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

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

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

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

5. As used in this section, "cost of living" means the CPI as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).
   a. Within 30 days following the approval of the Educational Adequacy Report, the commissioner shall notify each district of the base per pupil amount, the per pupil amounts for full-day preschool, the weights for grade level, county vocational school districts, at-risk pupils, bilingual pupils, and combination pupils, the cost coefficients for security aid and for transportation aid, the State average classification rate and the excess cost for general special education services pupils, the State average classification rate and the excess cost for speech-only pupils, and the geographic cost adjustment for each of the school years to which the report is applicable.

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

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

Notwithstanding any other provision of this act to the contrary, each district's State aid payable for the 2008-2009 school year, with the exception of aid for school facilities projects, shall be based on simulations employing the various formulas and State aid amounts contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The commissioner shall prepare a report dated December 12, 2007 reflecting the State aid amounts payable by category for each district and shall submit the report to the Legislature prior to the adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as otherwise provided pursuant to this subsection and paragraph (3) of subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the amounts contained in the commissioner's report shall be the final amounts payable and shall not be subsequently adjusted other than to reflect the phase-in of the required general fund local levy pursuant to paragraph (4) of subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to which a district may be entitled pursuant to section 20 of that act.

The projected pupil counts and equalized valuations used for the calculation of State aid shall also be used for the calculation of adequacy budget, local share, and required local share. For 2008-2009, extraordinary special education State aid shall be included as a projected amount in the commissioner's report dated December 12, 2007 pending the final approval of applications for the aid. If the actual award of extraordinary special education State aid is greater than the projected amount, the district shall receive the increase in the aid payable in the subsequent school year pursuant to the provisions of subsection c. of section 13 of P.L.2007, c.260 (C.18A:7F-55). If the actual award of extraordinary special education State aid is less than the projected amount, other State aid categories shall be adjusted accordingly so that the district shall not receive less State aid than as provided in accordance with the provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47 and C.18A:7F-58).

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

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

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

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

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

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

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

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

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

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

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

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

d. (1) A district's general fund tax levy shall not exceed the
district's adjusted tax levy as calculated pursuant to sections 3 and 4
(2) (Deleted by amendment, P.L.2007, c.260).
(3) (Deleted by amendment, P.L.2007, c.260).

(2) Any debt service payment made by a school district during
the budget year shall not be included in the calculation of the
district's adjusted tax levy.
(7) (Deleted by amendment, P.L.2004, c.73).
(8) (Deleted by amendment, P.L.2010, c.44)
(9) Any district may submit at the annual school budget
election, in accordance with subsection c. of section 4 of P.L.2007,
c.62 (C.18A:7F-39), a separate proposal or proposals for additional
funds, including interpretive statements, specifically identifying the
program purposes for which the proposed funds shall be used, to the
voters, who may, by voter approval, authorize the raising of an
additional general fund tax levy for such purposes. In the case of a
district with a board of school estimate, one proposal for the
additional spending shall be submitted to the board of school
estimate. Any proposal or proposals submitted to the voters or the
board of school estimate shall not: include any programs and
services that were included in the district's prebudget year net
budget unless the proposal is approved by the commissioner upon
submission by the district of sufficient reason for an exemption to
this requirement; or include any new programs and services
necessary for students to achieve the thoroughness standards
established pursuant to subsection a. of section 4 of P.L.2007, c.260

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

(10) Notwithstanding any provision of law to the contrary, if a
district proposes a budget with a general fund tax levy and
equalization aid which exceed the adequacy budget, the following
statement shall be published in the legal notice of public hearing on
the budget pursuant to N.J.S.18A:22-28, and posted at the public
hearing held on the budget pursuant to N.J.S.18A:22-29, and
printed on the sample ballot required pursuant to section 10 of
P.L.1995, c.278 (C.19:60-10):
"Your school district has proposed programs and services in addition to the core curriculum content standards adopted by the State Board of Education. Information on this budget and the programs and services it provides is available from your local school district."

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

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

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

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

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

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


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

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

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

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

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

4. Section 42 of P.L.2011, c.202 (C.18A:7F-5.5) is amended to
read as follows:
42. In the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), if the voters authorize the proposal or proposals for additional funds pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5) at the annual November school election, the district shall submit the resulting final budget to the commissioner within 15 days of the action of the voters. If the voters fail to authorize the proposal or proposals for additional funds, the temporary budget shall be the final budget for the district for that school year.

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

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

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

(cf: P.L.2011, c.202)

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

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

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

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

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

a. In type I districts on May 16, or on the following day if that day be Sunday.
b. In all type II districts with an April school election on any day of the first or second week following the April school election, from May 1 through May 7, inclusive.

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

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

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

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

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

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

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

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

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

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

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

18A:13-12. The board shall hold a regular meeting forthwith after its first appointment, and annually thereafter on any day of the first or second week between May 1 and May 7, inclusive, following the annual school election in April, at which it shall organize by the election, from among its members, of a president and vice president, who shall serve until the organization meeting next succeeding the election of their respective successors as members of the board. In the case of a regional district in which the annual school election is in November, the organization meeting
shall be held on any day of the first week in January. If any board
county superintendent of the county, or the executive county
superintendents of the counties, in which the constituent districts
are situate, shall appoint, from among the members of the board, a
president and vice president to serve until the organization meeting
next succeeding the next election.
(cf: P.L.2011, c.202, s.10)

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

b. In the case of a regional district in which the annual school
election is in April or November, the regional board of education
shall fix and determine the district's budget for the ensuing school
year and may submit at the annual school election any question
authorized by law to be submitted at such an election. The board
shall follow the procedures established in section 5 of P.L.1996,
c.138 (C.18A:7F-5), N.J.S.18A:22-33, and as applicable, section
(cf: P.L.2011, c.202, s.13)

11. N.J.S.18A:13-40 is amended to read as follows:
18A:13-40. The board of education of a newly created regional
district may, prior to taking charge and control of the educational
facilities of the regional district, do all other acts and things which
may be necessary for the proper organization and functioning of the
public schools of the regional district during its first year, including
the making of contracts for the employment of necessary personnel
and for other proper purposes, the preparation [and , if applicable,
submission to the voters of the regional district for their approval or
disapproval] of the budget and the appropriations for the conduct of
the public schools of the regional district during its first school
year, the authorization of the purchase of real and personal
property, and the construction, enlargement and repair of buildings,
for school purposes, and the appropriations of the funds necessary
to carry out the same and the authorization of the issuance and sale
of bonds in order to provide for the payment therefor in whole or in
part and the calling and holding of special elections when necessary
for any such purposes and to carry out any or all of said purposes.
(cf: P.L.2011, c.202, s.15)

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

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

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

18A:22-33. a. The board of education of a type II district not having a board of school estimate shall at the April school election, submit to the voters of the district, the amount of money fixed and determined in its budget pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the sum or sums stated therein to be used for interest and debt redemption charges, in the manner provided by law, to be voted upon for the use of the public schools of the district for the ensuing school year, which amount shall be stated in the notice of the election, and the legal voters of the district shall determine at the April election, by a majority vote of those voting upon the proposition, the sum or sums, not exceeding those stated in the notice of the election, to be raised by special district tax for said purposes, in the district during the ensuing school year and the secretary of the board of education shall certify the amount so determined upon, if any, and the sums so stated for interest and debt redemption charges, to the county board of
taxation of the county within two days following the certification of
the election results and the amount or amounts so certified shall be
included in the taxes assessed, levied and collected in the
municipality or municipalities comprising the district for such
purposes; except that, in the case of a district which, following the
school election and the approval by the voters of the sum to be
raised by special district tax for the schools of the district,
determines that it has a greater surplus account available for the
school year than estimated when the sum to be raised by special
district tax was presented to the voters, the secretary of the board of
education, with the approval of the commissioner, may between the
date of the school election and the delivery of tax bills pursuant to
R.S.54:4-64 re-certify to the county board of taxation the sum or
sums to be raised by special district tax in the district during the
ensuing school year, if the sum is lower than that approved by the
voters in the school election, and if the reduction is equivalent to
the additional amount available in the surplus account to be applied
towards the district's budget. The amount re-certified shall be
included in the taxes assessed, levied and collected in the
municipality or municipalities comprising the district.]

b. In the case of a Type II district [in which the annual school
election is in November pursuant to subsection a. of section 1 of
P.L.2011, c.202 (C.19:60-1.1)] not having a board of school
estimate, by May 19 the secretary of the board of education shall
certify the amount fixed and determined by the school board
pursuant to N.J.S.18A:22-32 other than any additional funds to be
voted upon by the legal voters of the district and the sums so stated
for interest and debt redemption charges, to the county board of
taxation of the county and the amount or amounts so certified shall
be included in the taxes assessed, levied and collected in the
municipality or municipalities comprising the district for such
purposes; except that, in the case of a district which determines that
it has a greater surplus account available for the school year than
estimated when the sum to be raised by special district tax was
certified to the county board of taxation of the county, the secretary
of the board of education, with the approval of the commissioner,
may between May 19 and the delivery of tax bills pursuant to
R.S.54:4-64 re-certify to the county board of taxation the sum or
sums to be raised by special district tax in the district during the
ensuing school year, if the sum is lower than that initially certified
to the county board of taxation of the county, and if the reduction is
equivalent to the additional amount available in the surplus account
to be applied towards the district's budget. The amount re-certified
shall be included in the taxes assessed, levied and collected in the
municipality or municipalities comprising the district.
(cf: P.L.2011, c.202, s.20)
Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(4) In the event that the date of a school district's annual school
election is moved to the day of the general election pursuant to this
subsection, the board of education and the county board of elections
shall enter into an agreement, pursuant to guidelines established by
the Secretary of State, under which the board of education shall pay
any agreed upon increase in the costs, charges, and expenses that
may be associated with holding the school election simultaneously
with the general election.
b. (1) In the case of a school district that has moved the date of its annual school election to November pursuant to subsection a. of this section, the question of moving the date of the school district's annual school election to the third Tuesday in April shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition.

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

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

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

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

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

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

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

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

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

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

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

17. The following sections are repealed:

18. This act shall take effect immediately