

[First Reprint]

SENATE RESOLUTION No. 100

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JANUARY 9, 2017

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Constitutes special committee of Senate entitled "Senate Select Committee on School Funding Fairness."

CURRENT VERSION OF TEXT

As amended by the Senate on January 10, 2017.



(Sponsorship Updated As Of: 1/11/2017)

- 1 **A SENATE RESOLUTION** constituting a special committee of the
2 Senate entitled the “Senate Select Committee on School Funding
3 Fairness.”
4
- 5 ¹**[WHEREAS,** In 2007, the State’s current public school funding
6 formula was enacted pursuant to the provisions of the “School
7 Funding Reform Act of 2008” (SFRA), P.L.2007, c.260 (C.18A:7F-
8 43 et al.); and
- 9 **WHEREAS,** For several decades prior to the enactment of the SFRA,
10 the New Jersey Supreme Court had superintended the ongoing
11 litigation that carries the name Abbott v. Burke, with the goal of
12 ensuring that the constitutional guarantee of a thorough and
13 efficient system of public education is a reality for all students,
14 regardless of where they live; and
- 15 **WHEREAS,** In May, 2009, the New Jersey Supreme Court determined
16 that the State under the SFRA had enacted a constitutionally
17 adequate school funding scheme that satisfied the requirements of
18 the thorough and efficient clause of the State Constitution; and
- 19 **WHEREAS,** The SFRA was used to distribute State school aid for only
20 the 2008-2009 school year, and since then the fair and equitable
21 plan established by the SFRA has been undermined by the failure of
22 the administration to fully fund the formula; and
- 23 **WHEREAS,** Under the SFRA, State aid is meant to be distributed based
24 on a formula that takes into account each school district’s property
25 tax base, its ability to pay, changes in enrollment, and the special
26 needs of its students; and
- 27 **WHEREAS,** The State reneged on its promise by failing to properly
28 fund the school funding formula and meet the changing needs of
29 school districts that have been significantly impacted by
30 demographic and fiscal changes since the enactment of the SFRA;
31 and
- 32 **WHEREAS,** A large number of school districts are now being
33 shortchanged in State school aid, forcing taxpayers to assume a
34 greater local burden for the support of their schools; and
- 35 **WHEREAS,** The inequities in the system have caused a growing
36 number of legislators, advocacy groups, educators, and parents to
37 express their concerns about a system that is unfair to schools and
38 harmful to local taxpayers; and
- 39 **WHEREAS,** For the past eight months, a school funding policy analysis
40 has been underway which has included meetings and roundtables
41 with school superintendents, school board members, education
42 groups, and mayors from across the State; and
- 43 **WHEREAS,** The focus of the analysis is to propose fair and equitable
44 school funding amounts for each school district, with the addition

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 floor amendments adopted January 10, 2017.

1 of \$100 million in State school formula aid to increase funding for
2 underfunded districts; and

3 **WHEREAS**, Because the structural problem in school funding and
4 taxation will only grow worse if not addressed, it is imperative at
5 this time to convene a special committee of the Senate to build on
6 the school funding policy analysis that has been conducted to date,
7 and provide for a school funding system that ensures adequate State
8 aid for our school districts to support an equal opportunity for every
9 student in the State; now, therefore, **]**¹

10

11 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

12

13 1. There is constituted a special committee of the Senate
14 entitled the “Senate Select Committee on School Funding Fairness,”
15 comprising ¹~~10~~ eight¹ members of the Senate to be appointed by
16 the Senate President, not more than ¹~~six~~ four¹ of whom shall be
17 of the same political party. The Senate President shall appoint the
18 chair and vice-chair of the special committee from among the
19 special committee’s appointed members.

20

21 2. a. The Senate Select Committee on School Funding Fairness
22 shall study:

23 (1) the impact of the adjustment aid and State aid growth limit
24 provisions of the “School Funding Reform Act of 2008” (SFRA),
25 P.L.2007, c.260 (C.18A:7F-43 et al.), on the fairness of the school
26 funding formula, to make recommendations for revising those
27 provisions in order to provide full funding of the “School Funding
28 Reform Act of 2008” over a five-year period, and to bring fair and
29 equitable funding to all school districts for enrollment growth over
30 a multi-year period;

31 (2) the tax levy growth limitation as established and calculated
32 pursuant to section 3 of P.L.2007, c.62 (C.18A:7F-38) and its
33 impact on the ability of school districts to adequately fund operating
34 expenses;

35 (3) the per pupil administrative costs limit as established
36 pursuant to paragraphs (1) and (2) of subsection c. of section 5 of
37 P.L.1996, c.138 (C.18A:7F-5) and the impact of the limit on school
38 district staffing and operations;

39 (4) the equalized valuation and income measures used to
40 determine a school district’s local share of its adequacy budget as
41 calculated pursuant to section 10 of P.L.2007, c.260 (C.18A:7F-52),
42 and the impact of property tax abatements on that local share;

43 (5) the ability of a school district that is spending at or above its
44 adequacy budget to lower its school tax levy in the event that
45 additional State aid is provided under proposed legislation to
46 implement the committee’s recommendations; and

47 (6) the distribution of special education funding, and the effects
48 of the change under the “School Funding Reform Act of 2008” to a

1 census-based funding method with special education costs
2 supported in part on a wealth-equalized basis.

3 b. The recommendations made by the Senate Select Committee
4 on School Funding Fairness shall conform with the responsibility of
5 the Legislature under Article VIII, section IV, paragraph 1 of the
6 New Jersey Constitution to provide a thorough and efficient system
7 of free public schools. The special committee shall strive for
8 consensus in all its recommendations.

9
10 3. For the purposes of carrying out its charge under this
11 resolution, the Senate Select Committee on School Funding
12 Fairness shall have all the powers conferred under the laws and the
13 Constitution of the State of New Jersey and the United States
14 including, but not limited to, the following powers:

15 a. to hold hearings and take testimony relating to the matters it
16 is authorized to study;

17 b. to use any and all reasonable means of interviewing or fact
18 gathering; and

19 c. to issue a report on its findings and recommendations to the
20 Senate President. The report shall be accompanied by proposed
21 legislation to implement the recommendations of the Senate Select
22 Committee on School Funding Fairness.

23
24 4. The Senate Select Committee on School Funding Fairness
25 shall be entitled to call to its assistance and avail itself of the
26 services of the employees of the State of New Jersey, any political
27 subdivision of the State, and any agency thereof, as may be required
28 and as may be available for that purpose, and to employ any other
29 services as may be deemed necessary, in order to perform the duties
30 provided herein, and within the limits of funds appropriated or
31 otherwise made available for that purpose.

32
33 5. This resolution shall take effect immediately.