

**SENATE CONCURRENT
RESOLUTION No. 38**

**STATE OF NEW JERSEY
211th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

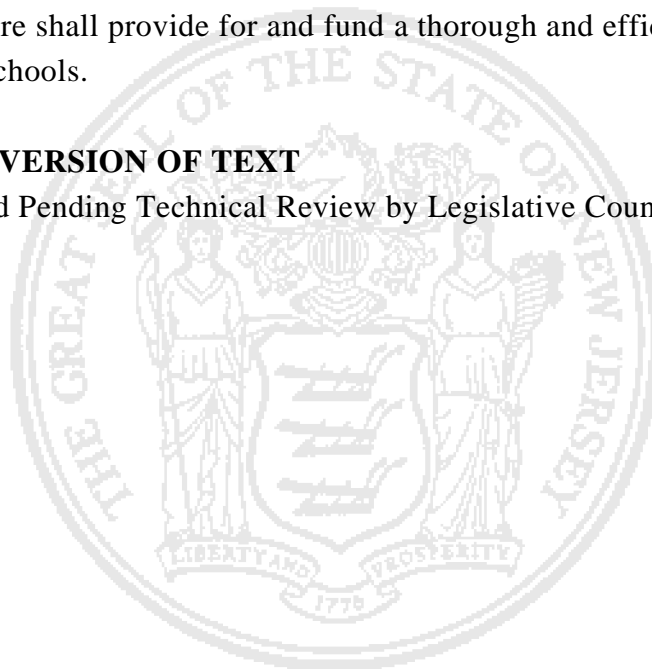
Senators Buono, Kyrillos, Ciesla and McNamara

SYNOPSIS

Proposes an amendment to the Constitution to describe the manner in which the Legislature shall provide for and fund a thorough and efficient system of free public schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

7
8 1. The following proposed amendment to the Constitution is agreed
9 to:

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11 PROPOSED AMENDMENT

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

14 1. The Legislature shall provide for the maintenance and support
15 of a thorough and efficient system of free public schools for the
16 instruction of all the children in the State between the ages of five and
17 eighteen years. Maintenance and support shall be provided through
18 the enactment, from time to time, of laws prescribing the components
19 of a thorough and efficient system of free public schools. These laws
20 shall also provide for the funding of a system of free public schools in
21 the manner and to the extent the Legislature determines to be
22 appropriate, including, but not limited to, the amount of funds to be
23 provided by the State and by the local school districts, the purposes
24 for which these funds are to be expended, the formulas pursuant to
25 which these funds are to be allocated, and the manner in which these
26 funds are to be raised; however a school district that is determined to
27 have special needs which require the provision of additional State
28 funds in order to enable the district to provide a thorough and efficient
29 education to the students enrolled in that district shall be entitled to
30 receive a per pupil amount of State funds which, when combined with
31 the per pupil local share, will equal the State average regular education
32 program budget per pupil. For the purposes of this paragraph, the
33 “per pupil local share” shall be determined by multiplying the State
34 average equalized school tax rate for school district operating budgets
35 by the district’s equalized valuation and dividing the product by the
36 district’s resident enrollment. The “State average regular education
37 program budget per pupil” shall be determined by dividing the total
38 Statewide resident enrollment into the total amount of Statewide local
39 school tax levies raised for school district operating budgets plus the
40 total amount of State equalization aid payable to school districts plus
41 the total amount of any other school aid programs to be applied
42 toward the required local shares of school districts.

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44 2. When this proposed amendment to the Constitution is finally

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.

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1 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
2 shall be submitted to the people at the next general election occurring
3 more than three months after the final agreement and shall be
4 published at least once in at least one newspaper of each county
5 designated by the President of the Senate, the Speaker of the General
6 Assembly and the Secretary of State, not less than three months prior
7 to the general election.

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

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

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

15 If you favor the proposition printed below make a cross (X), plus
16 (+), or check (T) in the square opposite the word "Yes." If you are
17 opposed thereto make a cross (X), plus (+) or check (T) in the square
18 opposite the word "No."

19 b. In every municipality the following question:

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1		DEFINES THE STATE'S OBLIGATION
2		TO FUND A SYSTEM OF FREE PUBLIC
3		SCHOOLS
4		Shall the amendment of Article VIII, Section
5		IV, paragraph 1 of the Constitution of the
6		State of New Jersey, providing that the
7		maintenance and support of a thorough and
8		efficient system of free public schools shall be
9		provided through the enactment from time to
10		time of laws prescribing the components of
11		the system and the funding of that system in
12		the manner and to the extent the Legislature
13		determines to be appropriate; and providing
14		that if a school district is determined to have
15		special needs which require the provision of
16		additional State funds in order to enable the
17		district to provide a thorough and efficient
18	YES	education to students enrolled in the district,
19		the district shall be entitled to receive a per
20		pupil amount of State funds which, when
21		combined with the district's per pupil local
22		share, would equal the State average per pupil
23		spending for regular education programs,
24		determined by dividing the total Statewide
25		resident enrollment into the total amount of
26		Statewide local school tax levies raised for
27		school district operating budgets plus the total
28		amount of State equalization aid payable to
29		school districts plus the total amount of any
30		other school aid programs to be applied
31		toward the required local shares of school
32		districts, be approved?
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1		INTERPRETIVE STATEMENT
2		This constitutional amendment provides that
3		the maintenance and support of a system of
4		free public schools will be provided through
5		the enactment of laws by the Legislature and
6		specifies that the method of funding public
7		schools will be established by the Legislature
8		as it deems appropriate. The amendment
9		specifies that when it is determined that a
10		school district has special needs which require
11		the provision of additional State funds in
12		order to enable the district to provide a
13		thorough and efficient education to the
14		students enrolled in the district, then the
15		district will be entitled to receive a per pupil
16		amount of State funds which, when combined
17	NO	with the district's local share of educational
18		expenses for each pupil, equals the State
19		average per pupil amount spent to support
20		regular education programs. The amendment
21		defines the State average per pupil amount for
22		regular education programs as the amount
23		determined by dividing the Statewide number
24		of public school pupils into the total amount
25		of Statewide local school tax levies raised for
26		school district operating budgets plus the total
27		amount of State equalization aid payable to
28		school districts plus the total amount of any
29		other school aid programs to be applied
30		toward the required local shares of school
31		districts.

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STATEMENT

36 This proposed amendment to the Constitution provides that the
37 maintenance and support of a system of free public schools will be
38 provided through the enactment of laws prescribing the components
39 of that system. Under the proposed amendment, these laws will also
40 provide for the funding of that system in the manner and to the extent
41 that the Legislature determines to be appropriate. The proposed
42 amendment specifies that when it is determined that a school district
43 has special needs which require the provision of additional State funds
44 in order to enable the district to provide a thorough and efficient
45 education to the students enrolled in that district, the district will be
46 entitled to receive a per pupil amount of State funds which, when
47 combined with the district's per pupil local share, will equal the State

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1 average regular education program budget per pupil. The proposed
2 amendment defines the manner in which the State average regular
3 education program budget per pupil and district's per pupil local share
4 will be calculated. A district's regular education program is that which
5 is required to deliver the core curriculum content standards, the
6 standards that define a thorough and efficient education under the
7 State's current school funding law.