Sponsored by:
Assemblyman PARKER SPACE
District 24 (Morris, Sussex and Warren)

SYNOPSIS
Restricts Commissioner of Education’s authority to reject school district’s budget proposal.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the approval of a school district’s budget proposal and amending P.L.1996, c.138.

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

1. Section 6 of P.L.1996, c.138 (C.18A:7F-6) is amended to read as follows:

6. a. [The commissioner shall not approve any budget submitted pursuant to subsection c. of section 5 of this act unless he is satisfied that the district has adequately implemented within the budget the thoroughness and efficiency standards set forth pursuant to section 4 of P.L.2007, c.260 (C.18A:7F-46). In those instances in which a district submits a budget with a general fund tax levy and equalization aid set at less than its adequacy budget, the commissioner may, when he deems it necessary to ensure implementation of standards, direct additional expenditures, in specific accounts and for specific purposes, up to the district’s adequacy budget. A district which submits a budget with a general fund tax levy and equalization aid set at less than its adequacy budget and which fails to meet core curriculum content standards in any school year shall be required to increase expenditures so as to meet at least the adequacy budget within the next two budget years. In all cases, including those instances in which a district submits a budget with a general fund tax levy and equalization aid set above its adequacy budget, the commissioner may direct such budgetary reallocations and programmatic adjustments, or take such other measures, as he deems necessary to ensure implementation of the required thoroughness and efficiency standards.] (Deleted by amendment, P.L. , C. ) (pending before the Legislature as this bill)

b. [In addition, whenever] Whenever the commissioner determines, through the results of Statewide assessments conducted pursuant to law and regulation, or during the course of an evaluation of school performance conducted pursuant to section 10 of P.L.1975, c.212 (C.18A:7A-10), that a district, or one or more schools within the district, is failing to achieve the core curriculum content standards, the commissioner may summarily take such action as he deems necessary and appropriate, including but not limited to:

(1) directing the restructuring of curriculum or programs;
(2) directing staff retraining or reassignment;
(3) conducting a comprehensive budget evaluation;
(4) redirecting expenditures;
(5) enforcing spending at the full adequacy budget; and

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.
(6) notwithstanding any provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), to the contrary, reviewing the terms of future collective bargaining agreements.

The commissioner shall report any action taken under this subsection to the State board within 30 days. A board of education may appeal a determination that the district is failing to achieve the core curriculum content standards and any action of the commissioner to the State board.

Nothing in this section shall be construed to limit such general or specific powers as are elsewhere conferred upon the commissioner pursuant to law.

Nothing in this act shall be deemed to restrict or limit any rights established pursuant to the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), nor shall the commissioner's powers under this act be construed to permit the commissioner to restrict, limit, interfere with, participate, or be directly involved in collective negotiations, contract administration, or processing of grievances, or in relation to any terms and conditions of employment. This provision shall apply to an existing State-operated school district or a district that is placed under full State intervention only after the terms and conditions of a contract have been finalized.


d. In addition to the audit required of school districts pursuant to N.J.S.18A:23-1, the accounts and financial transactions of any school district in which the State aid equals 80% or more of its net budget for the budget year shall be directly audited by the Office of the State Auditor on an annual basis.

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

f. The commissioner shall not reject any budget submitted pursuant to subsection c. of section 5 of P.L.1996, c.138 (C.18A:7F-5) due to the fact that the budget submitted includes a general fund tax levy or total general fund budget that is less than the amount included in the prior budget year.
(cf. P.L.2007, c.260, s.30)

2. This act shall take effect immediately and shall first be applicable to the first full school year following the date of enactment.

STATEMENT

Prior to adopting a budget or presenting it to voters for approval, as may be applicable, a school district must submit the budget proposal to the Commissioner of Education for review and approval. The commissioner may reject the proposal and direct
modifications if the commissioner, among other things, is not satisfied that the budget proposal is sufficient to satisfy the thoroughness and efficiency standards that have been established. This bill eliminate that statutory authority and specifies that the commissioner may not reject a budget proposal based on the fact that the proposal includes a general fund tax levy or total general fund budget that is less than the amount included in the prior budget year.