

ASSEMBLY CONCURRENT RESOLUTION No. 126

STATE OF NEW JERSEY

INTRODUCED JUNE 9, 1997

By Assemblymen CARROLL, GREGG and Garrett

1 A CONCURRENT RESOLUTION proposing to amend Article VIII, Section IV,
2 paragraph 1 of the Constitution of the State of New Jersey.

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

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7 1. The following proposed amendment to the Constitution of the State of
8 New Jersey is agreed to:

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PROPOSED AMENDMENT

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12 Amend Article VIII, Section IV, paragraph 1, to read as follows:

13 1. The Legislature shall provide for the [maintenance and support of a
14 thorough and efficient system of free public schools for the instruction of
15 lprovision of an education for all the children in the State between the ages of
16 five and eighteen years, through such programs, in such districts, and
17 supported by such appropriations as the Legislature shall deem sufficient. The
18 level of spending, distribution of the same, the creation or elimination of
19 districts, and the tax levy, either by the State or by any district, shall not be
20 subject to judicial determination, unless specifically authorized by the
21 Legislature.

22 (cf: Article VIII, Section IV, paragraph 1, effective January 1, 1948)

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24 2. When this proposed amendment to the Constitution is finally agreed to
25 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
26 to the people at the next general election occurring more than three months
27 after the final agreement and shall be published at least once in at least one
28 newspaper of each county designated by the President of the Senate, the
29 Speaker of the General Assembly and the Secretary of State, not less than
30 three months prior to the general election.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. This proposed amendment to the Constitution shall be submitted to the
2 people at that election in the following manner and form:

3 There shall be printed on each official ballot to be used at the general
4 election, the following:

5 a. In every municipality in which voting machines are not used, a legend
6 which shall immediately precede the question, as follows:

7 If you favor the proposition printed below make a cross (X), plus (+), or
8 check (T) in the square opposite the word "Yes." If you are opposed thereto
9 make a cross (X), plus (+) or check (T) in the square opposite the word
10 "No."

11 b. In every municipality the following question:

1		CONSTITUTIONAL AMENDMENT PROVIDING LEGISLATURE WITH FINAL AUTHORITY OVER PUBLIC EDUCATION
2	YES	<p>Do you approve the amendment to Article VIII, Section IV, paragraph 1 of the Constitution of the State of New Jersey to: (1) eliminate the requirement for the maintenance and support of a thorough and efficient system of free public schools and to require instead the provision of an education for all children; (2) delegate to the Legislature the final authority to create or dissolve school districts, determine the programs, the appropriations, and the level of spending and tax levy sufficient for that education; and (3) provide that such decisions shall not be subject to judicial determination unless specifically authorized by the Legislature?</p>
3	NO	<p>INTERPRETIVE STATEMENT</p> <p>If approved, this constitutional amendment would eliminate the requirement for the maintenance and support of a "thorough and efficient" system of public schools as currently contained in the Constitution and would require instead the provision of an education for all children. The amendment would also delegate to the Legislature the final authority to create or dissolve school districts, to determine educational programs, and the level of spending and required tax levy necessary to fund those programs, and would provide that such decisions would not be subject to judicial determination unless authorized by the Legislature.</p>

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37 **STATEMENT**

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39 This constitutional amendment provides the Legislature with the final
40 authority over public education. The amendment eliminates the requirement
41 for the maintenance and support of a "thorough and efficient" system of free
42 public schools and requires instead the provision of an education for all

1 children. The amendment delegates to the Legislature the final authority to
2 determine the programs, districts, and appropriations required to deliver public
3 education and provides that those decisions would not be subject to judicial
4 determination unless specifically authorized by the Legislature.

5 This amendment would alter the three-decade course of New Jersey
6 educational policy which has been driven not by educational theory or
7 expertise, but spending and taxing mandates imposed by the New Jersey
8 Supreme Court. This amendment reaffirms the fundamental precept that, in
9 matters of policy, legislatures, not courts are the bodies most capable of
10 making such decisions.

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15 Proposes an amendment to the Constitution to provide the Legislature with
16 final authority over public education.