

SENATE CONCURRENT RESOLUTION No. 11

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators GORMLEY and MARTIN

1 A CONCURRENT RESOLUTION proposing to amend Article VIII, Section IV
2 of the Constitution of the State of New Jersey by adding a new paragraph
3 4.

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

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

10

11

PROPOSED AMENDMENT

12

13 Amend Article VIII, Section IV by the addition of a new paragraph 4 to
14 read as follows:

15 4. In order to provide property tax relief, the State shall pay all costs of
16 special education for children who are eligible for programs and services
17 which are mandated by State or federal statutes or regulations. The eligibility
18 of a child for a special education program or service shall be determined by
19 the State.

20

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

28

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

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

33 a. In every municipality in which voting machines are not used, a legend

- 1 which shall immediately precede the question, as follows:

1 If you favor the proposition printed below make a cross (X), plus (+) or
 2 check (O) in the square opposite the word "Yes." If you are opposed thereto
 3 make a cross (X), plus (+) or check (O) in the square opposite the word "No."

4 b. In every municipality the following question:
 5

6 7 8 9 10 11 12 13 14 15 16 17	YES	<p style="text-align: center;">STATE REQUIRED TO PAY SPECIAL EDUCATION COSTS</p> <p>Shall the amendment to Article VIII, Section IV of the Constitution, agreed to by the Legislature, that in order to provide property tax relief, the State shall pay all costs of special education for children who are eligible for programs and services which are mandated by State or federal statutes or regulations and that the eligibility of a child for a special education program or service shall be determined by the State, be approved?</p>
18 19 20 21 22 23 24 25 26 27 28	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This amendment to the Constitution of New Jersey provides that in order to provide property tax relief, the State shall pay all costs of special education for children who are eligible for programs and services which are mandated by State or federal statutes or regulations and further provides that the eligibility of a child for a special education program or service shall be determined by the State.</p>

29
30
31 STATEMENT
32

33 This proposed amendment to the Constitution provides that in order to
 34 provide property tax relief, the State would pay all costs of special education
 35 for children who are eligible for programs and services which are mandated
 36 by State or federal statutes or regulations and further provides that the
 37 eligibility of a child for a special education program or service would be
 38 determined by the State. At the present time, State and federal aid is provided
 39 for part of the costs of special education for children who are classified by a
 40 school district as eligible for a program or service, and the district is
 41 responsible for the balance of the costs.

42 Special education students currently make up 16.1 percent of the overall

1 student enrollments in New Jersey. Between 1977 and 1993, the percentage
2 of students in the State who were classified for special education rose 79
3 percent, and the proportion of classified students is now the second highest in
4 the nation. The increasing number of students and the increasing costs of
5 special education for those students have created a serious shortfall in many
6 school district budgets, which in turn leads to a necessary increase in local
7 property taxes. In addition, some small districts are now required to pay
8 nearly \$200,000 per pupil for out-of-State special education placements.
9 Under federal and State mandates, all classification and program decisions
10 made by the special education staff must be fully funded regardless of other
11 budget priorities or the availability of resources in the school district.

12 If this proposed constitutional amendment is approved, the State would be
13 responsible for all special education costs, continuing to ensure that the needs
14 of special education students are fully met, while school districts would be
15 responsible only for the local share of regular education costs.

16

17

18

19

20 Proposes an amendment to the Constitution requiring the State to pay the
21 costs of special education.