

ASSEMBLY, No. 4307

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 10, 2024

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman CARMEN THERESA MORALES

District 34 (Essex)

Assemblyman CODY D. MILLER

District 4 (Atlantic, Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Bagolie

SYNOPSIS

Establishes exemption from State residency requirement for certain public school teachers for two years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/3/2024)

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1 AN ACT concerning the residency of certain public school teachers
2 and amending R.S.52:14-7.

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

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7 1. R.S.52:14-7 is amended to read as follows:

8 52:14-7. a. Every person holding an office, employment, or
9 position

10 (1) in the Executive, Legislative, or Judicial Branch of this
11 State, or

12 (2) with an authority, board, body, agency, commission, or
13 instrumentality of the State including any State college, university,
14 or other higher educational institution, and, to the extent consistent
15 with law, any interstate agency to which New Jersey is a party, or

16 (3) with a county, municipality, or other political subdivision of
17 the State or an authority, board, body, agency, district, commission,
18 or instrumentality of the county, municipality, or subdivision, or

19 (4) with a school district or an authority, board, body, agency,
20 commission, or instrumentality of the district,
21 shall have his or her principal residence in this State and shall
22 execute such office, employment, or position.

23 This residency requirement shall not apply to any person: (a)
24 who is employed on a temporary or per-semester basis as a visiting
25 professor, teacher, lecturer, or researcher by any State college,
26 university, or other higher educational institution, or county or
27 community college, or in a full or part-time position as a member of
28 the faculty, the research staff, or the administrative staff by any
29 State college, university, or other higher educational institution, or
30 county or community college, that the college, university, or
31 institution has included in the report required to be filed pursuant to
32 this subsection; (b) who is employed full-time by the State who
33 serves in an office, employment, or position that requires the person
34 to spend the majority of the person's working hours in a location
35 outside of this State; or (c) an officer of the waterfront commission
36 of New York harbor, employed by the commission on the effective
37 date of P.L.2017, c.324 (C.32:23-229 et al.), who seeks to be
38 transferred to the Division of State Police in the Department of Law
39 and Public Safety pursuant to section 4 of P.L.2017, c.324 (C.53:2-
40 9).

41 This residency requirement shall not apply to any person who is
42 hired by the New Jersey Transit Corporation as an engineer or
43 mechanic, or any other position certified by the board of directors
44 as a position of critical need.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 For the purposes of this subsection, a person may have at most
2 one principal residence, and the state of a person's principal
3 residence means the state (1) where the person spends the majority
4 of the person's nonworking time, and (2) which is most clearly the
5 center of the person's domestic life, and (3) which is designated as
6 the person's legal address and legal residence for voting. The fact
7 that a person is domiciled in this State shall not by itself satisfy the
8 requirement of principal residency hereunder.

9 A person, regardless of the office, employment, or position, who
10 holds an office, employment, or position in this State on the
11 effective date of P.L.2011, c.70 but does not have principal
12 residence in this State on that effective date shall not be subject to
13 the residency requirement of this subsection while the person
14 continues to hold office, employment, or position without a break in
15 public service of greater than seven days.

16 Any person may request an exemption from the provisions of
17 this subsection on the basis of critical need or hardship **【from a】** .
18 A school district may request an exemption from the provisions of
19 this subsection on the basis of an inability to hire an appropriately
20 certified teacher for a vacant teaching position who complies with
21 the residency requirement. A school district requesting an
22 exemption shall certify that the vacant teaching position has been
23 advertised for at least six months; demonstrate the district's good
24 faith efforts to fill the position with a teacher who maintains a
25 principal residence in this State; and submit documentation that the
26 person the district seeks to hire is appropriately certified as a
27 teacher in this State.

28 A five-member committee is hereby established to consider
29 applications for exemptions. The committee shall be composed of
30 three persons appointed by the Governor, a person appointed by the
31 Speaker of the General Assembly, and a person appointed by the
32 President of the Senate, each of whom shall serve at the pleasure of
33 the person making the appointment and shall have a term not to
34 exceed five years. A vacancy on the committee shall be filled in the
35 same manner as the original appointment was made. The Governor
36 shall make provision to provide such clerical, secretarial, and
37 administrative support to the committee as may be necessary for it
38 to conduct its responsibilities pursuant to this subsection.

39 The decision on whether to approve an application from any
40 person or school district shall be made by a majority vote of the
41 members of the committee, and those voting in the affirmative shall
42 so sign the approved application. If the committee fails to act on an
43 application within 30 days after the receipt thereof, no exemption
44 shall be granted and the residency requirement of this subsection
45 shall be operative.

46 A school district that is granted an exemption may hire the
47 appropriately certified teacher who does not maintain a principal

1 residence in this State. The person hired shall not be required to
2 request an exemption pursuant to this subsection.

3 Any person employed by a school district pursuant to this
4 exemption shall establish New Jersey residency within two years of
5 the date of the person's initial employment. If the person fails to
6 establish New Jersey residency, the school district shall terminate
7 the person's employment, advertise the vacant teaching position,
8 and seek to hire an appropriately certified teacher who maintains a
9 principal residence in this State.

10 The Department of Education, in collaboration with the
11 Department of Community Affairs, shall develop and implement a
12 program to assist teachers hired through this exemption to establish
13 State residency within two years of the date of the person's initial
14 employment.

15 The head of a principal department of the Executive Branch of
16 the State government, a Justice of the Supreme Court, judge of the
17 Superior Court, and judge of any inferior court established under
18 the laws of this State shall not be eligible to request from the
19 committee an exemption from the provisions of this subsection.

20 The exemption provided in this subsection for certain persons
21 employed by a State college, university, or other higher educational
22 institution, or a county or community college, other than those
23 employed on a temporary or per-semester basis as a visiting
24 professor, teacher, lecturer, or researcher, shall apply only to those
25 persons holding positions that the college, university, or institution
26 has included in a report of those full or part-time positions as a
27 member of the faculty, the research staff, or the administrative staff
28 requiring special expertise or extraordinary qualifications in an
29 academic, scientific, technical, professional, or medical field or in
30 administration, that, if not exempt from the residency requirement,
31 would seriously impede the ability of the college, university, or
32 institution to compete successfully with similar colleges,
33 universities, or institutions in other states. The report shall be
34 compiled annually and shall also contain the reasons why the
35 positions were selected for inclusion in the report. The report shall
36 be compiled and filed within 60 days following the effective date of
37 P.L.2011, c.70. The report shall be reviewed, revised as necessary,
38 and filed by January 1 of each year thereafter. Each report shall be
39 filed with the Governor and, pursuant to section 2 of P.L.1991,
40 c.164 (C.52:14-19.1), with the Legislature, and a report may be
41 revised at any time by filing an amendment to the report with the
42 Governor and Legislature.

43 As used in this section, "school district" means any local or
44 regional school district established pursuant to chapter 8 or chapter
45 13 of Title 18A of the New Jersey Statutes and any jointure
46 commission, county vocational school, county special services
47 district, educational services commission, educational research and

1 demonstration center, environmental education center, and
2 educational information and resource center.

3 b. If any person holding any office, employment, or other
4 position in this State shall attempt to let, farm out, or transfer office,
5 employment, or position or any part thereof to any person, the
6 person shall forfeit the sum of \$1,500, to be recovered with costs by
7 any person who shall sue for the same, one-half to the prosecutor
8 and the other half to the State Treasurer for the use of the State.

9 c. No person shall be appointed to or hold any position in this
10 State who has not the requisite qualifications for personally
11 performing the duties of such position in cases where scientific
12 engineering skill is necessary to the performance of the duties
13 thereof.

14 d. Any person holding or attempting to hold an office,
15 employment, or position in violation of this section shall be
16 considered as illegally holding or attempting to hold the same;
17 provided that a person holding an office, employment, or position in
18 this State shall have one year from the time of taking the office,
19 employment, or position to satisfy the requirement of principal
20 residency, and if thereafter the person fails to satisfy the
21 requirement of principal residency as defined herein with respect to
22 any 365-day period, that person shall be deemed unqualified for
23 holding the office, employment, or position. The Superior Court
24 shall, in a civil action in lieu of prerogative writ, give judgment of
25 ouster against the person, upon the complaint of any officer or
26 citizen of the State, provided that any complaint shall be brought
27 within one year of the alleged 365-day period of failure to have the
28 person's principal residence in this State.

29 (cf: P.L.2018, c.162, s.10)

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill establishes an exemption to the State residency
37 requirement for certain public school teachers. An appropriately
38 certified teacher hired through the exemption has two years to
39 establish New Jersey residency.

40 The State residency requirement was expanded in 2011 to apply
41 to, with limited exceptions, all public officers and employees in the
42 State, including employees of a school district, or an authority,
43 board, body, agency, commission, or instrumentality of the district.

44 Under the bill, a school district may request an exemption on the
45 basis of an inability to hire an appropriately certified teacher for a
46 vacant teaching position who complies with the State residency
47 requirement. A school district requesting an exemption is required
48 to: certify that the vacant teaching position has been advertised for

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1 at least six months; demonstrate the district's good faith efforts to
2 fill the position with a teacher who maintains a principal residence
3 in this State; and submit documentation that the person the district
4 seeks to hire is appropriately certified as a teacher in the State. If a
5 school district is granted an exemption, the district is then permitted
6 to hire the appropriately certified teacher. The bill provides that the
7 person hired is not required to request the exemption.

8 Additionally, the bill stipulates that any person hired through this
9 exemption is required to establish New Jersey residency within two
10 years of the date of the person's initial employment. If the person
11 fails to establish New Jersey residency, the school district is
12 required to terminate the person's employment, advertise the vacant
13 teaching position, and seek to hire an appropriately certified teacher
14 who maintains a principal residence in this State.

15 Finally, the bill requires the Department of Education, in
16 collaboration with the Department of Community Affairs, to
17 develop and implement a program to assist teachers hired through
18 this exemption to establish State residency within two years of the
19 date of the person's initial employment.