

[Second Reprint]

SENATE, No. 4209

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 7, 2023

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Co-Sponsored by:

Assemblywoman Speight

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 Senate Budget and Appropriations Committee on January 4, 2024, with amendments.



(Sponsorship Updated As Of: 1/8/2024)

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

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

7
8 ²**[**1. (New section) Notwithstanding any other provision of law
9 to the contrary, a school district that holds its annual school election
10 in 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.²**]**

14
15 ²**[**2. 1.² Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended
16 to 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:

¹Senate SED committee amendments adopted December 14, 2023.

²Senate SBA committee amendments adopted January 4, 2024.

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.

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

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

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

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

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

24 (1) the district's advertised per pupil administrative costs for the
25 2004-2005 school year inflated by the cost of living or 2.5 percent,
26 whichever is greater; or

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

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

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

43 (1) the district's prior year per pupil administrative costs; except
44 that the district may submit a request to the commissioner for
45 approval to exceed the district's prior year per pupil administrative
46 costs due to increases in enrollment, administrative positions
47 necessary as a result of mandated programs, administrative
48 vacancies, nondiscretionary fixed costs, and such other items as

1 defined in accordance with regulations adopted pursuant to section
2 7 of P.L.2004, c.73. In the event that the commissioner approves a
3 district's request to exceed its prior year per pupil administrative
4 costs, the increase authorized by the commissioner shall not exceed
5 the cost of living or 2.5 percent, whichever is greater; or

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

9 d. (1) A district's general fund tax levy shall not exceed the
10 district's adjusted tax levy as calculated pursuant to sections 3 and 4
11 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).

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

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

14 (4) Any debt service payment made by a school district during
15 the budget year shall not be included in the calculation of the
16 district's adjusted tax levy.

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

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

19 (7) (Deleted by amendment, P.L.2004, c.73).

20 (8) (Deleted by amendment, P.L.2010, c.44)

21 (9) Any district may submit at the annual school budget
22 election, in accordance with subsection c. of section 4 of P.L.2007,
23 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
24 funds, including interpretive statements, specifically identifying the
25 program purposes for which the proposed funds shall be used, to the
26 voters, who may, by voter approval, authorize the raising of an
27 additional general fund tax levy for such purposes. In the case of a
28 district with a board of school estimate, one proposal for the
29 additional spending shall be submitted to the board of school
30 estimate. Any proposal or proposals submitted to the voters or the
31 board of school estimate shall not: include any programs and
32 services that were included in the district's prebudget year net
33 budget unless the proposal is approved by the commissioner upon
34 submission by the district of sufficient reason for an exemption to
35 this requirement; or include any new programs and services
36 necessary for students to achieve the thoroughness standards
37 established pursuant to subsection a. of section 4 of P.L.2007, c.260
38 (C.18A:7F-46).

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

45 (10) Notwithstanding any provision of law to the contrary, if a
46 district proposes a budget with a general fund tax levy and
47 equalization aid which exceed the adequacy budget, the following
48 statement shall be published in the legal notice of public hearing on

1 the budget pursuant to N.J.S.18A:22-28, and posted at the public
2 hearing held on the budget pursuant to N.J.S.18A:22-29**],** and
3 printed on the sample ballot required pursuant to section 10 of
4 P.L.1995, c.278 (C.19:60-10)**]:**

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

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

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

42 (2) **[**Any general fund tax levy rejected by the voters for a
43 proposed budget that includes a general fund tax levy and
44 equalization aid at or below the adequacy budget shall be submitted
45 to the governing body of each of the municipalities included within
46 the district for determination of the amount that should be expended
47 notwithstanding voter rejection.**]** In the case of a district having a

1 board of school estimate, other than a Type II district with a board
2 of school estimate **[in which the annual election is in November]**,
3 which has a proposed budget that includes a general fund tax levy
4 and equalization aid at or below the adequacy budget, the general
5 fund tax levy shall be submitted to the board for determination.
6 Any reductions may be appealed to the commissioner on the
7 grounds that the amount is necessary for a thorough and efficient
8 education or that the reductions will negatively impact on the
9 stability of the district given the need for long term planning and
10 budgeting. In considering the appeal, the commissioner shall also
11 consider the factors outlined in paragraph (1) of this subsection.

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

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

24 (4) When the **[voters, municipal governing body or bodies,]**
25 board of education **[in the case of a school district in which the**
26 **annual school election has been moved to November pursuant to**
27 **subsection a. of section 1 of P.L.2011, c.202 (C.19:60-1.1),]** or the
28 board of school estimate authorize the general fund tax levy, the
29 district shall submit the resulting budget to the commissioner within
30 15 days of the authorization.

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

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

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

34

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

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

1 section 5 of P.L.1996, c.138 (C.18A:7F-5) or P.L.2007, c.62
2 (C.18A:7F-37 et al.), as appropriate.
3 (cf: P.L.2011, c.202, s.41)]²

4

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

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

17 (cf: P.L.2011, c.202, s.42)]²

18

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

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

32 (cf: P.L.2011, c.202)]²

33

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

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

47 (cf: P.L.2011, c.202, s.44)]²

1 ²[7.] 2.² N.J.S.18A:10-3 is amended to read as follows:

2 18A:10-3. Each board of education shall organize annually at a
3 regular meeting held not later than at 8 p.m. at which time new
4 members shall ²[take office] be sworn into office²:

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

7 b. In all type II districts with an April school election on any
8 day ~~[of the first or second week following the April school~~
9 ~~election]~~ from May 1 through May 7, inclusive.

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

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

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

20 ²A board shall not conduct a meeting, except for the organization
21 meeting, between January 1 and the organization date for type II
22 districts with a November school election and May 1 and the
23 organization date for type II districts with an April school election,
24 respectively, unless a meeting is needed in order to deal with a matter
25 of such urgency and importance as set forth in section 4 of P.L.1975,
26 c.231 (C.10:4-9). If such a meeting is needed, a board shall ensure
27 that all newly-elected members present are sworn into office prior to
28 conducting business.²

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

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

33

34 ²[8.]3.² N.J.S.18A:13-10 is amended to read as follows:

35 18A:13-10. The board of education of each regional district shall
36 provide for the holding, in accordance with the provisions of
37 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
38 the regional district.

39 At such election there shall be elected for terms of three years,
40 the members of the regional boards of education to succeed those
41 members of the board whose terms shall expire in that year, except
42 as is in this chapter provided for the election of the first elected
43 members of the board. The term of a member of a regional board of
44 education elected in April shall begin on ~~[any day of the first or~~
45 ~~second week following the election]~~ May 1st and end on April
46 30th. The term of a member of a regional board of education elected

1 in November shall begin on **【any day of the first week in】** January
2 1st and end on December 31st.

3 ²A board of education shall not conduct a meeting, except for the
4 organization meeting, between January 1 and the organization date for
5 a regional district with a November school election and May 1 and the
6 organization date for a regional district with an April school election,
7 respectively, unless a meeting is needed in order to deal with a matter
8 of such urgency and importance as set forth in section 4 of P.L.1975,
9 c.231 (C.10:4-9). If such a meeting is needed, a board shall ensure
10 that all newly-elected members present are sworn into office prior to
11 conducting business.²

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

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

16

17 ²**【9.】 4.**² N.J.S.18A:13-12 is amended to read as follows:

18 18A:13-12. The board shall hold a regular meeting forthwith
19 after its first appointment, and annually thereafter on any day **【of**
20 **the first or second week】** between May 1 and May 7, inclusive,
21 following the annual school election in April, at which it shall
22 organize by the election, from among its members, of a president
23 and vice president, who shall serve until the organization meeting
24 next succeeding the election of their respective successors as
25 members of the board. In the case of a regional district in which the
26 annual school election is in November, the organization meeting
27 shall be held on any day of the first week in January. If any board
28 shall fail to organize within the designated period, the executive
29 county superintendent of the county, or the executive county
30 superintendents of the counties, in which the constituent districts
31 are situate, shall appoint, from among the members of the board, a
32 president and vice president to serve until the organization meeting
33 next succeeding the next election.

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

35

36 ²**【10.】 5.**² N.J.S.18A:13-17 is amended to read as follows:

37 18A:13-17. a. **【The regional board of education shall, at each**
38 **annual April school election, submit to the voters of the regional**
39 **district the amount of money fixed and determined in its budget to**
40 **be voted upon for the use of the regional schools of the district for**
41 **the ensuing school year and may submit thereat any other question**
42 **authorized by this law to be submitted at such an election. The**
43 **board may, in submitting to the voters the amount of money to be**
44 **voted upon for the use of the regional schools of the district,**
45 **identify the amount of money determined to be the constituent**
46 **municipality's share. The board shall follow the procedures**
47 **established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and**

1 N.J.S.18A:22-33.】 (Deleted by amendment, P.L. , c.) (pending
2 before the Legislature as this bill)

3 b. In the case of a regional district in which the annual school
4 election is in April or November, the regional board of education
5 shall fix and determine the district's budget for the ensuing school
6 year and may submit at the annual school election any question
7 authorized by law to be submitted at such an election. The board
8 shall follow the procedures established in section 5 of P.L.1996,
9 c.138 (C.18A:7F-5), N.J.S.18A:22-33, and , as applicable, section
10 41 of P.L.2011, c.202 (C.18A:7F-5.4).
11 (cf: P.L.2011, c.202, s.13)

12

13 ²【11.】 6.² N.J.S.18A:13-40 is amended to read as follows:

14 18A:13-40. The board of education of a newly created regional
15 district may, prior to taking charge and control of the educational
16 facilities of the regional district, do all other acts and things which
17 may be necessary for the proper organization and functioning of the
18 public schools of the regional district during its first year, including
19 the making of contracts for the employment of necessary personnel
20 and for other proper purposes, the preparation 【and , if applicable,
21 submission to the voters of the regional district for their approval or
22 disapproval】 of the budget and the appropriations for the conduct of
23 the public schools of the regional district during its first school
24 year, the authorization of the purchase of real and personal
25 property, and the construction, enlargement and repair of buildings,
26 for school purposes, and the appropriations of the funds necessary
27 to carry out the same and the authorization of the issuance and sale
28 of bonds in order to provide for the payment therefor in whole or in
29 part and the calling and holding of special elections when necessary
30 for any such purposes and to carry out any or all of said purposes.
31 (cf: P.L.2011, c.202, s.15)

32

33 ²⁷. N.J.S.18A:22-10 is amended to read as follows:

34 18A:22-10. Upon the preparation of its budget, each board of
35 education shall fix a date, place and time for the holding of a public
36 hearing upon said budget and the amounts of money necessary to be
37 appropriated for the use of the public schools for the ensuing school
38 year and the various items and purposes for which the same are to be
39 appropriated. Except as otherwise provided in this section, in districts
40 having a board of school estimate, the hearing shall be held before the
41 board of school estimate between March 22 and March 29; and in
42 districts having no board of school estimate and type II districts with a
43 board of school estimate, in which the annual school election is in
44 April, the hearing shall be held before the board of education between

1 March 22 and March 29. In the case of a school district with an annual
2 school election in November, the hearing shall be held before the
3 board of education between April 24 and May 7.²

4 (cf: P.L.2013, c.280, s.3)

5

6 ²8. N.J.S.18A:22-12 is amended to read as follows:

7 18A:22-12. The notice shall also set forth that said budget will be
8 on file and open to the examination of the public between reasonable
9 hours to be fixed therein and at a place to be named therein, from the
10 date of said publication until the date of the holding of the public
11 hearing, that in any district having a board of school estimate, except
12 as otherwise provided in this section, the public hearing will be held
13 before the board of school estimate and in other districts that the public
14 hearing will be held before the board of education and that at said
15 public hearing said budget will be on file and open to the examination
16 of the public accordingly and will be produced for the information of
17 those attending the same. In a Type II district having a board of
18 school estimate in which the annual school election is in April or
19 November, the public hearing shall be held before the board of
20 education.²

21 (cf: P.L.2012, c.78, s.3)

22

23 ²[12.] 9.² N.J.S.18A:22-26 is amended to read as follows:

24 18A:22-26. a. ¹[Except as otherwise provided in subsection b. of
25 this section, at] At¹ or after the public hearing but not later than
26 April 8, the board of [school estimate] education of a type II
27 district having a board of school estimate ²in which the annual
28 school election is in April,² shall fix and determine by a recorded roll
29 call majority vote of its full membership the amount of money
30 necessary to be appropriated for the use of the public schools in the
31 district for the ensuing school year, exclusive of the amount which
32 shall be apportioned to it by the commissioner for the year pursuant
33 to the provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) [and
34 shall make a certificate of the amount signed by at least a majority
35 of all members of the board, which shall be delivered to the board
36 of education and a copy thereof, certified under oath to be correct
37 and true by the secretary of the board of school estimate, shall be
38 delivered] . By that same date the board of school estimate shall fix
39 and determine by a recorded roll call majority vote of its full
40 membership the amount of any additional funds pursuant to
41 paragraph (9) of subsection d. of section 5 of P.L.1996, c.138
42 (C.18A:7F-5) and shall make a certificate of that amount signed by
43 at least a majority of all members of the board, which shall be
44 delivered to the board of education. The secretary of the board of
45 education shall certify the amount so fixed and determined by the
46 board of education and the board of school estimate and shall
47 deliver a copy of the certificate to the county board of taxation on

1 or before April 15 in each year and a duplicate of the certificate
2 shall be delivered to the board or governing body of each of the
3 municipalities within the territorial limits of the district having the
4 power to make appropriations of money raised by taxation in the
5 municipalities or political subdivisions and to the executive county
6 superintendent of schools and the amount shall be assessed, levied
7 and raised under the procedure and in the manner provided by law
8 for the levying and raising of special school taxes in other type II
9 districts and shall be paid to the board secretary or treasurer of
10 school moneys, as appropriate, of the district for such purposes.

11 **【**Within 15 days after receiving the certificate the board of
12 education shall notify the board of school estimate, the governing
13 body of each municipality within the territorial limits of the school
14 district, and the commissioner if it intends to appeal to the
15 commissioner the board of school estimate's determination as to the
16 amount of money requested pursuant to the provisions of section 5
17 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
18 the use of the public schools of the district for the ensuing school
19 year.**】**

20 b. ²**【**¹**】**At or after the public hearing on the budget but not
21 later than May 14, the board of education of each type II district
22 having a board of school estimate in which the annual school
23 election is in November, shall fix and determine by a recorded roll
24 call majority vote of its full membership the amount of money
25 necessary to be raised for the use of the public schools in the
26 district, exclusive of the amount which shall be apportioned to it by
27 the commissioner for the year pursuant to the provisions of section
28 5 of P.L.1996, c.138 (C.18A:7F-5). By that same date the board of
29 school estimate shall fix and determine by a recorded roll call
30 majority vote of its full membership the amount of any additional
31 funds pursuant to paragraph (9) of subsection d. of section 5 of
32 P.L.1996, c.138 (C.18A:7F-5) and shall make a certificate of that
33 amount signed by at least a majority of all members of the board,
34 which shall be delivered to the board of education. The secretary of
35 the board of education shall certify the amount so fixed and
36 determined by the board of education and the board of school
37 estimate and shall deliver a copy of the certificate to the county
38 board of taxation of the county on or before May 19 in each year
39 and a duplicate of the certificate shall be delivered to the board or
40 governing body of each of the municipalities within the territorial
41 limits of the districts having the power to make appropriations of
42 money raised by taxation in the municipalities or political
43 subdivisions and to the executive county superintendent of schools
44 and the amount shall be assessed, levied and raised under the
45 procedure and in the manner provided by law for the levying and
46 raising of special school taxes in other type II districts and shall be
47 paid to the board secretary or treasurer of school moneys, as
48 appropriate, of the district for such purposes.¹**】** (Deleted by

1 amendment, P.L. , c.) (pending before the Legislature as this
2 bill)]

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

31 (cf: P.L.2013, c.280, s.4)

32
33 ²**[13.]** ²10. N.J.S.18A:22-33 is amended to read as follows:

34 18A:22-33. a. **[**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 to
39 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 of
41 the district for the ensuing school year, which amount shall be stated in
42 the notice of the election, and the legal voters of the district shall
43 determine at the April election, by a majority vote of those voting
44 upon the proposition, the sum or sums, not exceeding those stated in
45 the notice of the election, to be raised by special district tax for said
46 purposes, in the district during the ensuing school year and the
47 secretary of the board of education shall certify the amount so
48 determined upon, if any, and the sums so stated for interest and debt

1 redemption charges, to the county board of taxation of the county
2 within two days following the certification of the election results and
3 the amount or amounts so certified shall be included in the taxes
4 assessed, levied and collected in the municipality or municipalities
5 comprising the district for such purposes; except that, in the case of a
6 district which , following the school election and the approval by the
7 voters of the sum to be raised by special district tax for the schools of
8 the district, determines that it has a greater surplus account available
9 for the 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 sums
14 to be raised by special district tax in the district during the ensuing
15 school year, if the sum is lower than that approved by the voters in the
16 school election, and if the reduction is equivalent to the additional
17 amount available in the surplus account to be applied towards the
18 district's budget. The amount re-certified shall be included in the taxes
19 assessed, levied and collected in the municipality or municipalities
20 comprising the district.】 (Deleted by amendment, P.L. _____, c.)
21 (pending before the Legislature as this bill)

22 b. In the case of a Type II district 【in which the annual school
23 election is in November pursuant to subsection a. of section 1 of
24 P.L.2011, c.202 (C.19:60-1.1)】 not having a board of school estimate,
25 by May 19 the secretary of the board of education shall certify the
26 amount fixed and determined by the school board pursuant to
27 N.J.S.18A:22-32 ^{2, 2} other than any additional funds to be voted upon
28 by the legal voters of the district ²in November,² and the sums so
29 stated for interest and debt redemption charges, to the county board of
30 taxation of the county and the amount or amounts so certified shall be
31 included in the taxes assessed, levied and collected in the municipality
32 or municipalities comprising the district for such purposes; except that,
33 in the case of a district which determines that it has a greater surplus
34 account available for the school year than estimated when the sum to
35 be raised by special district tax was certified to the county board of
36 taxation of the county, the secretary of the board of education, with the
37 approval of the commissioner, may between May 19 and the delivery
38 of tax bills pursuant to R.S.54:4-64 re-certify to the county board of
39 taxation the sum or sums to be raised by special district tax in the
40 district during the ensuing school year, if the sum is lower than that
41 initially certified to the county board of taxation of the county, and if
42 the reduction is equivalent to the additional amount available in the
43 surplus account to be applied towards the district's budget. The amount
44 re-certified shall be included in the taxes assessed, levied and collected
45 in the municipality or municipalities comprising the district.
46 (cf: P.L.2011, c.202, s.20)

1 ²[14.] 11.² Section 1 of P.L.1995, c.278 (C.19:60-1) is
2 amended to read 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 ²[15.] 12.² Section 1 of P.L.2011, c.202 (C.19:60-1.1) is
46 amended to 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

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

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

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

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

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

1 may be associated with holding the school election simultaneously
2 with the general election.

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

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

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

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

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

47 c. Notice, in writing, to change the date of a school election
48 from the third Tuesday in April to the first Tuesday in November

1 shall be given to the county clerk no less than 60 days prior to the
2 third Tuesday in April to take effect for that year's election. For a
3 change from the first Tuesday in November to the third Tuesday in
4 April, notice must be given to the county clerk no less than 85 days
5 prior to the third Tuesday in April to take effect for that year's
6 election. Timely notice shall also be given by the board of
7 education or municipal governing body adopting such resolution to
8 any other affected boards of education and municipal governing
9 bodies.

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

11
12 ²**[16.]** 13.² Section 1 of PL.2012, c.78 (C.19:60-1.2) is
13 amended to read as follows:

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

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

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

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

40
41 ²**[17.]** 14.² The following sections are repealed:

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

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

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

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

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

47
48 ²**[18.]** 15.² This act shall take effect immediately.