SENATE, No. 3013

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)
Senator KRISTIN M. CORRADO
District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:
Senators Diegnan and Singleton

SYNOPSIS

Renames “security aid” as “health and safety aid” to reflect that secure schools provide for students’ mental health; provides that State aid for nonpublic school security services may also be used for mental health services.

CURRENT VERSION OF TEXT

As introduced.
AN ACT concerning security aid and amending various parts of the statutory law.

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

1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to read as follows:

19. For school funding purposes, the Commissioner of Education shall determine district of residence as follows:

a. (1) In the case of a child placed in a resource family home prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred.

   (2) In the case of a child placed in a resource family home on or after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

b. The district of residence for children who are in residential State facilities, or who have been placed by State agencies in group homes, skill development homes, private schools or out-of-State facilities, shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

c. The district of residence for children whose parent or guardian temporarily moves from one school district to another as the result of being homeless shall be the district in which the parent or guardian last resided prior to becoming homeless. For the purpose of this amendatory and supplementary act, "homeless" shall mean an individual who temporarily lacks a fixed, regular and adequate residence.

d. If the district of residence cannot be determined according to the criteria contained herein, if the criteria contained herein identify a district of residence outside of the State, or if the child has resided in a domestic violence shelter, homeless shelter, or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per pupil cost established pursuant to section 24 of P.L.1996, c.138 (C.18A:7F-24). This amount shall be appropriated in the same

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.
manner as other State aid under this act. The Department of
Education shall pay the amount to the Department of Human
Services, the Department of Children and Families, the Department
of Corrections or the Juvenile Justice Commission established
pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the
case of a homeless child or a child in a family resource home, the
Department of Education shall pay to the school district in which
the child is enrolled the weighted base per pupil amount calculated
pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49) and the
appropriate [security] health and safety categorical aid per pupil
and special education categorical aid per pupil.

e. If the State has assumed fiscal responsibility for the tuition
of a child in a private educational facility approved by the
Department of Education to serve children who are classified as
needing special education services, the department shall pay to the
Department of Human Services, the Department of Children and
Families or the Juvenile Justice Commission, as appropriate, the aid
specified in subsection d. of this section and in addition, such aid as
required to make the total amount of aid equal to the actual cost of
the tuition.
(cf: P.L.2017, c.83, s.1)

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

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] health and safety 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
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.


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

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

(4) 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 (C.18A:7F-46).

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.
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, 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."

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, 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 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, the 
general fund tax levy shall be submitted to the board for 
determination. 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 8 of P.L.1996, c.138 (C.18A:7F-8) is amended to 
read as follows:

8. The amounts payable to each school district and county 
vocational school district pursuant to this act shall be paid by the 
State Treasurer upon the certification of the commissioner and 
wart of the Director of the Division of Budget and Accounting. 
Five percent of the appropriation for equalization aid, special 
education categorical aid, preschool education aid, [security] health 
and safety aid, transportation aid, adjustment aid, and any other aid 
pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.) shall be paid on 
the eighth and twenty-second of each month from September 
through June. If a local board of education requires funds prior to 
the first payment, the board shall file a written request with the 
commissioner stating the need for the funds. The commissioner
shall review each request and forward for payment those for which need has been demonstrated.

Facilities funds shall be paid as required to meet due dates for payment of principal and interest. Each school district, county vocational school district, and county special services school district shall file an annual report regarding facilities payments to the commissioner. The report shall include the amount of interest bearing school debt, if any, of the municipality or district then remaining unpaid, together with the rate of interest payable thereon, the date or dates on which the bonds or other evidences of indebtedness were issued, and the date or dates upon which they fall due. In the case of a Type I school district, the board secretary shall secure the schedule of outstanding obligations from the clerk of the municipality.

(cf: P.L.2007, c.260, s.31)

4. Section 4 of P.L.2007, c.260 (C.18A:7F-46) is amended to read as follows:

4. a. The State Board of Education shall review and update the core curriculum content standards every five years. The standards shall ensure that all children are provided the educational opportunity needed to equip them for the role of citizen and labor market competitor.

The Commissioner of Education shall develop and establish, through the report issued pursuant to subsection b. of this section, efficiency standards which define the types of programs, services, activities, and materials necessary to achieve a thorough and efficient education.

b. By September 1 of 2010 and by September 1 every three years thereafter, the Governor, after consultation with the commissioner, shall recommend to the Legislature through the issuance of the Educational Adequacy Report for the three school years to which the report is applicable:

(1) the base per pupil amount based upon the core curriculum content standards established pursuant to subsection a. of this section;

(2) the per pupil amounts for full-day preschool;

(3) the weights for grade level, county vocational school districts, at-risk pupils, bilingual pupils, and combination pupils;

(4) the cost coefficients for [security] health and safety aid and transportation aid;

(5) the State average classification rate for general special education services pupils and for speech-only pupils;

(6) the excess cost for general special education services pupils and for speech-only pupils; and

(7) the extraordinary special education aid thresholds.

The base per pupil amount, the per pupil amounts for full-day preschool, the excess costs for general special education services
pupils and for speech-only pupils, and the cost-coefficients for
[security] health and safety aid and transportation aid shall be
adjusted by the CPI for each of the two school years following the
first school year to which the report is applicable.

The amounts shall be deemed approved for the three successive
fiscal years beginning from the subsequent July 1, unless between
the date of transmittal and the subsequent November 30, the
Legislature adopts a concurrent resolution stating that the
Legislature is not in agreement with all or any specific part of the
report. The concurrent resolution shall advise the Governor of the
Legislature's specific objections to the report and shall direct the
commissioner to submit to the Legislature a revised report which
responds to those objections by January 1.

(cf: P.L.2007, c.260, s.4)

5. Section 14 of P.L.2007, c.260 (C.18A:7F-56) is amended to
read as follows:

14. [Security] Health and safety categorical aid for each school
district and county vocational school district shall be calculated as
follows:

\[
SA = (RE \times \$70) + (ARENR \times ARSA) \times GCA
\]

where

RE means the school district's or county vocational school
district's resident enrollment;
ARENR means the district's number of at-risk pupils;
ARSA means the at-risk [security] health and safety amount;
and

GCA is the geographic cost adjustment as developed by the
commissioner.

For the 2008-2009 through 2010-2011 school years the at-risk
[security] health and safety amount shall be calculated as follows:
for a district in which the concentration of at-risk pupils is less
than 40% of resident enrollment, the at-risk [security] health and
safety amount shall equal the district's (AR% \times \$10.15 \times 100); and
for a district in which the concentration of at-risk pupils is equal
to or greater than 40%, the at-risk [security] health and safety
amount shall equal \$406.

The [security] health and safety cost coefficients, \$70, \$10.15 and
\$406, used to determine the [security] health and safety amount,
shall be adjusted by the CPI in the 2009-2010 and 2010-2011
school years as required pursuant to subsection b. of section 4 of
this act. For subsequent school years, the cost coefficients shall be
established in the Educational Adequacy Report, with adjustments
by the CPI for each of the two school years following the first
school year to which the report is applicable.

(cf: P.L.2007, c.260, s.14)
6. Section 16 of P.L.2007, c.260 (C.18A:7F-58) is amended to read as follows:

16. a. (1) For the 2008-2009 school year, each school district and county vocational school district shall receive adjustment aid in such amount as to ensure that the district receives the greater of the amount of State aid calculated for the district pursuant to the provisions of this act or the State aid received by the district for the 2007-2008 school year multiplied by 102%. The State aid received by the district for the 2007-2008 school year shall include the following aid categories: Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Education Opportunity Aid, Above Average Enrollment Growth Aid, High Expectations for Learning Proficiency Aid, Instructional Supplement Aid, Demonstrably Effective Program Aid, Stabilization Aid, Supplemental Stabilization Aid, Adult and Postsecondary Education Grants, Bilingual Education Aid, Special Education Aid, County Vocational Program Aid, Transportation Aid, School Choice Aid, Consolidated Aid, Additional Formula Aid, Full-day Kindergarten Supplemental Aid, Targeted-At-Risk Aid, Abbott-Bordered District Aid, Nonpreschool ECPA, Extraordinary Special Education Aid paid in 2006-2007, and Aid for Enrollment Adjustments, taking into consideration the June 2008 payment made in July 2008.

(2) For the 2009-2010 and 2010-2011 school years a school district or county vocational school district shall receive adjustment aid in such amount as to ensure that the district receives the greater of the amount of State aid calculated for the district pursuant to the provisions of this act or the State aid, other than educational adequacy aid, received by the district for the 2008-2009 school year.

(3) For the 2011-2012 school year through the 2017-2018 school year, a school district or county vocational school district that does not have a decline in its weighted enrollment, adjusted for bilingual education pupils and at-risk pupils, between the 2008-2009 school year and the budget year that is greater than 5% shall receive adjustment aid in such amount as to ensure that the district receives the greater of the amount of State aid calculated pursuant to the provisions of this act or the State aid, other than educational adequacy aid, received by the district for the 2008-2009 school year.

(4) For the 2011-2012 school year through the 2017-2018 school year, a school district or county vocational school district that has a decline in its weighted enrollment, adjusted for bilingual education pupils and at-risk pupils, between the 2008-2009 school year and the budget year that is greater than 5% shall have its adjustment aid reduced in an amount equal to the district's 2008-2009 per pupil adjustment aid amount multiplied by the decline in its resident enrollment that is greater than 5%.
b. In the case of a school district that received education opportunity aid in the 2007-2008 school year and for which the sum of the district's 2007-2008 State aid under the State aid categories listed under paragraph (1) of subsection a. of this section and general fund local levy is less than the sum of the district's adequacy budget as calculated pursuant to section 9 of this act, special education categorical aid calculated pursuant to section 13 of this act, and health and safety aid calculated pursuant to section 14 of this act, the district shall receive educational adequacy aid if it meets the following criteria:

(1) the district fails to meet educational adequacy standards as determined by the commissioner; or

(2) the district is located in a municipality with an equalized total tax rate that is greater than 130% of the Statewide average equalized total tax rate; or

(3) the district has an equalized school tax rate that is greater than 110% of the Statewide average equalized school tax rate and is located in a municipality with an equalized total tax rate that is greater than 120% of the Statewide average equalized total tax rate; and

(4) the district will not meet adequacy in the 2008-2009 school year based on the State aid increase received by the district for that school year.

An eligible district shall receive educational adequacy aid for the 2009-2010 school year in accordance with the following formula:

\[ EA \text{ aid} = ((AB + SE + SA) - (GFL + A08)) \times .33) - \text{l}\text{s} - SA; \]

where AB is the district's adequacy budget as calculated pursuant to section 9 of this act;

SE is the district's special education categorical aid calculated pursuant to section 13 of this act;

SA is the district's health and safety categorical aid calculated pursuant to section 14 of this act;

GFL is the district's prebudget year general fund local levy;

A08 is the sum of the district's 2007-2008 State aid under the State aid categories listed under paragraph (1) of subsection a. of this section;

l\text{s} is the district's prebudget year general fund local levy, multiplied by 4% in the case of a district which meets the criteria of paragraph (2) or paragraph (3) of this subsection, or in the case of a district which does not meet those criteria multiplied by 6%; and

SA is any increase in State aid between the prebudget and budget years.

An eligible district shall receive educational adequacy aid for the 2010-2011 school year in accordance with the following formula:

\[ EA \text{ aid} = ((AB - (GFL + PEQAID)) \times .50) - \text{l}\text{s}; \]
EA aid = (AB - (GFL + PEQAID) - Is)

where

AB is the district's adequacy budget as calculated pursuant to section 9 of this act;
GFL is the district's prebudget year general fund local levy;
PEQAID is the district's prebudget year equalization aid calculated pursuant to section 11 of this act; and
Is is the district's prebudget year general fund local levy, multiplied by 4% in the case of a district which meets the criteria of paragraph (2) or paragraph (3) of this subsection, or in the case of a district which does not meet those criteria multiplied by 8% for the 2009-2010 school year and by 10% for the 2010-2011 school year;

For the 2011-2012 school year and for each school year thereafter, the district shall receive the amount of educational adequacy aid that the district received in the 2010-2011 school year.

(cf: P.L.2018, c.67, s.7)

7. Section 3 of P.L.2018, c.67 (C.18A:7F-67) is amended to read as follows:


"Non-SFRA aids" means the sum of supplemental enrollment growth aid, per pupil growth aid, PARCC readiness aid, professional learning community aid, under adequacy aid, and host district support aid received by a school district in the prebudget year.

(cf: P.L.2018, c.67, s.3)

8. Section 4 of P.L.2018, c.67 (C.18A:7F-68) is amended to read as follows:

4. a. Notwithstanding the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) or any other law to the contrary, in the 2019-2020 through 2024-2025 school years, a school district or county vocational school district in which the State aid differential calculated is negative shall receive State school aid in an amount equal to the sum of the district's State aid in the prior school year plus the district's proportionate share of the sum of any increase in State aid included in the annual appropriations act for that fiscal year and the total State aid reduction pursuant to subsection b. of
this section based on the district's State aid differential as a percent of the Statewide total State aid differential among all school districts and county vocational school districts for which the State aid differential is negative. Any increase in State aid pursuant to this subsection shall first be allocated to equalization aid, followed by special education categorical aid, health and safety categorical aid, and transportation aid, except that no category shall exceed the total amount as calculated in accordance with the provisions of sections 11, 13, 14, and 15 of P.L.2007, c.260 (C.18A:7F-53, C.18A:7F-55, C.18A:7F-56, and C.18A:7F-57), respectively.

b. Except as provided pursuant to subsection c. of this section, and notwithstanding the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) or any other law to the contrary, in the 2019-2020 through 2024-2025 school years, a school district or county vocational school district in which the State aid differential is positive shall receive State school aid in an amount equal to the district's State aid in the prior school year minus a percent of the State aid differential according to the following schedule:

(1) 13 percent in the 2019-2020 school year;
(2) 23 percent in the 2020-2021 school year;
(3) 37 percent in the 2021-2022 school year;
(4) 55 percent in the 2022-2023 school year;
(5) 76 percent in the 2023-2024 school year; and
(6) 100 percent in the 2024-2025 school year.

c. (1) An SDA district that is located in a municipality in which the equalized total tax rate is greater than the Statewide average equalized total tax rate for the most recent available calendar year and is spending below adequacy as calculated pursuant to section 1 of P.L.2018, c.67 (C.18A:7F-70) shall not be subject to a reduction in State aid pursuant to subsection b. of this section.

(2) An SDA district that is located in a municipality in which the equalized total tax rate is greater than the Statewide average equalized total tax rate for the most recent available calendar year and is spending above adequacy as calculated pursuant to section 1 of P.L.2018, c.67 (C.18A:7F-70) shall be subject to a reduction not to exceed the amount by which the district is spending above adequacy multiplied by the corresponding percentage included in subsection b. of this section.

(3) A school district, other than an SDA district, that is located in a municipality in which the equalized total tax rate is at least 10 percent greater than the Statewide average equalized total tax rate for the most recent available calendar year and is spending at least 10 percent below adequacy as calculated pursuant to section 1 of P.L.2018, c.67 (C.18A:7F-70) shall not be subject to a reduction in State aid pursuant to subsection b. of this section.
d. Any decrease in State aid pursuant to subsection b. or c. of this section shall first be deducted from a school district's or county vocational school district's allotment of adjustment aid. Any additional reduction shall be deducted from the school district's or county vocational school district's allotment of non-SFRA aids, followed by equalization aid, special education categorical aid, health and safety aid, and transportation aid.

e. Any remaining adjustment aid or non-SFRA aids shall be reallocated to other State aid categories in a manner to be determined by the commissioner.

(cf: P.L.2018, c.67, s.4)

9. Section 1 of P.L.2018, c.67 (C.18A:7F-70) is amended to read as follows:

1. For the purpose of determining whether a school district or county vocational school district is spending above or below adequacy, the commissioner shall compare the sum from the prebudget year its equalization aid calculated pursuant to section 11 of P.L.2007, c.260 (C.18A:7F-53), special education categorical aid as calculated pursuant to section 13 of P.L.2007, c.260 (C.18A:7F-55), health and safety aid as calculated pursuant to section 14 of P.L.2007, c.260 (C.18A:7F-56), and the general fund tax levy with the district's adequacy budget, as calculated pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), special education categorical aid as calculated pursuant to section 13 of P.L.2007, c.260 (C.18A:7F-55), and health and safety categorical aid as calculated pursuant to section 14 of P.L.2007, c.260 (C.18A:7F-56).

(cf: P.L.2018, c.67, s.1)

10. N.J.S.18A:22-8 is amended to read as follows:

18A:22-8. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. In tabular form there shall be set forth the following:

(1) The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for transfers as of February 1 of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for each item as determined by the commissioner;

(2) The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year, and the amount anticipated to be available for the ensuing school year;

(3) The amount of revenue available for budget purposes for the preceding school year, the amount available for the current school
year as of February 1 of the current school year, and the amount anticipated to be available for the ensuing school year in the following categories:

(a) Total to be raised by local property taxes
(b) Total State aid
(i) Equalization aid
(ii) Special education categorical aid
(iii) Transportation aid
(iv) Preschool education aid
(v) [Security] Health and safety aid
(vi) Adjustment aid
(vii) Other (detailed at the discretion of the commissioner)
(c) Total federal aid
(i) Elementary and Secondary Education Act of 1965 (20 U.S.C.s.2701 et seq.)
(ii) Students with disabilities
(iii) Impact Aid
(iv) Vocational
(v) Other (detailed at the discretion of the commissioner)
(d) Other sources (detailed at the discretion of the commissioner).

b. (Deleted by amendment, P.L.1993, c.117).

c. In the event that the total expenditure for any item of appropriation is equal to $0.00 for: (1) the preceding school year, (2) the current school year, and (3) the amount estimated to be necessary to be appropriated for the ensuing school year, that item shall not be required to be published pursuant to N.J.S.18A:22-11.

d. The instruction function of the budget shall be divided at a minimum into elementary (K-5), middle school (6-8), and high school (9-12) cost centers, each of which shall be further divided by the core curriculum content areas. The commissioner shall phase in these requirements as soon as practicable.

e. The budget as adopted for the school year pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) shall be provided for public inspection on the school district's Internet site, if one exists, and made available in print in a "user-friendly" format using plain language. The Commissioner of Education shall promulgate a "user-friendly," plain language budget summary format for the use of school districts for this purpose.

(cf: P.L.2017, c.131, s.22)
fund tax levy per pupil inflated by the CPI rate most recent to the
calculation, and the employer payroll tax per pupil that is
transferred to the school district pursuant to subsection d. of section
1 of P.L.2018, c.68. In addition, the school district of residence
shall pay directly to the charter school the [security] health and
safety categorical aid attributable to the student and a percentage of
the district's special education categorical aid equal to the
percentage of the district's special education students enrolled in the
charter school and, if applicable, 100% of preschool education aid.
The district of residence shall also pay directly to the charter school
any federal funds attributable to the student.
d. Notwithstanding the provisions of subsection b. of this
section, in the case of a student who was not included in the
district's projected resident enrollment for the school year, the State
shall pay 100% of the amount required pursuant to subsection b. of
this section for the first year of the student's enrollment in the
charter school.
e. The State shall make payments required pursuant to
subsection d. of this section directly to the charter school.
(cf: P.L.2018, c.68, s.2)

12. Section 7 of P.L.2011, c.176 (C.18A:36C-7) is amended to
read as follows:

7. a. Notwithstanding that a renaissance school project shall
be constructed, controlled, operated, and managed by a nonprofit
entity, and not the local board of education, it shall be a public
school. However nothing contained herein shall restrict a for-profit
entity from constructing a renaissance school project, or a
renaissance school project from being located on land owned by a
for-profit entity. Further, the renaissance school project shall be
authorized to retain any business entity, however formed, whose
primary purpose is the staffing, operation, and management of
elementary schools, middle schools, or high schools in the United
States, except as it relates to instructional services.
b. The costs of a renaissance school project including, but not
limited to, the costs of land acquisition, site remediation, site
development, design, construction, and any other costs required to
place into service the school facility or facilities constituting the
renaissance school project shall be at the sole expense of the
nonprofit entity. The nonprofit entity may use State funds to pay
for a lease, debt service, or mortgage for any facility constructed or
otherwise acquired.
c. Notwithstanding the provisions of the "Educational Facilities
al.), or any other law or regulation to the contrary, there shall be no
State share for the costs of a renaissance school project.
d. Notwithstanding the provisions of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., or any other law or regulation to the contrary, the nonprofit entity or any entity acting in cooperation with a renaissance school project shall not be subject to public bidding for goods and services, and any contracts entered into by the nonprofit entity shall not be deemed public contracts or public works; except that any contract entered into by the nonprofit entity or any entity acting in cooperation with a renaissance school project shall be deemed a public work for the purposes of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), and subject to the applicable provisions of that act.

e. The renaissance school district in which a renaissance school project is located shall pay to the nonprofit entity in 12 equal monthly installments an amount per pupil equal to 95% of the district's per pupil expenditure. In addition the 12 monthly installments shall include the health and safety categorical aid attributable to the student, a percentage of the district's special education categorical aid equal to the percentage of the district's special education students enrolled in the renaissance school project, and if applicable 100% of preschool education aid.

f. Renaissance school projects shall be required to meet the same testing and academic performance standards established by law and regulation for public school students, and shall meet any additional testing and academic performance standards established by the nonprofit entity and approved by the commissioner.

g. The nonprofit entity shall have complete discretion in naming the renaissance school project. The nonprofit entity may not realize a net profit from its operation of a renaissance school project. A private or parochial school shall not be eligible for renaissance school project status.

h. A nonprofit entity shall operate a renaissance school project in accordance with the contract entered into pursuant to section 6 of this act, the provisions of this act, and the laws and regulations that govern charter schools which are not inconsistent with this act.

(cf: P.L.2014, c.61, s.3)

13. Section 3 of P.L.2016, c.49 (C.18A:58-37.10) is amended to read as follows:

3. A board of education of a school district in which a nonpublic school is located shall within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide the students who are enrolled full-time in the nonpublic school with security services, equipment, or technology, or mental health services to help ensure a healthy, safe, and secure school environment.

(cf: P.L.2016, c.49, s.3)
14. Section 4 of P.L.2016, c.49 (C.18A:58-37.11) is amended to read as follows:

4. a. The superintendent of schools of each school district in which a nonpublic school is located shall confer annually with the chief school administrator of each of the nonpublic schools:

(1) advise the nonpublic school of the limit of funds available pursuant to this act;
(2) agree upon the security services, equipment, or technology or mental health services to be provided to the students of the nonpublic school, within the limit of the funds that are available; and
(3) agree on the date when the board of education will meet to approve how the security services, equipment, or technology or mental health services will be provided to the students of the nonpublic school.

b. In the event that the superintendent of schools and the chief school administrator of the nonpublic school are unable to agree regarding the security services, equipment, or technology or mental health services to be provided for a safe and secure school environment, the executive county superintendent shall be consulted to determine the security services, equipment, or technology or mental health services to be provided. The decision of the executive county superintendent shall be final.

(cf: P.L.2016, c.49, s.4)

15. Section 5 of P.L.2016, c.49 (C.18A:58-37.12) is amended to read as follows:

5. a. The support limit for the 2016-2017 school year shall be $75. For each school year thereafter the commissioner shall determine the support limit by multiplying the support limit for the previous school year times the sum of 1.0 plus the average annual percentage increase in the consumer price index for the New York and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor.

b. On or before November 5 of each year, each board of education shall forward to the Commissioner of Education an estimate of the cost of providing, during the next school year, the security services, equipment, or technology or mental health services required pursuant to this act and the number of students attending nonpublic schools located within the district as of the last school day of October of the current school year. The commissioner shall provide State aid to each school district in an amount equal to the number of nonpublic school students within the district identified by the district on or before November 5 multiplied by the State support limit. In the event that the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the
completion of the school year, but not later than December 1 of the following school year.

c. If in any year, the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion that appropriation among the districts in proportion to the State aid each district would have received had the full amount of State aid been appropriated. In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received for these purposes.

(cf: P.L.2016, c.49, s.5)

16. Section 6 of P.L.2016, c.49 (C.18A:58-37.13) is amended to read as follows:

6. A school district and a nonpublic school and their employees shall be immune from civil liability in the provision of security services, equipment, or technology, or mental health services pursuant to the provisions of this act, except for actions that constitute gross negligence or willful misconduct.

(cf: P.L.2016, c.49, s.6)

17. Section 7 of P.L.2016, c.49 (C.18A:58-37.14) is amended to read as follows:

7. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a manner that comports with the provisions of the State and federal Constitutions, including a list of allowable expenditures for security services, equipment, or technology, or mental health services to ensure a healthy, safe, and secure school environment for nonpublic school students.

(cf: P.L.2016, c.49, s.7)

18. This act shall take effect immediately.

STATEMENT

This bill changes all references of security aid to health and safety aid in the “School Funding Reform Act of 2008,” P.L.2007, c.260 (C.18A:7F-43 et al.), and related statutes to reflect that a secure school also includes students’ mental health and wellbeing.

This bill also amends the “Secure Schools for All Children Act,” P.L.2016, c.49 (C.18A:58-37.8 et seq.), to provide that the aid allocated for the provision of security services to nonpublic schools under the statute may also be used for mental health services. The bill also makes various other changes to the law to reflect this change.