

# 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.



**(Sponsorship Updated As Of: 12/7/2020)**

S3013 RUIZ, CORRADO

2

1 AN ACT concerning security aid and amending various parts of the  
2 statutory law.

3

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

6

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

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

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

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

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

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

37 d. If the district of residence cannot be determined according to  
38 the criteria contained herein, if the criteria contained herein identify  
39 a district of residence outside of the State, or if the child has resided  
40 in a domestic violence shelter, homeless shelter, or transitional  
41 living facility located outside of the district of residence for more  
42 than one year, the State shall assume fiscal responsibility for the  
43 tuition of the child. The tuition shall equal the approved per pupil  
44 cost established pursuant to section 24 of P.L.1996, c.138  
45 (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.**

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

12 e. If the State has assumed fiscal responsibility for the tuition  
13 of a child in a private educational facility approved by the  
14 Department of Education to serve children who are classified as  
15 needing special education services, the department shall pay to the  
16 Department of Human Services, the Department of Children and  
17 Families or the Juvenile Justice Commission, as appropriate, the aid  
18 specified in subsection d. of this section and in addition, such aid as  
19 required to make the total amount of aid equal to the actual cost of  
20 the tuition.

21 (cf: P.L.2017, c.83, s.1)

22

23 2. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to  
24 read as follows:

25 5. As used in this section, "cost of living" means the CPI as  
26 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

27 a. Within 30 days following the approval of the Educational  
28 Adequacy Report, the commissioner shall notify each district of the  
29 base per pupil amount, the per pupil amounts for full-day preschool,  
30 the weights for grade level, county vocational school districts, at-  
31 risk pupils, bilingual pupils, and combination pupils, the cost  
32 coefficients for **【security】** health and safety aid and for  
33 transportation aid, the State average classification rate and the  
34 excess cost for general special education services pupils, the State  
35 average classification rate and the excess cost for speech-only  
36 pupils, and the geographic cost adjustment for each of the school  
37 years to which the report is applicable.

38 Annually, within two days following the transmittal of the State  
39 budget message to the Legislature by the Governor pursuant to  
40 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner  
41 shall notify each district of the maximum amount of aid payable to  
42 the district in the succeeding school year pursuant to the provisions  
43 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each  
44 district of the district's adequacy budget for the succeeding school  
45 year.

46 For the 2008-2009 school year and thereafter, unless otherwise  
47 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts  
48 payable for the budget year shall be based on budget year pupil

1 counts, which shall be projected by the commissioner using data  
2 from prior years. Adjustments for the actual pupil counts of the  
3 budget year shall be made to State aid amounts payable during the  
4 school year succeeding the budget year. Additional amounts  
5 payable shall be reflected as revenue and an account receivable for  
6 the budget year.

7 Notwithstanding any other provision of this act to the contrary,  
8 each district's State aid payable for the 2008-2009 school year, with  
9 the exception of aid for school facilities projects, shall be based on  
10 simulations employing the various formulas and State aid amounts  
11 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The  
12 commissioner shall prepare a report dated December 12, 2007  
13 reflecting the State aid amounts payable by category for each  
14 district and shall submit the report to the Legislature prior to the  
15 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as  
16 otherwise provided pursuant to this subsection and paragraph (3) of  
17 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the  
18 amounts contained in the commissioner's report shall be the final  
19 amounts payable and shall not be subsequently adjusted other than  
20 to reflect the phase-in of the required general fund local levy  
21 pursuant to paragraph (4) of subsection b. of section 16 of  
22 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to  
23 which a district may be entitled pursuant to section 20 of that act.  
24 The projected pupil counts and equalized valuations used for the  
25 calculation of State aid shall also be used for the calculation of  
26 adequacy budget, local share, and required local share. For 2008-  
27 2009, extraordinary special education State aid shall be included as  
28 a projected amount in the commissioner's report dated December  
29 12, 2007 pending the final approval of applications for the aid. If  
30 the actual award of extraordinary special education State aid is  
31 greater than the projected amount, the district shall receive the  
32 increase in the aid payable in the subsequent school year pursuant  
33 to the provisions of subsection c. of section 13 of P.L.2007, c.260  
34 (C.18A:7F-55). If the actual award of extraordinary special  
35 education State aid is less than the projected amount, other State aid  
36 categories shall be adjusted accordingly so that the district shall not  
37 receive less State aid than as provided in accordance with the  
38 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47  
39 and C.18A:7F-58).

40 In the event that the commissioner determines, following the  
41 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the  
42 issuance of State aid notices for the 2008-2009 school year, that a  
43 significant district-specific change in data warrants an increase in  
44 State aid for that district, the commissioner may adjust the State aid  
45 amount provided for the district in the December 12, 2007 report to  
46 reflect the increase.

47 b. Each district shall have a required local share. For districts  
48 that receive educational adequacy aid pursuant to subsection b. of

1 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local  
2 share shall be calculated in accordance with the provisions of that  
3 subsection.

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

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

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

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

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

27 (1) the district's advertised per pupil administrative costs for the  
28 2004-2005 school year inflated by the cost of living or 2.5 percent,  
29 whichever is greater; or

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

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

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

46 (1) the district's prior year per pupil administrative costs; except  
47 that the district may submit a request to the commissioner for  
48 approval to exceed the district's prior year per pupil administrative

1 costs due to increases in enrollment, administrative positions  
2 necessary as a result of mandated programs, administrative  
3 vacancies, nondiscretionary fixed costs, and such other items as  
4 defined in accordance with regulations adopted pursuant to section  
5 7 of P.L.2004, c.73. In the event that the commissioner approves a  
6 district's request to exceed its prior year per pupil administrative  
7 costs, the increase authorized by the commissioner shall not exceed  
8 the cost of living or 2.5 percent, whichever is greater; or

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

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

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

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

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

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

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

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

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

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

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

1 (10) Notwithstanding any provision of law to the contrary, if a  
2 district proposes a budget with a general fund tax levy and  
3 equalization aid which exceed the adequacy budget, the following  
4 statement shall be published in the legal notice of public hearing on  
5 the budget pursuant to N.J.S.18A:22-28, posted at the public  
6 hearing held on the budget pursuant to N.J.S.18A:22-29, and  
7 printed on the sample ballot required pursuant to section 10 of  
8 P.L.1995, c.278 (C.19:60-10):

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

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

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

44 (2) Any general fund tax levy rejected by the voters for a  
45 proposed budget that includes a general fund tax levy and  
46 equalization aid at or below the adequacy budget shall be submitted  
47 to the governing body of each of the municipalities included within  
48 the district for determination of the amount that should be expended

1 notwithstanding voter rejection. In the case of a district having a  
2 board of school estimate, other than a Type II district with a board  
3 of school estimate in which the annual election is in November, the  
4 general fund tax levy shall be submitted to the board for  
5 determination. Any reductions may be appealed to the  
6 commissioner on the grounds that the amount is necessary for a  
7 thorough and efficient education or that the reductions will  
8 negatively impact on the stability of the district given the need for  
9 long term planning and budgeting. In considering the appeal, the  
10 commissioner shall also consider the factors outlined in paragraph  
11 (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,"  
21 P.L.1968, c.410 (C.52:14B-1 et seq.), an expedited budget review  
22 process based on a district's application to the commissioner for an  
23 order to restore a budget reduction.

24 (4) When the voters, municipal governing body or bodies, board  
25 of education in the case of a school district in which the annual  
26 school election has been moved to November pursuant to subsection  
27 a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), or the board of  
28 school estimate authorize the general fund tax levy, the district shall  
29 submit the resulting budget to the commissioner within 15 days of  
30 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 3. Section 8 of P.L.1996, c.138 (C.18A:7F-8) is amended to  
36 read as follows:

37 8. The amounts payable to each school district and county  
38 vocational school district pursuant to this act shall be paid by the  
39 State Treasurer upon the certification of the commissioner and  
40 warrant of the Director of the Division of Budget and Accounting.  
41 Five percent of the appropriation for equalization aid, special  
42 education categorical aid, preschool education aid, **security** health  
43 and safety aid, transportation aid, adjustment aid, and any other aid  
44 pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.) shall be paid on  
45 the eighth and twenty-second of each month from September  
46 through June. If a local board of education requires funds prior to  
47 the first payment, the board shall file a written request with the  
48 commissioner stating the need for the funds. The commissioner



1 shall review each request and forward for payment those for which  
2 need has been demonstrated.

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

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

16

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

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

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

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

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

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

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

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

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

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

46 (7) the extraordinary special education aid thresholds.

47 The base per pupil amount, the per pupil amounts for full-day  
48 preschool, the excess costs for general special education services

1 pupils and for speech-only pupils, and the cost-coefficients for  
2 **【security】** health and safety aid and transportation aid shall be  
3 adjusted by the CPI for each of the two school years following the  
4 first school year to which the report is applicable.

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

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

15

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

18 14. **【Security】** Health and safety categorical aid for each school  
19 district and county vocational school district shall be calculated as  
20 follows:

21  $SA = ((RE \times \$70) + (AREN \times ARSA)) \times GCA$

22 where

23 RE means the school district's or county vocational school  
24 district's resident enrollment;

25 ARENR means the district's number of at-risk pupils;

26 ARSA means the at-risk **【security】** health and safety amount;  
27 and

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

30 For the 2008-2009 through 2010-2011 school years the at-risk  
31 **【security】** health and safety amount shall be calculated as follows:

32 for a district in which the concentration of at-risk pupils is less  
33 than 40% of resident enrollment, the at-risk **【security】** health and  
34 safety amount shall equal the district's  $(AR\% \times \$10.15 \times 100)$ ; and

35 for a district in which the concentration of at-risk pupils is equal  
36 to or greater than 40%, the at-risk **【security】** health and safety  
37 amount shall equal \$406.

38 The **【security】** health and safety cost coefficients, \$70, \$10.15 and  
39 \$406, used to determine the **【security】** health and safety amount,  
40 shall be adjusted by the CPI in the 2009-2010 and 2010-2011  
41 school years as required pursuant to subsection b. of section 4 of  
42 this act. For subsequent school years, the cost coefficients shall be  
43 established in the Educational Adequacy Report, with adjustments  
44 by the CPI for each of the two school years following the first  
45 school year to which the report is applicable.

46 (cf: P.L.2007, c.260, s.14)

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

3       16. a. (1) For the 2008-2009 school year, each school district  
4 and county vocational school district shall receive adjustment aid in  
5 such amount as to ensure that the district receives the greater of the  
6 amount of State aid calculated for the district pursuant to the  
7 provisions of this act or the State aid received by the district for the  
8 2007-2008 school year multiplied by 102%. The State aid received  
9 by the district for the 2007-2008 school year shall include the  
10 following aid categories: Core Curriculum Standards Aid,  
11 Supplemental Core Curriculum Standards Aid, Education  
12 Opportunity Aid, Above Average Enrollment Growth Aid, High  
13 Expectations for Learning Proficiency Aid, Instructional  
14 Supplement Aid, Demonstrably Effective Program Aid,  
15 Stabilization Aid, Supplemental Stabilization Aid, Adult and  
16 Postsecondary Education Grants, Bilingual Education Aid, Special  
17 Education Aid, County Vocational Program Aid, Transportation  
18 Aid, School Choice Aid, Consolidated Aid, Additional Formula  
19 Aid, Full-day Kindergarten Supplemental Aid, Targeted-At-Risk  
20 Aid, Abbott-Bordered District Aid, Nonpreschool ECPA,  
21 Extraordinary Special Education Aid paid in 2006-2007, and Aid  
22 for Enrollment Adjustments, taking into consideration the June  
23 2008 payment made in July 2008.

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

31       (3) For the 2011-2012 school year through the 2017-2018  
32 school year, a school district or county vocational school district  
33 that does not have a decline in its weighted enrollment, adjusted for  
34 bilingual education pupils and at-risk pupils, between the 2008-  
35 2009 school year and the budget year that is greater than 5% shall  
36 receive adjustment aid in such amount as to ensure that the district  
37 receives the greater of the amount of State aid calculated pursuant  
38 to the provisions of this act or the State aid, other than educational  
39 adequacy aid, received by the district for the 2008-2009 school  
40 year.

41       (4) For the 2011-2012 school year through the 2017-2018  
42 school year, a school district or county vocational school district  
43 that has a decline in its weighted enrollment, adjusted for bilingual  
44 education pupils and at-risk pupils, between the 2008-2009 school  
45 year and the budget year that is greater than 5% shall have its  
46 adjustment aid reduced in an amount equal to the district's 2008-  
47 2009 per pupil adjustment aid amount multiplied by the decline in  
48 its resident enrollment that is greater than 5%.

1       b. In the case of a school district that received education  
2 opportunity aid in the 2007-2008 school year and for which the sum  
3 of the district's 2007-2008 State aid under the State aid categories  
4 listed under paragraph (1) of subsection a. of this section and  
5 general fund local levy is less than the sum of the district's  
6 adequacy budget as calculated pursuant to section 9 of this act,  
7 special education categorical aid calculated pursuant to section 13  
8 of this act, and **【security】** health and safety aid calculated pursuant  
9 to section 14 of this act, the district shall receive educational  
10 adequacy aid if it meets the following criteria:

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

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

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

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

24       An eligible district shall receive educational adequacy aid for the  
25 2008-2009 school year in accordance with the following formula:

26       EA aid = ((AB + SE + SA) - (GFL + A08)) x .33) - ls - SA;

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

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

31       SA is the district's **【security】** health and safety categorical aid  
32 calculated pursuant to section 14 of this act;

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

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

37       ls is the district's prebudget year general fund local levy,  
38 multiplied by 4% in the case of a district which meets the criteria of  
39 paragraph (2) or paragraph (3) of this subsection, or in the case of a  
40 district which does not meet those criteria multiplied by 6%; and

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

43       An eligible district shall receive educational adequacy aid for the  
44 2009-2010 school year in accordance with the following formula:

45       EA aid = ((AB - (GFL + PEQAID )) x .50) -ls; and

46       An eligible district shall receive educational adequacy aid for the  
47 2010-2011 school year in accordance with the following formula:

1 EA aid = (AB - (GFL + PEQAID) -ls)

2 where

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

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

6 PEQAID is the district's prebudget year equalization aid  
7 calculated pursuant to section 11 of this act; and

8 ls is the district's prebudget year general fund local levy,  
9 multiplied by 4% in the case of a district which meets the criteria of  
10 paragraph (2) or paragraph (3) of this subsection, or in the case of a  
11 district which does not meet those criteria multiplied by 8% for the  
12 2009-2010 school year and by 10% for the 2010-2011 school year;

13 For the 2011-2012 school year and for each school year  
14 thereafter, the district shall receive the amount of educational  
15 adequacy aid that the district received in the 2010-2011 school year.  
16 (cf: P.L.2018, c.67, s.7)

17

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

20 3. As used in P.L.2018, c.67 (C.18A:7F-67 et al.):

21 "State aid differential" means the difference between the sum of  
22 a school district's or county vocational school district's allocations  
23 of equalization aid, special education categorical aid, **[security]**  
24 health and safety categorical aid, transportation aid, adjustment aid,  
25 and non-SFRA aids in the prebudget year, and the sum of  
26 equalization aid, special education categorical aid, **[security]** health  
27 and safety categorical aid, and transportation aid as calculated for  
28 the budget year in each category in accordance with the provisions  
29 of sections 11, 13, 14, and 15 of P.L.2007, c.260 (C.18A:7F-53,  
30 C.18A:7F-55, C.18A:7F-56, and C.18A:7F-57), respectively.

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

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

37

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

40 4. a. Notwithstanding the provisions of P.L.2007, c.260  
41 (C.18A:7F-43 et al.) or any other law to the contrary, in the 2019-  
42 2020 through 2024-2025 school years, a school district or county  
43 vocational school district in which the State aid differential  
44 calculated is negative shall receive State school aid in an amount  
45 equal to the sum of the district's State aid in the prior school year  
46 plus the district's proportionate share of the sum of any increase in  
47 State aid included in the annual appropriations act for that fiscal  
48 year and the total State aid reduction pursuant to subsection b. of

1 this section based on the district's State aid differential as a percent  
2 of the Statewide total State aid differential among all school  
3 districts and county vocational school districts for which the State  
4 aid differential is negative. Any increase in State aid pursuant to  
5 this subsection shall first be allocated to equalization aid, followed  
6 by special education categorical aid, ~~security~~ health and safety  
7 categorical aid, and transportation aid, except that no category shall  
8 exceed the total amount as calculated in accordance with the  
9 provisions of sections 11, 13, 14, and 15 of P.L.2007, c.260  
10 (C.18A:7F-53, C.18A:7F-55, C.18A:7F-56, and C.18A:7F-57),  
11 respectively.

12 b. Except as provided pursuant to subsection c. of this section,  
13 and notwithstanding the provisions of P.L.2007, c.260 (C.18A:7F-  
14 43 et al.) or any other law to the contrary, in the 2019-2020 through  
15 2024-2025 school years, a school district or county vocational  
16 school district in which the State aid differential is positive shall  
17 receive State school aid in an amount equal to the district's State aid  
18 in the prior school year minus a percent of the State aid differential  
19 according to the following schedule:

- 20 (1) 13 percent in the 2019-2020 school year;
- 21 (2) 23 percent in the 2020-2021 school year;
- 22 (3) 37 percent in the 2021-2022 school year;
- 23 (4) 55 percent in the 2022-2023 school year;
- 24 (5) 76 percent in the 2023-2024 school year; and
- 25 (6) 100 percent in the 2024-2025 school year.

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

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

41 (3) A school district, other than an SDA district, that is located  
42 in a municipality in which the equalized total tax rate is at least 10  
43 percent greater than the Statewide average equalized total tax rate  
44 for the most recent available calendar year and is spending at least  
45 10 percent below adequacy as calculated pursuant to section 1 of  
46 P.L.2018, c.67 (C.18A:7F-70) shall not be subject to a reduction in  
47 State aid pursuant to subsection b. of this section.

1 d. Any decrease in State aid pursuant to subsection b. or c. of  
2 this section shall first be deducted from a school district's or county  
3 vocational school district's allotment of adjustment aid. Any  
4 additional reduction shall be deducted from the school district's or  
5 county vocational school district's allotment of non-SFRA aids,  
6 followed by equalization aid, special education categorical aid,  
7 **【security】** health and safety aid, and transportation aid.

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

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

12

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

15 1. For the purpose of determining whether a school district or  
16 county vocational school district is spending above or below  
17 adequacy, the commissioner shall compare the sum from the  
18 prebudget year its equalization aid calculated pursuant to section 11  
19 of P.L.2007, c.260 (C.18A:7F-53), special education categorical aid  
20 as calculated pursuant to section 13 of P.L.2007, c.260 (C.18A:7F-  
21 55), **【security】** health and safety categorical aid as calculated  
22 pursuant to section 14 of P.L.2007, c.260 (C.18A:7F-56), and the  
23 general fund tax levy with the district's adequacy budget, as  
24 calculated pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51),  
25 special education categorical aid as calculated pursuant to section  
26 13 of P.L.2007, c.260 (C.18A:7F-55), and **【security】** health and  
27 safety categorical aid as calculated pursuant to section 14 of  
28 P.L.2007, c.260 (C.18A:7F-56).

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

30

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

32 18A:22-8. The budget shall be prepared in such detail and upon  
33 such forms as shall be prescribed by the commissioner and to it  
34 shall be annexed a statement so itemized as to make the same  
35 readily understandable, in which shall be shown:

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

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

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

47 (3) The amount of revenue available for budget purposes for the  
48 preceding school year, the amount available for the current school

1 year as of February 1 of the current school year, and the amount  
2 anticipated to be available for the ensuing school year in the  
3 following categories:

- 4 (a) Total to be raised by local property taxes
- 5 (b) Total State aid
- 6 (i) Equalization aid
- 7 (ii) Special education categorical aid
- 8 (iii) Transportation aid
- 9 (iv) Preschool education aid
- 10 (v) **Security** Health and safety aid
- 11 (vi) Adjustment aid
- 12 (vii) Other (detailed at the discretion of the commissioner)
- 13 (c) Total federal aid
- 14 (i) Elementary and Secondary Education Act of 1965 (20  
15 U.S.C.s.2701 et seq.)
- 16 (ii) Students with disabilities
- 17 (iii) Impact Aid
- 18 (iv) Vocational
- 19 (v) Other (detailed at the discretion of the commissioner)
- 20 (d) Other sources (detailed at the discretion of the  
21 commissioner).

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

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

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

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

40 (cf: P.L.2017, c.131, s.22)

41

42 11. Section 12 of P.L.1995, c.426 (C.18A:36A-12) is amended  
43 to read as follows:

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

45 b. The school district of residence shall pay directly to the  
46 charter school for each student enrolled in the charter school who  
47 resides in the district an amount equal to 90% of the sum of the  
48 budget year equalization aid per pupil, the prebudget year general



1 fund tax levy per pupil inflated by the CPI rate most recent to the  
2 calculation, and the employer payroll tax per pupil that is  
3 transferred to the school district pursuant to subsection d. of section  
4 1 of P.L.2018, c.68. In addition, the school district of residence  
5 shall pay directly to the charter school the **【security】** health and  
6 safety categorical aid attributable to the student and a percentage of  
7 the district's special education categorical aid equal to the  
8 percentage of the district's special education students enrolled in the  
9 charter school and, if applicable, 100% of preschool education aid.  
10 The district of residence shall also pay directly to the charter school  
11 any federal funds attributable to the student.

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

13 d. Notwithstanding the provisions of subsection b. of this  
14 section, in the case of a student who was not included in the  
15 district's projected resident enrollment for the school year, the State  
16 shall pay 100% of the amount required pursuant to subsection b. of  
17 this section for the first year of the student's enrollment in the  
18 charter school.

19 e. The State shall make payments required pursuant to  
20 subsection d. of this section directly to the charter school.

21 (cf: P.L.2018, c.68, s.2)

22

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

25 7. a. Notwithstanding that a renaissance school project shall  
26 be constructed, controlled, operated, and managed by a nonprofit  
27 entity, and not the local board of education, it shall be a public  
28 school. However nothing contained herein shall restrict a for-profit  
29 entity from constructing a renaissance school project, or a  
30 renaissance school project from being located on land owned by a  
31 for-profit entity. Further, the renaissance school project shall be  
32 authorized to retain any business entity, however formed, whose  
33 primary purpose is the staffing, operation, and management of  
34 elementary schools, middle schools, or high schools in the United  
35 States, except as it relates to instructional services.

36 b. The costs of a renaissance school project including, but not  
37 limited to, the costs of land acquisition, site remediation, site  
38 development, design, construction, and any other costs required to  
39 place into service the school facility or facilities constituting the  
40 renaissance school project shall be at the sole expense of the  
41 nonprofit entity. The nonprofit entity may use State funds to pay  
42 for a lease, debt service, or mortgage for any facility constructed or  
43 otherwise acquired.

44 c. Notwithstanding the provisions of the "Educational Facilities  
45 Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et  
46 al.), or any other law or regulation to the contrary, there shall be no  
47 State share for the costs of a renaissance school project.

1 d. Notwithstanding the provisions of the "Public School  
2 Contracts Law," N.J.S.18A:18A-1 et seq., or any other law or  
3 regulation to the contrary, the nonprofit entity or any entity acting  
4 in cooperation with a renaissance school project shall not be subject  
5 to public bidding for goods and services, and any contracts entered  
6 into by the nonprofit entity shall not be deemed public contracts or  
7 public works; except that any contract entered into by the nonprofit  
8 entity or any entity acting in cooperation with a renaissance school  
9 project shall be deemed a public work for the purposes of the "New  
10 Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et  
11 seq.), and subject to the applicable provisions of that act.

12 e. The renaissance school district in which a renaissance school  
13 project is located shall pay to the nonprofit entity in 12 equal  
14 monthly installments an amount per pupil equal to 95% of the  
15 district's per pupil expenditure. In addition the 12 monthly  
16 installments shall include the **【security】** health and safety  
17 categorical aid attributable to the student, a percentage of the  
18 district's special education categorical aid equal to the percentage of  
19 the district's special education students enrolled in the renaissance  
20 school project, and if applicable 100% of preschool education aid.  
21 The district shall also pay directly to the renaissance school project  
22 any federal funds attributable to the student.

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

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

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

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

38

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

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

48 (cf: P.L.2016, c.49, s.3)

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

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

6 (1) advise the nonpublic school of the limit of funds available  
7 pursuant to this act;

8 (2) agree upon the security services, equipment, or technology,  
9 or mental health services to be provided to the students of the  
10 nonpublic school, within the limit of the funds that are available;  
11 and

12 (3) agree on the date when the board of education will meet to  
13 approve how the security services, equipment, or technology, or  
14 mental health services will be provided to the students of the  
15 nonpublic school.

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

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

25

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

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

36 b. On or before November 5 of each year, each board of  
37 education shall forward to the Commissioner of Education an  
38 estimate of the cost of providing, during the next school year, the  
39 security services, equipment, or technology, or mental health  
40 services required pursuant to this act and the number of students  
41 attending nonpublic schools located within the district as of the last  
42 school day of October of the current school year. The  
43 commissioner shall provide State aid to each school district in an  
44 amount equal to the number of nonpublic school students within the  
45 district identified by the district on or before November 5 multiplied  
46 by the State support limit. In the event that the expenditure  
47 incurred by any district is less than the amount of State aid  
48 received, the district shall refund the unexpended State aid after the

1 completion of the school year, but not later than December 1 of the  
2 following school year.

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

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

12

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

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

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

21

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

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

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

33

34 18. This act shall take effect immediately.

35

### 36 STATEMENT

37

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

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