election on
5 any day **【of the first week in January at which time new members**
6 **shall take office】** from January 1 through January 7, inclusive.

7 If the organization meeting cannot take place on that day by
8 reason of lack of a quorum or for any other reason, said meeting
9 shall be held within three days thereafter.

10 In all type II districts with an April school election, member
11 terms shall begin on May 1st and end on April 30th. In all type II
12 districts with a November school election, member terms shall
13 begin on January 1st and end on December 31st.

14 In the event that a district opts to move its annual election date
15 from November to April, member terms shall be shortened
16 accordingly.

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

18
19 8. N.J.S.18A:13-10 is amended to read as follows:

20 18A:13-10. The board of education of each regional district shall
21 provide for the holding, in accordance with the provisions of
22 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
23 the regional district.

24 At such election there shall be elected for terms of three years,
25 the members of the regional boards of education to succeed those
26 members of the board whose terms shall expire in that year, except
27 as is in this chapter provided for the election of the first elected
28 members of the board. The term of a member of a regional board of
29 education elected in April shall begin on **【any day of the first or**
30 **second week following the election】** May 1st and end on April
31 30th. The term of a member of a regional board of education elected
32 in November shall begin on **【any day of the first week in】** January
33 1st and end on December 31st.

34 In the event that a district opts to move its annual election date
35 from November to April, member terms shall be shortened
36 accordingly.

37 (cf: P.L.2011, c.202, s.9)

38
39 9. N.J.S.18A:13-12 is amended to read as follows:

40 18A:13-12. The board shall hold a regular meeting forthwith
41 after its first appointment, and annually thereafter on any day **【of**
42 **the first or second week】** between May 1 and May 7, inclusive,
43 following the annual school election in April, at which it shall
44 organize by the election, from among its members, of a president
45 and vice president, who shall serve until the organization meeting
46 next succeeding the election of their respective successors as
47 members of the board. In the case of a regional district in which the
48 annual school election is in November, the organization meeting

1 shall be held on any day of the first week in January. If any board
2 shall fail to organize within the designated period, the executive
3 county superintendent of the county, or the executive county
4 superintendents of the counties, in which the constituent districts
5 are situate, shall appoint, from among the members of the board, a
6 president and vice president to serve until the organization meeting
7 next succeeding the next election.

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

9

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

11 18A:13-17. a. **【**The regional board of education shall, at each
12 annual April school election, submit to the voters of the regional
13 district the amount of money fixed and determined in its budget to
14 be voted upon for the use of the regional schools of the district for
15 the ensuing school year and may submit thereat any other question
16 authorized by this law to be submitted at such an election. The
17 board may, in submitting to the voters the amount of money to be
18 voted upon for the use of the regional schools of the district,
19 identify the amount of money determined to be the constituent
20 municipality's share. The board shall follow the procedures
21 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and
22 N.J.S.18A:22-33. **】** (Deleted by amendment, P.L. , c.) (pending
23 before the Legislature as this bill)

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

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

33

34 11. N.J.S.18A:13-40 is amended to read as follows:

35 18A:13-40. The board of education of a newly created regional
36 district may, prior to taking charge and control of the educational
37 facilities of the regional district, do all other acts and things which
38 may be necessary for the proper organization and functioning of the
39 public schools of the regional district during its first year, including
40 the making of contracts for the employment of necessary personnel
41 and for other proper purposes, the preparation **【**and , if applicable,
42 submission to the voters of the regional district for their approval or
43 disapproval **】** of the budget and the appropriations for the conduct of
44 the public schools of the regional district during its first school
45 year, the authorization of the purchase of real and personal
46 property, and the construction, enlargement and repair of buildings,
47 for school purposes, and the appropriations of the funds necessary
48 to carry out the same and the authorization of the issuance and sale
49 of bonds in order to provide for the payment therefor in whole or in

1 part and the calling and holding of special elections when necessary
2 for any such purposes and to carry out any or all of said purposes.
3 (cf: P.L.2011, c.202, s.15)

4
5 12. N.J.S.18A:22-26 is amended to read as follows:

6 18A:22-26. a. ¹【Except as otherwise provided in subsection b. of
7 this section, at】 At¹ or after the public hearing but not later than
8 April 8, the board of 【school estimate】 education of a type II
9 district having a board of school estimate shall fix and determine by
10 a recorded roll call majority vote of its full membership the amount
11 of money necessary to be appropriated for the use of the public
12 schools in the district for the ensuing school year, exclusive of the
13 amount which shall be apportioned to it by the commissioner for the
14 year pursuant to the provisions of section 5 of P.L.1996, c.138
15 (C.18A:7F-5) 【and shall make a certificate of the amount signed by
16 at least a majority of all members of the board, which shall be
17 delivered to the board of education and a copy thereof, certified
18 under oath to be correct and true by the secretary of the board of
19 school estimate, shall be delivered】 . By that same date the board of
20 school estimate shall fix and determine by a recorded roll call
21 majority vote of its full membership the amount of any additional
22 funds pursuant to paragraph (9) of subsection d. of section 5 of
23 P.L.1996, c.138 (C.18A:7F-5) and shall make a certificate of that
24 amount signed by at least a majority of all members of the board,
25 which shall be delivered to the board of education. The secretary of
26 the board of education shall certify the amount so fixed and
27 determined by the board of education and the board of school
28 estimate and shall deliver a copy of the certificate to the county
29 board of taxation on or before April 15 in each year and a duplicate
30 of the certificate shall be delivered to the board or governing body
31 of each of the municipalities within the territorial limits of the
32 district having the power to make appropriations of money raised by
33 taxation in the municipalities or political subdivisions and to the
34 executive county superintendent of schools and the amount shall be
35 assessed, levied and raised under the procedure and in the manner
36 provided by law for the levying and raising of special school taxes
37 in other type II districts and shall be paid to the board secretary or
38 treasurer of school moneys, as appropriate, of the district for such
39 purposes.

40 【Within 15 days after receiving the certificate the board of
41 education shall notify the board of school estimate, the governing
42 body of each municipality within the territorial limits of the school
43 district, and the commissioner if it intends to appeal to the
44 commissioner the board of school estimate's determination as to the
45 amount of money requested pursuant to the provisions of section 5
46 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
47 the use of the public schools of the district for the ensuing school
48 year.】

1 b. ¹At or after the public hearing on the budget but not later
2 than May 14, the board of education of each type II district having
3 a board of school estimate in which the annual school election is in
4 November, shall fix and determine by a recorded roll call majority
5 vote of its full membership the amount of money necessary to be
6 raised for the use of the public schools in the district, exclusive of
7 the amount which shall be apportioned to it by the commissioner for
8 the year pursuant to the provisions of section 5 of P.L.1996, c.138
9 (C.18A:7F-5). By that same date the board of school estimate shall
10 fix and determine by a recorded roll call majority vote of its full
11 membership the amount of any additional funds pursuant to
12 paragraph (9) of subsection d. of section 5 of P.L.1996, c.138
13 (C.18A:7F-5) and shall make a certificate of that amount signed by
14 at least a majority of all members of the board, which shall be
15 delivered to the board of education. The secretary of the board of
16 education shall certify the amount so fixed and determined by the
17 board of education and the board of school estimate and shall
18 deliver a copy of the certificate to the county board of taxation of
19 the county on or before May 19 in each year and a duplicate of the
20 certificate shall be delivered to the board or governing body of each
21 of the municipalities within the territorial limits of the districts
22 having the power to make appropriations of money raised by
23 taxation in the municipalities or political subdivisions and to the
24 executive county superintendent of schools and the amount shall be
25 assessed, levied and raised under the procedure and in the manner
26 provided by law for the levying and raising of special school taxes
27 in other type II districts and shall be paid to the board secretary or
28 treasurer of school moneys, as appropriate, of the district for such
29 purposes. ¹ (Deleted by amendment, P.L. , c.) (pending before
30 the Legislature as this bill)
31 (cf: P.L.2013, c.280, s.4)

32
33 13. N.J.S.18A:22-33 is amended to read as follows:

34 18A:22-33. a. **1**The board of education of a type II district not
35 having a board of school estimate shall at the April school election,
36 submit to the voters of the district, the amount of money fixed and
37 determined in its budget pursuant to section 5 of P.L.1996, c.138
38 (C.18A:7F-5), excluding therefrom the sum or sums stated therein
39 to be used for interest and debt redemption charges, in the manner
40 provided by law, to be voted upon for the use of the public schools
41 of the district for the ensuing school year, which amount shall be
42 stated in the notice of the election, and the legal voters of the
43 district shall determine at the April election, by a majority vote of
44 those voting upon the proposition, the sum or sums, not exceeding
45 those stated in the notice of the election, to be raised by special
46 district tax for said purposes, in the district during the ensuing
47 school year and the secretary of the board of education shall certify
48 the amount so determined upon, if any, and the sums so stated for
49 interest and debt redemption charges, to the county board of

1 taxation of the county within two days following the certification of
2 the election results and the amount or amounts so certified shall be
3 included in the taxes assessed, levied and collected in the
4 municipality or municipalities comprising the district for such
5 purposes; except that, in the case of a district which , following the
6 school election and the approval by the voters of the sum to be
7 raised by special district tax for the schools of the district,
8 determines that it has a greater surplus account available for the
9 school year than estimated when the sum to be raised by special
10 district tax was presented to the voters, the secretary of the board of
11 education, with the approval of the commissioner, may between the
12 date of the school election and the delivery of tax bills pursuant to
13 R.S.54:4-64 re-certify to the county board of taxation the sum or
14 sums to be raised by special district tax in the district during the
15 ensuing school year, if the sum is lower than that approved by the
16 voters in the school election, and if the reduction is equivalent to
17 the additional amount available in the surplus account to be applied
18 towards the district's budget. The amount re-certified shall be
19 included in the taxes assessed, levied and collected in the
20 municipality or municipalities comprising the district. **】** (Deleted by
21 amendment, P.L. , c.) (pending before the Legislature as this
22 bill)

23 b. In the case of a Type II district **】**in which the annual school
24 election is in November pursuant to subsection a. of section 1 of
25 P.L.2011, c.202 (C.19:60-1.1)**】** not having a board of school
26 estimate, by May 19 the secretary of the board of education shall
27 certify the amount fixed and determined by the school board
28 pursuant to N.J.S.18A:22-32 other than any additional funds to be
29 voted upon by the legal voters of the district and the sums so stated
30 for interest and debt redemption charges, to the county board of
31 taxation of the county and the amount or amounts so certified shall
32 be included in the taxes assessed, levied and collected in the
33 municipality or municipalities comprising the district for such
34 purposes; except that, in the case of a district which determines that
35 it has a greater surplus account available for the school year than
36 estimated when the sum to be raised by special district tax was
37 certified to the county board of taxation of the county, the secretary
38 of the board of education, with the approval of the commissioner,
39 may between May 19 and the delivery of tax bills pursuant to
40 R.S.54:4-64 re-certify to the county board of taxation the sum or
41 sums to be raised by special district tax in the district during the
42 ensuing school year, if the sum is lower than that initially certified
43 to the county board of taxation of the county, and if the reduction is
44 equivalent to the additional amount available in the surplus account
45 to be applied towards the district's budget. The amount re-certified
46 shall be included in the taxes assessed, levied and collected in the
47 municipality or municipalities comprising the district.
48 (cf: P.L.2011, c.202, s.20)

1 14. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
2 as follows:

3 1. a. Except as otherwise provided in this section, an annual
4 school election shall be held in a type II district on the third
5 Tuesday in April. However, in any school year, the Commissioner
6 of Education shall make any adjustments to the school budget and
7 election calendar which may be necessary to change the annual
8 school election date or any other school budget and election
9 calendar date if that date coincides with a period of religious
10 observance that limits significantly the usual activities of the
11 followers of a particular religion or that would result in significant
12 religious consequences for such followers. The commissioner shall
13 inform local school boards, county clerks and boards of election of
14 these adjustments no later than the first working day in January of
15 the year in which the adjustments are to occur.

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

19 An annual school election shall be held simultaneously with the
20 general election on the first Tuesday after the first Monday in
21 November in school districts in which the annual school election
22 has been moved to that date pursuant to subsection a. of section 1 of
23 P.L.2011, c.202 (C.19:60-1.1) or pursuant to section 1 of P.L.2012,
24 c.78 (C.19:60-1.2).

25 The annual school election in April or November shall be for the
26 purpose of submitting a proposal to the voters for the approval of
27 additional funds in a Type II district without a board of school
28 estimate pursuant to paragraph (9) of subsection d. of section 5 of
29 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members
30 of the board of education, and for any other purpose authorized by
31 law.

32 b. All school elections shall be by ballot and, except as
33 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be
34 conducted in the manner provided for general elections pursuant to
35 Title 19 of the Revised Statutes. No party designation shall appear
36 on any ballot to be used in a school election. At the request of one
37 or more candidates, the ballot for a school election may include a
38 designation in not more than three words that conveys the principles
39 which the candidate or candidates therein named represent, but such
40 designation shall not contain the name, or a derivative or any part
41 thereof, as a noun or an adjective of any political party entitled to
42 participate in a primary election.

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

44

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

47 1. a. (1) The question of moving the date of a school district's
48 annual school election to the first Tuesday after the first Monday in
49 November, to be held simultaneously with the general election,

1 shall be submitted to the legal voters of a local or regional school
2 district, other than a Type II district with a board of school estimate,
3 whenever a petition signed by not less than 15% of the number of
4 legally qualified voters who voted in the district at the last
5 preceding general election held for the election of electors for
6 President and Vice-President of the United States is filed with the
7 board of education. The question shall be submitted to the voters of
8 the district at the next general election, provided that at least 60
9 days have lapsed since the date of the filing of the petition. In the
10 event that the question is not approved by the voters, no petition
11 may be filed to submit the question to the voters within one year
12 after an election shall have been held pursuant to any petition filed
13 pursuant to this subsection.

14 The date of the annual school election may be moved to the first
15 Tuesday after the first Monday in November without voter
16 approval, upon the adoption of a resolution by the board of
17 education of a local or regional school district, other than a Type II
18 district with a board of school estimate, or the governing body or
19 bodies of the municipality or municipalities constituting the district.
20 Prior to holding a meeting for the adoption of the resolution to
21 move the date of the annual school election, the governing body or
22 bodies of the municipality or municipalities constituting the district
23 shall provide adequate notice of the meeting to the affected board or
24 boards of education.

25 (2) In the event that the date of a school district's annual school
26 election is moved to the day of the general election, the annual
27 school election in November shall be held for the purpose of
28 submitting a proposal to the voters for approval of additional funds
29 pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996,
30 c.138 (C.18A:7F-5), for the purpose of electing members of the
31 board of education, and for any other purpose authorized by law. A
32 vote shall not be required on the district's general fund tax levy for
33 the budget year, other than the general fund tax levy required to
34 support a proposal for additional funds.

35 (3) In addition to the process set forth in paragraph (1) of this
36 subsection, in the event that all the constituent districts of a limited
37 purpose regional school district approve moving the date of their
38 annual school elections to November, by any of the procedures
39 established pursuant to this subsection, then the annual school
40 election for the limited purpose regional school district shall also be
41 conducted simultaneously with the general election.

42 (4) In the event that the date of a school district's annual school
43 election is moved to the day of the general election pursuant to this
44 subsection, the board of education and the county board of elections
45 shall enter into an agreement, pursuant to guidelines established by
46 the Secretary of State, under which the board of education shall pay
47 any agreed upon increase in the costs, charges, and expenses that
48 may be associated with holding the school election simultaneously
49 with the general election.

1 b. (1) In the case of a school district that has moved the date of
2 its annual school election to November pursuant to subsection a. of
3 this section, the question of moving the date of the school district's
4 annual school election to the third Tuesday in April shall be
5 submitted to the legal voters of a local or regional school district,
6 other than a Type II district with a board of school estimate,
7 whenever a petition signed by not less than 15% of the number of
8 legally qualified voters who voted in the district at the last
9 preceding general election held for the election of electors for
10 President and Vice-President of the United States is filed with the
11 board of education. The question shall be submitted to the voters of
12 the district at the next general election, provided that at least 60
13 days have lapsed since the date of the filing of the petition.

14 The date of the annual school election may be moved to the third
15 Tuesday in April without voter approval, upon the adoption of a
16 resolution by the board of education of a local or regional school
17 district, other than a Type II district with a board of school estimate,
18 or the governing body or bodies of the municipality or
19 municipalities constituting the district. Prior to holding a meeting
20 for the adoption of the resolution to move the date of the annual
21 school election, the governing body or bodies of the municipality or
22 municipalities constituting the district shall provide adequate notice
23 of the meeting to the affected board or boards of education.

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

27 (2) In the event that the date of the annual school election is
28 moved to the third Tuesday in April, ~~【a vote shall be held on the~~
29 ~~district's general fund tax levy for the budget year including any~~
30 ~~proposal for】 the annual school election in April shall be held for
31 the purpose of submitting a proposal to the voters for approval of
32 additional funds pursuant to paragraph (9) of subsection d. of
33 section 5 of P.L.1996, c.138 (C.18A:7F-5), for the election of
34 members of the board of education, and for any other purpose
35 authorized by law. A vote shall not be required on the district's
36 general fund tax levy for the budget year, other than the general
37 fund tax levy required to support a proposal for additional funds~~

38 (3) In addition to the process set forth in paragraph (1) of this
39 subsection, in the event that all the constituent districts of a limited
40 purpose regional school district approve moving the date of their
41 annual school elections to the third Tuesday in April, by any of the
42 procedures established pursuant to this subsection, then the annual
43 school election for the limited purpose regional school district shall
44 also be conducted on the third Tuesday in April.

45 c. Notice, in writing, to change the date of a school election
46 from the third Tuesday in April to the first Tuesday in November
47 shall be given to the county clerk no less than 60 days prior to the
48 third Tuesday in April to take effect for that year's election. For a
49 change from the first Tuesday in November to the third Tuesday in

1 April, notice must be given to the county clerk no less than 85 days
2 prior to the third Tuesday in April to take effect for that year's
3 election. Timely notice shall also be given by the board of
4 education or municipal governing body adopting such resolution to
5 any other affected boards of education and municipal governing
6 bodies.

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

8

9 16. Section 1 of PL.2012, c.78 (C.19:60-1.2) is amended to read
10 as follows:

11 1. a. Notwithstanding any other law or regulation to the contrary,
12 a Type II district with a board of school estimate may move the date
13 of the school district's annual school election pursuant to the
14 provisions of section 1 of P.L.2011, c.202 (C.19:60-1.1).

15 b. Notwithstanding any other law or regulation to the contrary,
16 in the event that the date of the annual school election is moved to
17 the day of the general election in a Type II district with a board of
18 school estimate, the election shall be held for the purpose of
19 electing members of the board of education and for any other
20 purpose authorized by law. The board of school estimate shall not
21 determine the district's general fund tax levy for the budget year,
22 other than the general fund tax levy required to support a proposal
23 for additional funds pursuant to paragraph (9) of subsection d. of
24 section 5 of P.L.1996, c.138 (C.18A:7F-5).

25 c. Notwithstanding any other law or regulation to the contrary,
26 in a Type II district with a board of school estimate that has moved
27 the date of its annual school election to November and subsequently
28 moves the annual school election to the third Tuesday in April, a
29 vote shall be held for the purpose of electing members of the board
30 of education and for any other purpose authorized by law. The
31 board of school estimate shall not determine the district's general
32 fund tax levy for the budget year, **【including any】** other than the
33 general fund tax levy required to support a proposal for additional
34 funds pursuant to paragraph (9) of subsection d. of section 5 of
35 P.L.1996, c.138 (C.18A:7F-5).

36 (cf: P.L.2012, c.78, s.1)

37

38 17. The following sections are repealed:

39 N.J.S.18A:13-19;

40 N.J.S.18A:13-20;

41 N.J.S.18A:13-21;

42 N.J.S.18A:22-37; and

43 N.J.S.18A:22-38.

44

45 18. This act shall take effect immediately