

ASSEMBLY CONCURRENT RESOLUTION No. 116

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1997

By Assemblymen ROCCO and DORIA

1 A CONCURRENT RESOLUTION concerning legislative review of proposed  
2 State Board of Education regulations pursuant to Article V, Section IV,  
3 paragraph 6 of the Constitution of the State of New Jersey.

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5 BE IT RESOLVED by the General Assembly of the State of New Jersey  
6 (the Senate concurring):

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8 1. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the  
9 State of New Jersey, the Legislature may review any rule or regulation of an  
10 administrative agency to determine if the rule or regulation is consistent with  
11 the intent of the Legislature.

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13 2. The State Board of Education has proposed regulations to be codified  
14 in a new chapter 19 of Title 6 of the New Jersey Administrative Code in  
15 order to implement the provisions of the "Comprehensive Educational  
16 Improvement and Financing Act of 1996," P.L.1996, c.138 (C.18A:7F-1 et  
17 seq.). In subchapter 2 of chapter 19, the proposed regulations provide that  
18 when a district experiences three consecutive years of failure under State  
19 assessment methods, the Commissioner of Education may review the terms of  
20 collective bargaining agreements prior to final approval by the district board  
21 of education and issue an assessment of the impact of the terms on the  
22 district's budget, educational program and the local property tax levy.

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24 3. The Legislature finds that the above regulations, as proposed, are not  
25 consistent with the legislative intent because section 6 of P.L.1996, c.138  
26 (C.18A:7F-6) provides that when a district experiences three consecutive  
27 years of failure under State assessment methods, the Commissioner of  
28 Education may only review the terms of future collective bargaining  
29 agreements. The commissioner is not authorized to review the terms of  
30 collective bargaining agreements prior to final approval by the district board  
31 of education and to issue an assessment of the impact of the terms on the  
32 district's budget, educational program and the local property tax levy.

