



DELEGATE ASSEMBLY HANDBOOK

May 18, 2024 • Annual



Conference Center at Mercer



ANNUAL DELEGATE ASSEMBLY

The Conference Center at Mercer
1200 Old Trenton Road
West Windsor, New Jersey

May 18, 2024

Agenda

8:00- 10:00 a.m.	REGISTRATION/ FULL BUFFET BREAKFAST	
9:00 a.m.	CALL TO ORDER Presiding: Karen Cortellino, M.D.	
	PLEDGE OF ALLEGIANCE	Delegates
	RECOGNITION OF COMMITTEE CHAIRS	Karen Cortellino, M.D.
	PRESIDENT REMARKS	Karen Cortellino, M.D.
	EXECUTIVE DIRECTOR REMARKS	Dr. Timothy J. Purnell
	ADOPTION OF THE RULES FOR THE CONDUCT OF THE DELEGATE ASSEMBLY	Karen Cortellino, M.D. Parliamentarian

-over-

MINUTES OF THE MEETING OF
December 2, 2023

Karen Cortellino, M.D.

REPORT OF THE V. P. FOR
LEGISLATION/RESOLUTIONS

Chanta L. Jackson

Resolutions Subcommittee Report

CONSIDERATION OF RESOLUTIONS

Chanta L. Jackson

ADJOURNMENT

Karen Cortellino, M.D.

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**New Jersey School Boards Association
413 West State Street
Trenton, New Jersey 08618
(609) 695-7600**

DELEGATE CERTIFICATION FORM

I, the undersigned, hereby certify that I am a regular voting member of the _____ Board of Education in the County of _____; that to the best of my knowledge, said Board of Education is a member in good standing of the New Jersey School Boards Association, and that I am duly appointed and authorized to act as the Delegate from said Board of Education at the Annual Delegate Assembly on May 18, 2024.

SIGNATURE

ADDRESS

CITY/STATE/ZIP

**NEW JERSEY SCHOOL BOARDS ASSOCIATION
ANNUAL DELEGATE ASSEMBLY
May 18, 2024**

Summary of Delegate Action

Enclosed for your convenience to report to your board of education.

ACTION TAKEN

RESOLUTION NO. 1 - Clinton Township Board of Education (Hunterdon County) proposes **new** policy language supporting the belief that the State should establish a funded award limit for litigation that is difficult to defend due to an extended statute of limitations and school districts' limited access to documentation. The resolution asserts that lawsuits arising from the extended statute of limitations have already led to increased costs in defending the claims. The resolution also anticipates that the district would have to use local tax dollars to pay the court awards and/or settlement agreements resulting from the litigation, which will impede the district's ability to provide a thorough and efficient education.

RECOMMENDATION: The Resolutions Subcommittee recommends approval of the proposed resolution with the following **substitute** language that would create new policy language to be included in NJSBA's *Manual of Positions and Policies on Education* in File Code3530:

The NJSBA believes that, although the *Child Sexual Abuse Act* permits civil claims against public entities, due to the expanded statute of limitations to bring such actions, there may be situations where a school district is unable to properly defend a specific claim due to the passage of time, which then leads to protracted litigation and associated costs that negatively impact a district's ability to provide a thorough and efficient education. If such circumstances are demonstrated, the state should provide assistance, including, but not limited to, financial support, to ensure that school districts maintain sufficient resources to provide a thorough and efficient education to all students.

RESOLUTION NO. 2 - Denville Board of Education (Morris County) proposes **new** policy giving boards of education the authority to use their capital reserve accounts as a source of funds for the purchase of school buses, particularly electric school buses.

RECOMMENDATION: The Resolutions Subcommittee recommends adoption of this resolution with the following **substitute** resolve clause for inclusion in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes that school districts should be permitted to use monies from the capital reserve account to purchase school vehicles, including electric school buses and related infrastructure, such as charging stations.

RESOLUTION NO. 3 - Plainfield Board of Education (Union County) seeks to supplement File Code 6114 (Emergencies and Disaster Preparedness) in the NJSBA’s Manual of Positions and Policies on Education (“P&P”), under the subheading, “School Cancellations,” with **additional** policy language broadening its scope. More specifically, the resolution seeks to enumerate virtual or remote instruction as an “option” that should be available to local boards of education in lieu of closing their schools in certain situations. Additionally, the proposed resolution seeks to have this option available for “up to 10%” of a local board of education’s school days, and “as needed for weather-related issues, unsafe increases in COVID-19 locally, and other emergencies.”

RECOMMENDATION: The Resolutions Subcommittee recommends approval of the proposed resolution with the following **substitute** language which would create additional policy language to be included in the P&P in File Code 6114:

The NJSBA believes that the opening and closing of public schools is a matter best determined by local boards of education. State government, including but not limited to the State Board of Education, should not mandate the closing of public schools except for state holidays, or reasons of health and public safety. Options in lieu of closing should be provided to local boards of education that can be adapted to meet local conditions, including, but not limited to, the use of virtual or remote instruction days to satisfy the required number of days of instruction.

RESOLUTION NO. 4 - Plainfield Board of Education (Union County) proposes **replacement** policy language to NJSBA’s *Manual of Positions and Policies on Education* (“P&P”) File Code No. 6171.4 *Special Education – Tuition Costs* providing that “NJSBA believes that there should be a 2% cap placed on the annual tuition increase imposed on school districts by approved public and private schools that charge tuition to educate students. Additionally, Plainfield seeks to remove the following language from the same File Code No. 6171.4, “public schools should receive fair consideration in determining their special education tuition rate.”

RECOMMENDATION: The Resolutions Subcommittee recommends this resolution be opposed.

RESOLUTION NO. 5 - Plainfield Board of Education (Union County) seeks to supplement File Code 6142.2 (English Language Learner; Bilingual/Bicultural) in the *Manual of Positions and Policies on Education* (P&P), under the subheading “Programs,” subsection B. More specifically, the resolution seeks to include **additional** language providing

local boards of education with “a more flexible approach” to establish dual-language immersion programs other than utilizing a numerical proportional cap for classes. Stated differently, the resolution seeks to provide local boards of education with more flexibility in the proportion of multilingual learners (MLs) to English speaking students in dual-language immersion programs.

RECOMMENDATION: The Resolutions Subcommittee recommends approval of the proposed resolution with the following **substitute** language which would create additional policy language to be included in NJSBA’s Manual of Positions and Policies on Education in File Code 6142.2 (English Language Learner; Bilingual/Bicultural) under the subheading “Programs,” subsection B:

B. **The NJSBA believes** that local boards of education should have flexibility in implementing alternative instructional approaches when they are unable to implement a bilingual education program and, to the extent deemed educationally appropriate, should have flexibility in establishing dual-language immersion programs even if they are unable to strictly comply with regulatory requirements. [Authority: DA 12/81-CR Bilingual; DA 6/88-5; DA 12/89-4; DA 6/90-2; DA 11/97-SR]

RESOLUTION NO. 6 - Plainfield Board of Education (Union County) seeks **revised** language for Article V, Section 4 titled “Consultation” of the NJSBA Bylaws. The proposed language provides for an interim process by which districts proposing resolutions deemed unclear or in improper form by NJSBA support staff or the Resolutions Subcommittee (RSC) can revise those resolutions prior to the members of the Delegate Assembly (DA) deliberation and vote of any proposed resolutions during an annual or regular meeting.

RECOMMENDATION: The Resolutions Subcommittee recommends this resolution be opposed.

RESOLUTION NO. 7 - Plainfield Board of Education (Union County) seeks to add **new** policy language to NJSBA’s Manual of Positions and Policies on Education 6142.10, Technology indicating the belief that boards of education should implement policies that establish guidelines on the use of Artificial Intelligence (AI) in public schools.

RECOMMENDATION: The Resolution Subcommittee recommends the adoption of this resolution with the following **substitute** resolved clause in 6142.10 of NJSBA’s Manual of Positions and Policies on Education:

The NJSBA believes that the use of Artificial Intelligence (AI) by students and staff, along with the integration of AI into curriculum, presents both unprecedented opportunities and profound challenges to New Jersey School Districts and that school districts need to implement policies to establish guidelines for the use of AI in public schools.

In support of this belief, NJSBA supports the establishment of a statewide Artificial Intelligence Task Force which will provide guidance and policy recommendations to assist public schools in ensuring equitable access to AI technologies, promote responsible and ethical AI use, and foster innovation and digital literacy among students and educators.

RESOLUTION NO. 8 - Toms River Board of Education (Ocean County) proposes **revised** language for NJSBA’s Manual of Positions and Policies on Education (“P&P”) File Code 3220 indicating that all real estate developments utilizing Payment in Lieu of Taxes (“PILOT”) programs should be included in any statewide equalized valuation calculation that impacts a Local Education Agency’s share of state education aid and determines local fair share.

RECOMMENDATION: The Resolutions Subcommittee recommends this resolution be opposed.

RESOLUTION NO. 9 - Toms River Regional School District Board of Education (Ocean County) proposes **new** policy language at File Code 1400 supporting its belief that, in the interest of school security, the use of public school buildings for polling places while school is in session should be prohibited.

RECOMMENDATION: The Resolutions Subcommittee recommends approval of the proposed resolution with the following **substitute** resolved clause which would create new policy language to be included in NJSBA’s Manual of Positions and Policies on Education in File Code 9112:

The NJSBA believes the determination as to whether to close a public school building used as a polling place on an election day should be made by the local board of education.

RESOLUTION NO. 10 - Toms River Regional School District (Ocean County) proposes **new** policy language providing that “NJSBA believes full-day kindergarten should be a required grade in New Jersey Public Schools to help local education agencies facilitate instruction and mastery of the New Jersey Student Learning Standards, and this mandate should be supported through a well thought out school funding formula.”

RECOMMENDATION: The Resolutions Subcommittee recommends this resolution be opposed.

RESOLUTION NO. 11 - Toms River Board of Education (Ocean County) seeks **new** policy language at NJSBA’s Manual of Positions and Policies on Education, (“P&P”) File Code 9300, Governance, indicating that the NJSBA believes the New Jersey Department of Education (DOE) should be required to maintain a public database of all state-mandated policies and issue model policy documents including all required language and areas of discretion in such model policies.

RECOMMENDATION: The Resolutions Subcommittee recommends approval of the proposed resolution with the following **substitute** language which would create additional policy language to be included in NJSBA’s Manual of Positions and Policies on Education in File Code 9311:

The NJSBA believes that the role of the State Department of Education in approving local district policy should not exceed the requirements of administrative code or encroach on the authority of local boards of education regarding the management and operation of the district. Nevertheless, the State Department of Education should maintain a publicly available list of legislatively or regulatorily mandated policies that a local board of education is required to maintain as part of its policy manual. Sample or model policies may be provided as guidance for local boards but should not indicate any specific language is mandated.

RESOLUTION NO. 12 - Toms River Board of Education (Ocean County) seeks to add additional language to NJSBA’s Manual of Positions and Policies on Education (P&P) File Code 3220 regarding the amount of State aid a school district receives. Specifically the resolutions state that State Aid should be frozen at the 2022-23 levels for financially responsible S2 losers who are >10% below adequacy, spend at least 10% less than the average on administrative costs, and are unable to meet the local fair share contribution despite annual maximum statutory permitted tax levy increase until such time as the state aid formula is studied and thoughtful recommendations are made to facilitate a through and efficient education for all New Jersey Public School Students.

RECOMMENDATION: The Resolutions Subcommittee recommends this resolution be opposed.

RESOLUTION NO. 13 - Warren Hills Board of Education (Warren County) proposes **additional** policy concerning the inclusion of intent of the alleged perpetrator as an essential element of harassment, intimidation and bullying.

RECOMMENDATION: The Resolutions Subcommittee recommends this resolution be opposed.

RESOLUTION NO. 14 - Wharton Borough Board of Education (Morris County) proposes **additional** policy language for adoption by the Delegate Assembly and inclusion in NJSBA’s Manual of Positions and Policies on Education (“P&P”), File Code 6142, Subject Fields, indicating the belief that history instruction should occur across all content areas, and provide students with a comprehensive, unbiased account of the world’s and our nation’s history, enabling them to make valid connections to the present and participate in the democratic processes that further advances the causes of justice, security and opportunity for all.

RECOMMENDATION: The Resolutions Subcommittee recommends approval of this resolution with the following policy language which would create **additional** policy language at File Code 6142 in the NJSBA's Manual of Positions and Policies on Education:

The NJSBA believes that the teaching of history, across all content areas, should provide students with a comprehensive, unbiased account of the world's and our nation's history, enabling them to make valid connections to the present and to participate in democratic processes that further advance the causes of justice, security and opportunity for all.

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BOARD OF DIRECTORS 2023-2024
(As of 4/22/24)

OFFICERS/EXECUTIVE COMMITTEE

<i>President</i>	Karen Cortellino, M.D. Montville Township Board of Education
<i>Vice President for County Activities</i>	Barry Fitzgerald Lenape Regional Board of Education
<i>Vice President for Finance</i>	Dr. Tom Connors Piscataway Board of Education
<i>Vice President for Legislation/Resolutions</i>	Chanta L. Jackson Neptune Township Board of Education
<i>Immediate Past President</i>	Irene LeFebvre Boonton Town Board of Education
EX OFFICIO	Timothy J. Purnell, Ed.D. <i>Executive Director</i> New Jersey School Boards Association

MEMBERS & ALTERNATES

ATLANTIC COUNTY

Louis Della Barca, Egg Harbor Township Board of Education
Doris Rowell, Pleasantville Board of Education (Alt.)

BERGEN

Michael Sprague, Norwood Board of Education
Behrooz Pasdar, Emerson Board of Education (Alt.)

BURLINGTON

Erica Campbell, Palmyra Board of Education
Michael McClure, Maple Shade Board of Education (Alt.)

CAMDEN

Vacancy
Vacancy (Alt.)

CAPE MAY

Jacqueline McAlister, Ocean City Board of Education
Thomas Belasco, West Cape May Board of Education (Alt.)

CUMBERLAND

Brent Daly, Downe Township Board of Education
Vacancy (Alt.)

ESSEX

Benjamin Morse, Bloomfield Board of Education
Kathryn Weller-Demming, Montclair Board of Education (Alt.)

GLOUCESTER

Natalie Baker, Swedesboro Woolwich Board of Education
Michele Giaquinto, Clearview Regional Board of Education (Alt.)

HUDSON

Hector Gonzalez, Jr., Bayonne Board of Education
Enrico Bolognino, Secaucus Board of Education (Alt.)

HUNTERDON

Laurie Markowski, Flemington-Raritan Regional Board of Education
Robert Imhoff, High Bridge Board of Education (Alt.)

MERCER

Dana Krug, West Windsor-Plainsboro Board of Education
Addie Lane, Trenton Board of Education (Alt.)

MIDDLESEX

Liwu Hong, East Brunswick Board of Education
Vacancy

MONMOUTH

Vacancy
Mark Patterson, Oceanport Board of Education (Alt.)

MORRIS

Paul Breda, Wharton Borough Board of Education
Diane Morris, Mine Hill Board of Education (Alt.)

OCEAN

Jennifer Bacchione, Berkeley Township Board of Education
Vacancy (Alt.)

PASSAIC

Alan Paris, Clifton Board of Education
Valdo Panzera, Jr., Manchester Regional Board of Education (Alt.)

SALEM

Eileen Miller, Woodstown-Pilesgrove Regional Board of Education
Timothy Hack, Pittsgrove Township Board of Education (Alt.)

SOMERSET

Robert B. Morrison, Watchung Hills Board of Education
Barry Walker, Bridgewater-Raritan Board of Education (Alt.)

SUSSEX

Marie S. Bilik, Green Township Board of Education
Ronald Hoffman, Hardyston Township Board of Education (Alt.)

UNION

J. Brendan Galligan, Westfield Board of Education
Brittany Kirkland, Roselle Park Board of Education (Alt.)

WARREN

Paul Williams, Harmony Township Board of Education
Scott Nodes, Greenwich Township Board of Education (Alt.)

COUNTY ASSOCIATION LEADERSHIP

Michael Jacobs, Ridgefield Board of Education
Tammeisha D. Smith, Knowlton Township Board of Education (Alt.)

URBAN BOARDS

Rita Martin, Winslow Township Board of Education (Camden)
Marsha Hershman, Lindenwold Board of Education (Camden) (Alt.)

Rosa E. Moreno-Ortego, Elizabeth Board of Education, (Union)
Cynthia Atkins, Roselle Board of Education (Union) (Alt.)

Diane Johnson, Pennsauken Board of Education (Camden)
Sheri Lowery, Pemberton Township Board of Education (Burlington) (Alt.)

VOCATIONAL BOARDS

Elizabeth Martin, Hunterdon County Vocational Board of Education
Jon-Henry Barr, Union County Vocational Board of Education (Alt.)

NSBA REPRESENTATIVE (Non-Voting)

Vacancy
(Exclusive to NSBA Officer or NSBA BOD member)

4/22/24



PROCEDURAL SUGGESTIONS FOR DELEGATES

Action in delegate meetings is sometimes prolonged when parliamentary procedure has not been properly followed in difficult situations. To speed the meeting, delegates might consider the following procedures:

Making Motions

To be discussed, a resolution must be moved by a delegate, preferably from the sponsoring board. The Vice President for Legislation/Resolutions does not move the resolution but merely reads a summary of the objectives sought in the resolution and the Resolutions Subcommittee's recommendation for delegate action as sent to all boards of education.

The recommendations proposed to the Delegate Assembly at the end of the discussion pages in this Delegate Handbook are made by the Resolutions Subcommittee. The Subcommittee is authorized by the NJSBA Bylaws to review all resolutions to come before the Delegate Assembly for policy consideration. Research on the issues presented in these resolutions sometimes leads the Resolutions Subcommittee to offer an alternative solution to the objectives sought with the Subcommittee recommending a substitute resolved clause for delegate approval. If a board delegate so chooses, the substitute resolved clause may be moved as the original motion for delegate approval.

When moving a resolution as originally presented by the sponsoring board of education, please say:

I move Resolution No. ____ as originally submitted.

When moving a resolution with the substitute resolved clause recommended in the discussion pages, please say:

I move Resolution No. ____ with the substitute resolved clause and recommended policy language for NJSBA'S Manual of Positions and Policies on Education.

Making Amendments

Any motion to amend a resolution or committee report recommendations must be submitted in writing to the Chair and official reporter before or at the time the motion is made on the floor.

An amendment form can be obtained at the Legal Table in the meeting room. You can consult with a staff attorney if you want help writing an amendment. The Legal Table is located in the front of the meeting room to your right.

When moving to amend a motion, please clarify your intent by saying one of the following:

- I move to strike on page ____, line ____ the word(s)
_____.
- I move to strike on page ____, line ____ the word(s)
_____ and insert the word(s)
_____.
- I move to insert the word(s) _____ between
_____ and _____ on
page ____, line ____.
- I move to add at the end of line ____ on page ____ the word(s)
_____.

Postponing or Referring a Motion

When delegates wish to defer action in order to develop more information, they should move to refer a resolution to a committee for study or refer a report back to the original committee for further study.

Close Votes

Whenever a delegate doubts the result of a vote as inconclusive or a tie, he/she may move that the vote be recast. If this motion is seconded, a majority vote is required to order a recount.

RULES FOR THE CONDUCT OF THE DELEGATE ASSEMBLY MEETING

1. **Credentials:** (a) The credential cards of all voting delegates shall be kept visibly displayed during the meeting. Voting shall be by electronic device. (b) The delegate to the Delegate Assembly must be either the delegate of record or alternate of record, or show proof of designated representation by the local board. A signed statement by the school business administrator on school district letterhead must be provided to show proof of designated representation by the local board. The delegate must show proof of identity at time of registration. (c) The registration desk shall close during the voting process in any contested election and no credentials shall be issued during such period. (d) An official count of all registered delegates shall be prepared and submitted to the President for announcement at the meeting just prior to the distribution of ballots in a contested election.
2. **Parliamentary Procedure:** (a) *Robert's Rules of Order Newly Revised, current edition*, shall govern the proceedings unless otherwise inconsistent with these rules. (b) There shall be an official parliamentarian to whom questions may be directed only through the Chair.
3. **Seating:** (a) All voting delegates, officers, members of the Board of Directors, county school board association representatives and staff shall be seated in front sections for easy access to the microphones for speaking privileges. (b) All others shall be seated in the rear of the meeting room.
4. **Recognition by Chair:** (a) An eligible speaker shall use a microphone and gain recognition of the Chair before speaking. (b) He/she shall give his/her full name and local board or official capacity. (c) Speakers shall state, at the outset, if they are speaking for or against a motion.
5. **Written Amendments:** (a) All motions to amend a resolution or committee report shall be submitted by the maker in writing to the Chair before or at the time the motion is made. The Chair has discretion to require any other motion to be submitted in writing. A majority vote is needed to pass the motion.
6. **Time Limitations on Speakers:**
 - (a) The first presentation of a delegate moving a question shall be limited to three minutes. Subsequent presentations shall be limited to two minutes each. No authorized speaker shall speak a second time on the same question until all persons seeking the floor shall have had an opportunity to speak once.*
 - (b) The first presentation of a delegate moving an amendment to a question shall be limited to two minutes. Subsequent presentations shall be limited to one minute each. No authorized speaker shall speak a second time on the same amendment until all persons seeking the floor shall have had an opportunity to speak once.
 - (c) Discussion on a committee report shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of not more than five minutes, with a separate motion being required for each such extension.*

Rules For The Conduct Of The Delegate Assembly Meeting (continued)

- (d) Discussion on a proposed amendment to the *Bylaws* shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of five minutes, with a separate motion being required for each such extension.*
- (e) Discussion on a resolution shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of not more than five minutes, with a separate motion being required for each such extension.*
- (f) If a motion to amend the main motion is made, time will be suspended on the main resolution or committee report and five minutes will be allowed for discussion of the proposed amendment with the provision for extension as noted above (d). At the conclusion of a vote on the proposed amendment, time will be resumed on the main resolution or committee report.*

* Time clocks will be stopped when questions on parliamentary procedure are discussed and while proposed amendments are being prepared for presentation.

- 7. **Straw Poll:** There shall be no straw poll vote while the meeting is in session.
- 8. **A Motion to Call the Question:** (a) May not be made by a delegate at the conclusion of his/her remarks; (b) Will be deemed out of order if there are delegates waiting to speak **and** if discussion on the matter has not exceeded five minutes. A two-thirds vote of the delegates present and voting is needed to pass the motion.
- 9. **Motion to Reconsider:** Notwithstanding any provisions to the contrary in *Robert's Rules of Order Newly Revised, current edition*, once a resolution or *Bylaws* amendment has been voted upon, the delegates may not reconsider the vote on that resolution or *Bylaws* amendment.
- 10. **Breach of Order:** In debate a member's remarks must be germane to the question before the assembly—that is, his statements must have bearing on whether the pending motion should be adopted. If a member commits only a slight breach of order—such as addressing another member instead of the chair in debate, or in a single instance, failing to confine his remarks to the merits of the pending question—the chair will advise the member to avoid it. The member can then continue speaking if he commits no further breaches. If the offense is more serious as when a member persists in speaking on completely irrelevant matters in debate, the chair will warn the member; but with or without such a warning the president or any delegate can “call the member to order.” If the chair does this, he says, ‘The member is out of order and will be seated.’ Another member wishing to call a member to order shall rise and say, without waiting to be recognized, ‘Mr. [Chair], I call the member to order,’ and then resumes his seat. If the chair finds this point of order well taken, he declares the offender out of order and directs him to be seated.
- 11. **Suspension of Rules:** These rules may be overridden by a two-thirds vote of the delegates present and voting.

NOTE: These Rules of Conduct for the Delegate Assembly will sunset at the conclusion of the Delegate Assembly.



Minutes

NJSBA Semiannual Delegate Assembly

December 2, 2023

The Semiannual Delegate Assembly of the New Jersey School Boards Association (NJSBA) was held at the Conference Center at Mercer County Community College on December 2, 2023. President Karen Cortellino, M.D, and Vice President for Legislation/Resolutions Chanta L. Jackson, presided over the meeting. Executive Director Dr. Timothy Purnell provided a report to the members. There were 82 delegates present, representing 18 counties.

President Karen Cortellino, M.D. called the meeting to order at 9:02 a.m. She reminded everyone in attendance that only certified delegates have the right to speak and vote on pending matters. She indicated that voting tallies and policy amendment language will be visible on the screen.

President Cortellino also reminded the delegates that members of the staff, NJSBA Board of Directors members who are not serving as delegates, past presidents of the Association, and county school board presidents or their designees are afforded speaking privileges but do not have voting privileges.

She also noted that non-voting board of education members who do not have speaking privileges and guests are viewing this meeting through the NJSBA online conference platform.

President Cortellino announced that adequate notice of the meeting had been provided to three major newspapers and filed with the New Jersey Secretary of State and posting of notice in the first-floor lobby of NJSBA headquarters located at 413 West State Street in Trenton. The Association provided notices in the following ways: a preview of the agenda was published on the NJSBA website and a news advisory highlighting agenda items of interest to the news media was sent to all daily newspapers in the state; the Resolutions Subcommittee report was placed on the NJSBA website to allow boards of education time to discuss these items before today's meeting.

She reported that the Delegate Assembly Handbook and other materials related to the December 2, 2023, agenda were mailed on November 22 to delegates who requested a Handbook by November 22. An electronic copy was also posted on the NJSBA website.

President Cortellino led the delegates in the Pledge of Allegiance.

She acknowledged the following officers for their contributions to the Association.

President

Karen Cortellino, M.D., Montville Township (Morris)

VP for County Activities

Barry Fitzgerald, Lenape Regional (Sussex)

VP for Finance and Chair of the Finance Committee
Dr. Tom Connors, Piscataway (Middlesex)

VP for Legislation/Resolutions and Chair of the Legislative Committee
Chanta L. Jackson, Neptune Township (Monmouth)

Immediate Past President
Irene LeFebvre, Boonton Town (Morris)

Dr. Cortellino also acknowledged the special contributions of those who have chaired the Association's standing and *ad hoc* committees:

Audit Committee
Laurie Markowski, Flemington-Raritan Regional (Hunterdon)

Standards and Assessment Committee
Eileen Miller, Woodstown-Pilesgrove Regional (Salem)

Special Education Committee
Lisa J. Marshall, Warren Hills Regional (Warren)

Urban Boards Committee
Marsha Hershman, Lindenwold (Camden)

School Finance
Paula Colbath, Fort Lee (Bergen)

NJSIAA Representatives
Tammy Wagner, Stafford Township (Ocean)
Barry Fitzgerald, Lenape Regional (Burlington)
Howard Krieger, Upper Freehold Regional (Monmouth)
Steve Shohfi, Lavallette (Ocean)
Daniel Sinclair, Lakeland Regional (Passaic)
J. Brendan Galligan, Westfield (Union)

NJSIG Board of Trustees
Irene LeFebvre, Boonton Town (Morris)
Richard Casey, Ocean Gate (Ocean)
Josephine Sharp, Wildwood City (Cape May)
Karen Vick, Mantua (Gloucester)

President's Report – Karen Cortellino, M.D., updated members on the progress she's made on achieving her goals as Association president during her President's Report.

One task she's taken on with the Association's other officers is visiting various county meetings, which she has found educational and inspiring.

“I’ve had the chance to meet so many hardworking board members and to hear their concerns about a variety of issues like funding cuts, the teacher shortage, PILOTs and more,” she said. “I’ve seen the strain in their eyes and passion in their hearts. They want to help – and sometimes solutions seem so out of reach. NJSBA is here for you. Reach out.”

Another one of her goals is “getting back to basics,” which Dr. Timothy Purnell, the Association’s executive director and CEO, has delivered on with the support of his staff, Cortellino said. “One important initiative the Association has undertaken is a reboot of Governance I, which involves a committee looking at how we can improve our mandated training.” “Dr. Purnell will also be hosting a new monthly podcast series titled ‘The Boardroom,’ which will feature live and transparent conversations with board members. Each month, a senior staff member will join him to highlight specific topics and answer questions related to their subject area. I can’t wait to hear the first podcast, which will be January 10 and feature Marcia Lavigne, the Association’s director of professional learning.”

She also highlighted the Association’s new online platform, NJSBA Connection, noting that the various initiatives show that getting back to basics “is a process that is constantly evolving.” “We need to keep doing new things, otherwise our basics become stagnant.”

President Cortellino’s third goal is to celebrate the Association, and all that it does for its members. “Whether it is the Alliance for Competitive Energy Services, which has saved school districts more than \$270 million in natural gas and electricity charges since 2009; our Cooperative Pricing System, which has saved districts more than \$3 million in the past three years alone; our partnership with E-Rate Consulting, which has delivered more than \$95 million in funding through the E-rate program over the last three years; or one of our many other services and offerings. The Association continues to be an essential partner to board members and districts,”

Executive Director’s Report - Dr. Purnell delivered his executive director’s report, outlining the progress the Association has made under his leadership as well as some of his goals and objectives for the coming months.

In delivering his executive director’s report, Dr. Purnell shared that he is laser-focused on concentrating on three areas: content, connections and advocacy.

“I believe that if we can provide top-notch content, enable our members to connect with each other and with our staff; and effectively advocate for the interests of local boards of education, you can each focus on your most important goal: promoting the achievement of all students.”

He also updated members on the new staff members the Association has recently hired, noting, “One of the most important tasks for any leader — *perhaps the most important task* — is making the right hiring decisions. Getting the right person in a position affects an organization’s performance, culture and productivity. In the past few months NJSBA has added staff members who bring expertise and experience to the Association. They are already making a difference here.”

The new employees include:

- Charles Muller is the Association’s new business administrator in residence. “Charlie has spent 30 years specializing in school finance, and is a perfect fit for the new position of BA in Residence.”

- Kimberly Gatti has joined NJSBA as the director of policy. An attorney, she formerly worked at the New Jersey Department of Education, where she was coordinator of the State Board of Examiners and worked as a policy and planning analyst.
- Kelly Mitchell and Dr. Tim Teehan are new field service representatives. Mitchell, a master board member who once served as the president of the Vernon Township Board of Education and vice president of the Sussex County Board of Education, will serve as a field service representative for Passaic and Sussex counties. Teehan, who has spent 25 years in education as a teacher, administrator and superintendent of schools, will serve as a field service representative for Monmouth County.
- Karen Callahan is the county activities coordinator for the central section of the state. She served on the Cranbury Board of Education, including board president and vice president, and was the Montgomery Township School District COVID-19 coordinator in 2022.
- Felicie Tsogbe is the Association’s new front desk receptionist. “We think of her as our director of first impressions, and she is doing a great job at this!”

Purnell also mentioned his new ‘Boardroom’ podcast, which Cortellino mentioned earlier in the meeting.

“One of my objectives in doing these podcasts is to foster transparency with our members,” Purnell said. “I believe that participating in open communication helps build trust, reduces misunderstandings and creates a higher level of engagement with members.”

“The first podcast (on January 10) will feature our director of professional learning, Marcia Lavigne – just in time for our members to learn more about mandated training. The February podcast will spotlight Charlie Muller, who can answer questions about the school budget development process. But I want to stress that we are open to answering any questions during the podcast, not just those pertaining to a specific subject area.”

Dr. Purnell also highlighted other initiatives and offerings, including NJSBA Connection, singling out Kurt Rebovich Jr., the Association’s associate director of partnerships, as a driving force in making the platform a reality. He also spoke about county meetings, The 3 Rs Program for new board members, various educational stakeholders and groups that the Association regularly interacts with, initiatives to alleviate staff shortages and various advocacy efforts being led by NJSBA’s Governmental Relations team.

Rules for Conduct of the Delegate Assembly - President Cortellino announced participants will be using an electronic voting card for the meeting today. When a call for a vote is announced, wait for the overhead screen to indicate the polling is open. After the poll is open, enter your vote. Firmly press the corresponding number on the device, then press GO at the lower left of the device. When the little red/green light flashes on your device, your vote has been entered. Once you vote, you cannot vote again. Once the polling is closed, the tally of the vote will be shown on the screen. The procedure for voting will remain the same whether it is for a resolution, amendment, or any other procedure.

President Cortellino pointed out that there are two stationary microphones stationed in the aisles and are numbered. If you wish to speak at any time, please walk to the nearest microphone and you will be recognized in the order you come to the microphone. Once you are recognized, you must identify

yourself by name, board, and state if you are the voting delegate and if you are speaking for or against the motion so that the official reporter can keep accurate minutes. Proposed amendments from the floor will be shown on the overhead screen. All deletions will be highlighted and [bracketed] and additional language will be underlined. It is required that amendments be submitted in writing when the motion is made. Amendments must be written before being presented at the microphone. After the amendment is proposed, the person making the motion will retain a copy and give the other copies to a staff member who will collect and deliver one copy to the amendment typist and the other to the parliamentarian.

President Cortellino introduced parliamentarian Michelle Bobrow, who was prepared to address any questions on the rules. Ms. Bobrow stated that the *Rules and Procedures for the Delegate Assembly*, which are included in the handbook, and the newly revised, 12th edition of *Robert Rules of Order* will be adhered to. All decisions, whether it is a majority vote or 2/3 vote – are determined by those present and voting. Abstentions do not count as affirmative votes. Only the delegates can vote. There were 82 delegates from 18 counties which represented a quorum. When the parliamentarian issues a decision, it will prevail, and the meeting continues.

Adoption of the rules for the conduct of the DA was moved by George Babula, Harmony Township (Warren) and duly seconded.

*With no further discussion, the motion to adopt the rules for the conduct of the December 2, 2023, Delegate Assembly was **APPROVED**.*

Minutes of the May 13, 2023, Delegate Assembly - Hearing no corrections, additions, or deletions to the minutes of the May 13, 2023, Delegate Assembly, *President Cortellino declared the minutes approved as submitted.*

Committee Reports - President Cortellino announced that the following reports were published in the delegate handbook and do not require any action: Financial Report, Legislative Committee, School Finance Committee and Special Education Committee.

Report of the Vice President for Legislation/Resolutions – Chanta L. Jackson, Neptune Township (Monmouth) presented the Emergency Resolutions Subcommittee report. The cutoff for Emergency Resolutions was November 21, 2023. The Association received no Emergency Resolutions.

Ms. Jackson presented the report of the Resolutions Subcommittee. The Association received 26 resolutions by the official cutoff date of September 28, 2023. Twenty resolutions were denied because they did not meet Association policy pursuant to Article V of the *Bylaws*. One resolution was withdrawn by the sponsor.

A preview of the resolutions on today's agenda was published in *School Board Notes* and placed on the NJSBA Web site.

Delegates were reminded that decisions made today establish policy for the Association for years to come on many significant issues.

Discussion of the Five Resolutions

Resolution No. 1

The Plainfield Board of Education (Union County) proposes revised policy language for NJSBA’s Positions and Policies on Education manual. The current proposal seeks to authorize school districts to classify students as “excluded from cohort” as it relates to the graduation cohort coding for students who have exited the respective school system, but whose location cannot be verified, following reasonable due diligence by the district to confirm the student’s enrollment in a new district.

Recommendation: The Resolutions Subcommittee recommends the approval of this resolution with the following new policy language to be included in NJSBA’s *Manual of Positions and Policies on Education*, File Code 5119 – “Transfers – Student Mobility”:

The NJSBA believes that school districts should be able to classify students as “excluded from cohort” once reasonable attempts have been made to confirm that the student is in fact transferred elsewhere, either domestically or internationally.

A motion was made by Jo Ann Groeger, Lawrence Township (Mercer) to move the resolution with the substitute policy language. Motion was duly seconded.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

Proposed Resolution as Originally Amended – Passed (vote of 72/28)

The NJSBA believes that school districts should be able to classify students as “excluded from cohort” once reasonable attempts have been made to confirm that the student is in fact transferred elsewhere, either domestically or internationally.”

Resolution No. 2

The Plainfield Board of Education (Union County) proposed additional policy language supporting a statutory provision that would allow non-English speaking career and technical education educators (CTE) who are skilled craftsmen to obtain certification without being proficient in English, where, in the classroom, such teachers are subsequently paired with an English-speaking co-teacher.

Recommendation: The Resolution Subcommittee recognizes the challenges that boards of education across New Jersey have been and continue to experience in filling open teaching positions with qualified candidates. The RSC also recognizes the additional challenges of recruiting certificated CTE teachers.

Nevertheless, the Resolution Subcommittee does not recommend support of a statutory or regulatory revision to permit non-English speaking skilled professionals to obtain certification without English proficiency at this time, regardless of whether there is a requirement that the classroom placement include an English-speaking co-teacher.

A motion was made by Wanda Knox, Pemberton Township (Burlington County) to move the resolution with the substitute policy language. Motion was duly seconded but did not reach vote.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

A lot of discussion went back and forth regarding this resolution, particularly for clarification of whether the delegates were voting on the resolution or the Resolution Subcommittee recommendation. The chair called for a 10 minute break to address the issue. After the break, the chair clarified that the delegates were voting on the resolution and not the recommendation. After the assembly re-assembled, Ms. Knox withdrew her motion.

A new motion was made by Barry Walker, Somerset Co. ESC (Somerset County), to move the resolution with the substitute policy language. Motion was duly seconded.

Proposed Resolution with Substitute Policy Language – Fails (vote of 45/55)

The Resolution Subcommittee recognizes the challenges that boards of education across New Jersey have been and continue to experience in filling open teaching positions with qualified candidates. The RSC also recognizes the additional challenges of recruiting certificated CTE teachers.

Nevertheless, the Resolution Subcommittee does not recommend support of a statutory or regulatory revision to permit non-English speaking skilled professionals to obtain certification without English proficiency at this time, regardless of whether there is a requirement that the classroom placement include an English-speaking co-teacher.

Resolution No. 3

Essex County School Boards Association (Essex County) proposes additional policy language to be added to File Code 6161.1 for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*. Pursuant to Delegate Assembly procedures, "additional" policy language seeks to expand existing language to either broaden the scope of the Association's position or to add implementation strategies. As currently written, Policies and Positions File Code 6161.1 Instructional Materials does not address the selection of textbooks. The operative clauses of the filed resolution read as follows:

The NJSBA believes:

1. All state and local officials, as well as school administrators and librarians should uphold the right to access educational information and resist any efforts to ban books.
2. NJSBA pledges to work collaboratively with other organizations and stakeholders to advocate for policies that protect the freedom to read and to learn.

Recommendation: The Resolutions subcommittee recommends approval of this resolution with substitute policy language that would create additional policy language to be included in the NJSBA's Manual of Positions and Policies on Education, File Code 6144, Controversial Issues.

The NJSBA believes that Boards of Education have the responsibility to ensure all instructional materials are age-appropriate, complement the district curriculum and /or student support programs, facilities critical thinking, further learning, and are congruent with local community preferences. In light of this belief, a board of education book selection process should only restrict access to or exclude a book or other learning materials from its curriculum, library, or other support resources following a

process that evaluates the book or materials in a manner that is consistent with the constitutional and statutory protections afforded individual by the state.

The NJSBA believes that in support of this belief NJSBA will encourage local boards to consult with other educational organizations and local stakeholders in the selection of curricular and support materials while retaining its statutory authority over such decisions.

A motion was made by Reginald Bledsoe, Essex County Vocational Board of Education (Essex) to move the resolution with the substitute policy language. Motion was duly seconded by Alison James-Frison, Newark Board of Education (Essex).

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

Proposed Resolution with Substitute Policy Language – Passed (vote of 83/17)

The NJSBA believes that Boards of Education have the responsibility to ensure all instructional materials are age-appropriate, complement the district curriculum and /or student support programs, facilities critical thinking, further learning, and are congruent with local community preferences. In light of this belief, a board of education book selection process should only restrict access to or exclude a book or other learning materials from its curriculum, library, or other support resources following a process that evaluates the book or materials in a manner that is consistent with the constitutional and statutory protections afforded individual by the state.

The NJSBA believes that in support of this belief NJSBA will encourage local boards to consult with other educational organizations and local stakeholders in the selection of curricular and support materials while retaining its statutory authority over such decisions.

Resolution No. 4

The Franklin township Board of Education (Warren County) proposes additional policy language supporting its belief that the State must support school district pre-employment practices/procedures by assuming responsibility for school district access to data resources that effectively and thoroughly document prior employment history(ies) of individual(s) whose conduct implicates the physical or emotional abuse of children.

Recommendation: The Resolutions Subcommittee approves the proposed resolution with the following substitute language which would create additional policy language to be included in NJSBA's *Manual of Positions and Policy on Education* in File Code 1410, Local Units. The operative clause of the resolution reads as follows:

The NJSBA believes the State of New Jersey should support local school districts by sharing and/or providing resources, technology, and related tools to assist school districts in collecting and maintaining information that will limit or prevent physical or emotional abuse of children by school employees.

A motion was made by Rudolph DiGilio, Franklin Township (Warren County), to move the resolution with the substitute policy language. Motion was duly seconded.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

Proposed Resolution with Substitute Policy Language – Passed (vote of 97/3)

Resolution No. 5

The Union County vocational-Technical Board of education (Union County) proposes to revise NJSBA bylaws regarding the deliberation procedures for NJSBA Nominating Committee members.

Recommendation: The Resolution Subcommittee recommends the adoption of this resolution with the following substitute resolved clause for inclusion in the NJSBA Bylaws amending Art.X, Sec.3:

- a. There shall be a standing committee of the Association called the Nominating Committee consisting of the following persons, selected in the following order at least 170 days prior to the annual meeting: (1) Four members of the Board of Directors, one from each of the geographical areas of the state as defined in Article X, Section 15 shall be elected by the Board of Directors. Any member representing the Urban Boards Committee, County Association Leadership and/or the county vocational boards shall participate in the election of the Board of Directors member of the Nominating Committee by deliberating with the Board of Directors members from the geographical area in which his or her local board is located.

A motion was made by Dr. Tom Connors, Piscataway Township (Middlesex County), to move the resolution with the substitute policy language. Motion was duly seconded.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

Proposed Resolution with Substitute Policy Language – Passed (vote of 92/8)

Adjournment

Vice President Jackson thanked everyone for taking the time to attend the Delegate Assembly. Having no further business, a Motion was made to adjourn the meeting. The motion was duly seconded and carried, the meeting was adjourned at 12:09 p.m.

Respectfully submitted,



Carl Tanksley, Esq.
General Counsel

December 2, 2023 Delegate Assembly

County	District	Last Name	First Name
Atlantic	Absecon Bd of Ed	Cottrell	Christopher
Atlantic	Egg Harbor Twp Bd of Ed	Szilagyi	Barbara
Atlantic	Estell Manor Bd of Ed	Mimler	Kathy
Bergen	Carlstadt-E Rutherford Bd of Ed	Young	Bruce
Bergen	Demarest Bd of Ed	Holzberg	Diane
Bergen	Dumont Bd of Ed	DeWald	Robert
Bergen	Fort Lee Bd of Ed	Morell	Holly
Bergen	Leonia Bd of Ed	Park	Isaac
Bergen	Norwood Bd of Ed	Sprague	Michael
Bergen	Pascack Valley Reg Bd of Ed	Stankus	James
Bergen	Ramsey Bd of Ed	Seltzer	Andrew
Bergen	Ridgefield Bd of Ed	Jacobs	Michael
Bergen	Tenafly Bd of Ed	Salaski	Edward
Burlington	Burlington Twp Bd of Ed	Riggi	Velina
Burlington	Delran Bd of Ed	Rafanello	Amy
Burlington	Eastampton Twp Bd of Ed	DiGiacomo	Len
Burlington	Edgewater Park Bd of Ed	Holley	Lester
Burlington	Maple Shade Bd of Ed	Richek	Jason
Burlington	Medford Twp Bd of Ed	Zografos	Angela
Burlington	Moorestown Twp Bd of Ed	Romano	Lauren
Burlington	Mount Laurel Twp Bd of Ed	Declementi	Melissa
Burlington	Pemberton Twp Bd of Ed	Knox	Wanda
Burlington	Springfield Twp Bd of Ed	Bucs	Joseph
Camden	Haddon Twp Bd of Ed	Kendall	John
Camden	Lindenwold Bd of Ed	Hershman	Marsha
Camden	Winslow Twp Bd of Ed	Pitts	Cheryl
Cumberland	Cumberland Co Voc Bd of Ed	Hands	Ruth
Essex	Essex Co Voc Bd of Ed	Bledsoe	Reginald
Essex	Glen Ridge Bd of Ed	GOTTLIEB	Jocelyn
Essex	Newark Bd of Ed	James-Frison	Allison K.
Essex	West Orange Bd of Ed	Rock	Brian
Gloucester	Clayton Bd of Ed	Roche	Robin
Gloucester	Glassboro Bd of Ed	Hughes	Ryan
Gloucester	Logan Twp Bd of Ed	Russell	John
Gloucester	Pitman Bd of Ed	Grossman	David J
Hudson	Jersey City Bd of Ed	Richardson	Lorenzo
Hunterdon	Clinton Twp Bd of Ed	Blumenfeld	Michael
Hunterdon	Hunterdon Central Bd of Ed	Peterson	Rebecca
Hunterdon	Kingwood Bd of Ed	Bloom	Kevin
Mercer	Lawrence Twp Bd of Ed	Groeger	Jo Ann
Mercer	Mercer Co Sp Serv Bd of Ed	Morgan Santo	Stacy
Middlesex	Middlesex Boro Bd of Ed	Schueler	Sharon
Middlesex	Monroe Twp Bd of Ed	Alvarez	Carmen
Middlesex	Piscataway Twp Bd of Ed	Connors	Thomas

Middlesex	South Brunswick Bd of Ed	Mitchell	Mike
Middlesex	South Plainfield Bd of Ed	Miller	Sharon
Monmouth	Colts Neck Twp Bd of Ed	De Noia	Alison
Monmouth	Fair Haven Boro Bd of Ed	Larsen	Krystie
Monmouth	Keyport Bd of Ed	Cunningham	Caitlin
Monmouth	Oceanport Bd of Ed	Patterson	Mark
Morris	Boonton Town Bd of Ed	Darling	Jennifer
Morris	Denville Bd of Ed	Kim	Won
Morris	Harding Twp Bd of Ed	Bruno	Richard
Morris	Jefferson Twp Bd of Ed	Terpstra	Dyaa
Morris	Mendham Twp Bd of Ed	Mandel	Rekha
Morris	Parsippany Bd of Ed	Cogan	Alison
Morris	Pequannock Twp Bd of Ed	Dempsey	Megan
Morris	Rockaway Twp Bd of Ed	Tomasini	Aaron
Morris	Roxbury Twp Bd of Ed	Coakley	Leo
Morris	Town of Dover Bd of Ed	Miller	Scott
Morris	Washington Twp Bd of Ed	Waskis	Robert
Morris	Wharton Boro Bd of Ed	Breda	Paul
Ocean	Barneгат Bd of Ed	Tarnowski	Regina
Ocean	Brick Twp Bd of Ed	Pakala	Victoria
Ocean	Jackson Twp Bd of Ed	Rivera	Tara
Ocean	Lavallette Bd of Ed	Shohfi	Steve
Ocean	Point Pleasant Boro Bd of Ed	Sullivan	Michael
Ocean	Toms River Reg Bd of Ed	Polozzo	Anna
Passaic	Bloomington Bd of Ed	Wilson	Alexis
Passaic	Clifton Bd of Ed	Bassford	Judith
Salem	Alloway Twp Bd of Ed	Dennison	Michael
Somerset	Bridgewater-Raritan Reg BOE	Pepe	Michael
Somerset	Franklin Twp Bd of Ed	Singh	Ardaman
Somerset	Manville Bd of Ed	Harabin	Kelly
Somerset	Montgomery Township Bd of Ed	Spence-Wallace	Zelda
Somerset	Somerset Co ESC	Walker	Barry
Sussex	Hardyston Twp Bd of Ed	Hoffman	Ronald
Sussex	High Point Reg Bd of Ed	Dunn	Wayne
Sussex	Kittatinny Reg Bd of Ed	Sylvester	Louis
Union	Garwood Bd of Ed	Guerrero	Christine
Union	Plainfield Bd of Ed	Virgo	Sarah
Union	Rahway Bd of Ed	Robson	Bernard
Union	Union Co Voc Tech Bd of Ed	Barr	John-Henry
Warren	Franklin Twp Bd of Ed	DiGilio	Rudolph
Warren	Harmony Bd of Ed	Rowbotham	Jaclyn
Warren	Harmony Twp Bd of Ed	Babula	George
Warren	Knowlton Twp Bd of Ed	Wittreich	Ronni
Warren	Washington Twp Bd of Ed	Knittel	Jennifer



MEMORANDUM

To: NJSBA DELEGATES AND ALTERNATES
From: DR. TOM CONNORS, VICE PRESIDENT FOR FINANCE
Date: MAY 18, 2024
Re: FINANCIAL REPORT

The *Bylaws* of the New Jersey School Boards Association require that a “detailed report of the financial condition of the Association” be presented at each annual meeting of the Delegates. The financial reports through March 31, 2024 are enclosed. Included are the 2023-2024 year-to-date revenues and expenses and a balance sheet as of March 31, 2024.

The audit for fiscal year 2023-2024 will be completed in August and will be included in the annual report distributed at the November 2024 Board of Directors meeting.

Enclosures

NEW JERSEY SCHOOL BOARDS ASSOCIATION
STATEMENT of REVENUES and EXPENSES
For the Nine Months Ending Sunday, March 31, 2024

	Month ended March			Year-To-Date Ended March			FULL-YEAR	FULL-YEAR
	BUDGET	ACTUAL	VARIANCE	BUDGET	ACTUAL	VARIANCE	BUDGET	2022-2023
MEMBERSHIP DUES	\$633,864	\$633,865	\$1	\$5,704,783	\$5,704,787	\$4	\$7,606,382	\$7,112,094
MEMBERSHIP PROGRAMS	0	4,249	4,249	301,101	342,369	41,268	301,101	348,721
TOTAL MEMBERSHIPS	633,864	638,114	4,250	6,005,884	6,047,156	41,272	7,907,483	7,460,814
MEMBERSHIP EXPENSES:								
COMMITTEES	6,703	875	5,828	52,960	27,831	25,129	74,005	49,446
CONFERENCES- DUES BASED, NET	3,034	2,986	48	28,956	33,818	(4,862)	39,700	26,416
MEMBERSHIP SERVICES & PROGRAMS	8,244	8,685	(441)	74,196	24,502	49,694	98,928	191,894
PUBLICATIONS INCLUDED WITH MEMBERSHIPS, NET	4,704	6,890	(2,186)	41,856	2,591	39,265	55,780	13,103
TRAVEL & LIAISON	13,181	25,004	(11,823)	118,629	74,878	43,751	158,187	101,310
TOTAL MEMBERSHIP EXPENSES	35,866	44,441	(8,575)	316,597	163,620	152,977	426,600	382,168
OVERHEAD:								
SALARIES	512,010	521,609	(9,599)	4,724,376	4,489,954	234,422	6,309,165	5,688,057
PERSONNEL ADMINISTRATION & TRAINING	211,218	195,542	15,676	1,941,366	1,754,768	186,598	2,586,815	(1,227,059)
HEADQUARTERS HOUSING	35,996	30,741	5,255	328,964	275,469	53,495	436,946	799,187
INSURANCE	10,420	9,431	989	88,780	84,818	3,962	120,045	111,941
OFFICE EXPENSE	36,923	41,595	(4,672)	347,307	329,636	17,671	458,094	343,885
TOTAL OVERHEAD EXPENSES	806,567	798,918	7,649	7,430,793	6,934,645	496,148	9,911,065	5,716,010
NET MEMBERSHIPS	(208,569)	(205,244)	3,325	(1,741,506)	(1,051,110)	690,396	(2,430,182)	1,362,636
WORKSHOP REVENUE	0	3,250	3,250	2,206,300	2,902,884	696,584	2,206,300	2,577,741
WORKSHOP EXPENSES	0	3,349	(3,349)	1,073,500	1,020,904	52,596	1,073,500	882,496
NET WORKSHOP	0	(99)	(99)	1,132,800	1,881,980	749,180	1,132,800	1,695,245
FEE BASED SERVICE REVENUE	47,785	36,099	(11,686)	347,067	521,237	174,170	490,425	616,298
FEE BASED SERVICE EXPENSES	1,280	884	397	10,521	7,212	3,309	14,350	47,662
NET FEE BASED SERVICES	46,505	35,216	(11,289)	336,546	514,024	177,478	476,075	568,636
CONFERENCE REVENUE	330	(792)	(1,122)	57,220	28,632	(28,588)	137,015	136,998
CONFERENCE EXPENSES	1,786	600	1,186	37,627	17,034	20,593	70,183	34,974
NET CONFERENCES	(1,456)	(1,392)	64	19,593	11,598	(7,995)	66,832	102,024
NET PUBLICATIONS	248	128	(120)	2,232	2,132	(100)	2,975	4,329
NET ISTEAM & SUSTAINABILITY	4,583	1,140	(3,443)	33,747	9,692	(24,055)	47,500	19,662
NET MISC. REVENUE INCLUDING INVESTMENT INCOME	25,333	21,181	(4,152)	227,997	530,293	302,296	304,000	718,903
FREE BALANCE SURPLUS							400,000	
NET REVENUE OVER EXPENSES	(133,356)	(149,071)	(15,715)	11,409	1,898,809	1,887,200	0	4,471,434

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BALANCE SHEET
For the Nine Months Ending Sunday, March 31, 2024

	2024	2023	<u>Prior year</u> <u>YTD June30</u>
Assets and Deferred Outflow of Resources			
Current Assets:			
Cash and short-term investments	\$10,254,597	\$8,431,655	\$7,074,900
Accounts Receivable	116,131	59,946	686,955
Allowance For Doubtful Accounts	(15,000)	(15,000)	(15,000)
Prepaid Expenses	224,606	141,176	183,006
Deferred Compensation			
Total Current Assets	10,580,334	8,617,778	7,929,861
Fixed Assets:			
Land- HQ	1,686,534	1,686,534	1,686,534
Land	139,040	139,040	139,040
Building and Building Improvements	10,656,633	10,656,633	10,656,633
Furniture and Fixtures	1,146,803	1,074,177	1,144,916
Computer Hardware and Software	1,350,470	1,255,513	1,256,481
Telephone System	47,026	47,026	47,026
Automobiles	62,235	50,764	62,235
Total Fixed Assets	15,088,741	14,909,687	14,992,865
Less Accumulated Depreciation and Amortization	(8,085,463)	(7,645,664)	(8,085,463)
Total Fixed Assets - Net	7,003,279	7,264,024	6,907,403
Non-current Assets			
Right of Use Asset - Leases	83,057		101,958
Total Non-current Assets	83,057		101,958
Deferred Outflow of resources:			
Deferred Outflow of Resources - Pension Related	1,705,420	770,609	1,705,420
Deferred Outflow of Resources - OPEB Related	11,152,806	12,441,614	11,152,806
Total Deferred Outflow of Resources	12,858,226	13,212,223	12,858,226
Total Assets and Deferred Outflow of Resources	30,524,895	29,094,024	27,797,448

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BALANCE SHEET
For the Nine Months Ending Sunday, March 31, 2024

	2024	2023	<u>Prior year</u> <u>YTD June30</u>
Liabilities, Deferred Inflow of Resources and Fund Balance			
Current Liabilities:			
Accounts Payable & Accrued Liability	160,120	96,677	218,528
Prepaid Revenue	2,228,826	1,921,430	1,322,680
Accrued Vacation	583,744	510,607	583,744
Total Current Liabilities	2,972,690	2,528,713	2,124,951
Net Long-Term Liabilities:			
Net Pension Liability	10,058,959	8,287,700	10,058,959
Net OPEB Liability	10,031,321	11,596,359	10,031,321
Lease Liability	83,057		101,958
Total Net Long-Term Liabilities	20,173,337	19,884,059	20,192,238
Deferred Inflow of resources :			
Pension Related	2,651,715	6,091,808	2,651,715
OPEB Related	13,056,385	13,629,711	13,056,385
Total Deferred Inflow of Resources	15,708,100	19,721,519	15,708,100
Fund Balances:			
Operating Fund Net Investment in facilities	7,003,279	7,264,024	6,907,403
Operating Fund Surplus Beginning Balance	5,070,713	4,127,682	899,280
Operating Fund Surplus Fiscal Year 2020-2021	1,898,609	1,659,008	4,471,434
Operating Fund Surplus Ending Balance	6,969,323	5,786,690	5,370,713
Unrestricted Fund - Net Pension Liability	(11,005,255)	(13,608,900)	(11,005,255)
Unrestricted Fund - OPEB Liability	(11,934,900)	(12,784,456)	(11,934,900)
Capital Fund - AMS	0	0	0
Capital Fund - Strategic Plan			
Capital Fund - Building	318,050	102,148	19,938
Capital Fund - IT Replacement	320,269	200,226	414,258
Total Fund Balances	(8,329,233)	(13,040,267)	(10,227,842)
Total Liabilities, Deferred Inflow of Resources and Fund Balances	30,524,895	29,094,024	27,797,448



REPORT OF THE LEGISLATIVE COMMITTEE

By

Chanta L. Jackson

Vice President for Legislation/Resolutions

Prepared for the May 18, 2024 Delegate Assembly

As Vice President of Legislation/Resolutions, I would like to report the Legislative Committee's activities since the December 2 Delegate Assembly.

CHARGE:

1. The Committee shall encourage, promote and assist in the development of local, county and Statewide legislative networks.
2. The Committee may initiate legislative policy recommendations for consideration by the Board of Directors or the Delegate Assembly.
3. The Committee shall review issues and NJSBA's advocacy agenda and offer input on these matters.
4. The Committee shall clarify existing positions on legislation by analyzing bills pending in the Legislature.
5. The Committee shall recommend a biannual legislative agenda.
6. The Committee members may be called upon to testify at meetings and hearings of the State Legislature on issues.
7. The Committee shall serve as a membership base for the Resolutions Subcommittee.
8. The Committee members may participate in NJSBA's legislative training activities.
9. The Committee shall review federal legislation and other initiatives that affect local school boards and offer input on these matters.
10. The Committee shall serve as a united voice for the needs of all children by testifying, initiating local resolutions, writing/meeting/telephoning legislators, and communicating with local board members at county functions.

At the heart of the Committee's charge is its crucial service as a link between local boards of education and the New Jersey School Boards Association on current legislative and administrative code issues. Committee members encourage, promote and assist in the development of local, county and Statewide legislative networks.

The Legislative Committee consists of 80 members and alternates who represent their respective legislative districts. Having members from all legislative districts ensures that each legislator is

contacted on a regular basis by board members who advocate and champion the needs of 1.4 million public school children. Having active Committee members and alternates ensures a stronger and more consistent message to ALL legislators. Please look at the vacancy list below. If you know of any board members in your district who would be great in our advocacy efforts, let us know.

Legislative Committee Vacancies (as of April 12, 2024)

<u>LD #</u>	<u>County</u>		
2-alt	Atlantic	28-alt	Essex, Union
6-alt	Burlington, Camden	29-alt	Essex, Hudson
9-mem	Ocean	30-alt	Monmouth, Ocean
9-alt	Ocean	31-alt	Hudson
11-alt	Monmouth	32-alt	Hudson
12-alt	Burlington, Middlesex, Monmouth, Ocean	33-mem	Hudson
15-alt	Hunterdon, Mercer	33-alt	Hudson
17-alt	Middlesex, Somerset	35-alt	Bergen, Passaic
18-alt	Middlesex	38-alt	Bergen
21-alt	Middlesex, Morris, Somerset, Union	40-alt	Bergen, Essex, Passaic

Since the last report, the Committee met on December 16, 2023 and March 9, 2024 during which it heard from invited guest speakers, received updates from the governmental relations staff, and held discussions on various timely educational and legislative issues.

December 16, 2023

OPENING REMARKS

Ms. Chanta L. Jackson, Vice President of Legislation/Resolutions, opened the virtual meeting by thanking the committee members for their continued efforts in continuing to promote advocacy. Ms. Jackson stated guest speaker Senator Vin Gopal would be speaking later.

Dr. Timothy Purnell, Executive Director / CEO, also delivered opening remarks, and thanked the Governmental Relations team for their hard work. Dr. Purnell wished the attendees a happy holiday season, and asked everyone to reaffirm their commitment to advocating for the well-being of children and transcending partisan lines. Karen Cortellino, M.D., NJSBA’s president, also thanked members of the committee for their hard work. Dr. Cortellino emphasized the Legislative Committee is where members are able to interface with the legislators, who ultimately write the laws, and therefore have the ability to work towards their advocacy efforts within their boards. A quorum count and announcement of members who will no longer be on the committee for 2024 followed. The NJ PTA was also represented.

Guest Speaker

Ms. Jackson welcomed and provided an introduction of the meeting’s guest speaker:

- Senator Vin Gopal, Legislative District #11

The Senator provided remarks to the audience. Senator Gopal provided opening remarks to the audience and thanked the Committee for sharing the morning with him. Mr. Pushman then moderated a lively discussion for a half hour and submitted questions from the committee members. The Senator discussed his legislative priorities in “lame duck” as well as for the next legislative session that begins in January. Among the topics discussed were the following:

- Recently introduced legislation (S-4233/A-5874), which concerns the use of contracted employees and virtual instruction.
- The potential for changes to the school funding formula as the final year of “S-2” approaches next year.
- Addressing student learning loss, such as the use of high dosage tutoring.
- Pre-K expansion.
- Legislation (S-4209/A-5879) that would allow boards of education with April election to avoid a budget vote.
- The need to improve the school climate to help attract more individuals to the teaching profession.

Senator Gopal said he very much appreciates the fact that school board members are serving during a particularly contentious time. He noted fewer members of the public are choosing to serve on their local board of education, which he links to partisanship and quarreling. The Senator also said he is hopeful he and the other legislators will develop a strong working relationship with Dr. Angelica Allen-McMillan’s replacement as commissioner of the New Jersey Department of Education, as she will be retiring at the end of January 2024.

LEGISLATIVE UPDATES

Mr. Jonathan Pushman, Director, Governmental Relations, referred to the agenda and various meeting materials that were sent to attendees in advance of the meeting that highlight some of the most significant legislative developments and advocacy activities of the Association since the last committee meeting. The materials included:

- A Governmental Relations Update that provides a detailed summary of recent legislative and Murphy administration activity.
- 2024-2025 Association Advocacy Agenda
- Bio for Senator Vin Gopal

The Governmental Relations staff of Mr. John Burns, Esq., Senior Legislative Counsel, and Mr. Jesse Young, Legislative Advocate, then led a PowerPoint presentation and discussed various new education-related laws, pending legislation, and various actions taken by the Murphy Administration since the last committee meeting. The PowerPoint included:

- Recently signed education laws.
- Bills conditionally vetoed by the governor.
- Education-related legislation that has been considered since the October committee meeting.
- News from the State Board of Education and NJ Department of Education.

Throughout and after the presentation, the Governmental Relations staff responded to member inquiries and questions that were submitted via the Chat function. Following the meeting, a copy of the presentation was provided to committee members, along with an unedited copy of the chat transcript and a summary of the meeting.

A meeting summary can also be found in the December 19, 2023 edition of School Board Notes:

<https://www.njsba.org/news-publications/school-board-notes/december-19-2023-vol-xlvii-no-20/legislative-committee-meeting-hosts-sen-vin-gopal-as-a-guest-speaker/>

Advocacy Agenda Development

Mr. Pushman provided a broad overview of the draft Association Advocacy Agenda & Action Plan for 2024-2025. The agenda consists of approximately 20 items within the following areas:

1. Student Achievement
2. School Funding & Finance
3. Special Education
4. Staffing & Labor Relations
5. Student Health And Well-Being
6. Facilities And Construction

The Governmental Relations staff responded to several member questions and feedback, and the committee then unanimously voted to approve the Agenda. It was later presented to the NJSBA Executive Committee and Board of Directors for final approval in early January 2024.

DISCUSSION AND COMMITTEE SHARING

Several members inquired on the hotel accommodations for the upcoming NJSBA New Board Member Orientation, Friday, January 19 through Sunday, January, 21, 2024. Dr. Purnell mentioned the program was free and underwritten by a grant from the Educational Leadership Foundation of New Jersey:

NJSBA New Board Member Orientation

<https://www.njsba.org/news-publications/school-board-notes/december-12-2023-vol-xlvii-no-19/new-board-member-orientation-weekend-kicks-off-january-2024/>

Several members brought up their concerns of A-1181/S-2054, requiring public high school and charter school students in New Jersey to complete a financial aid application as a graduation prerequisite. The NJSBA, which opposed the legislation, shared the committee's concerns and explained how several changes to the bill should ease implementation and the burden it might place on school districts, staff, students and parents.

March 9, 2024

OPENING REMARKS

Ms. Chanta L. Jackson, Vice President of Legislation/Resolutions, called the meeting to order and led the pledge of allegiance. Ms. Jackson stated that guest speakers Senator Angela McKnight and Assemblywoman Rosie Bagolie would be speaking later.

Dr. Timothy Purnell, NJSBA Executive Director / CEO, and Dr. Karen Cortellino, NJSBA President, also provided opening remarks and thanked the members for their continued advocacy efforts.

A quorum count and new committee member introductions, as well as recognition of a former committee member, followed. The NJ PTA was also represented.

Guest Speakers

Ms. Jackson welcomed and provided an introduction of the meeting's guest speakers:

- Senator Angela McKnight, Legislative District #31
- Assemblywoman Rosy Bagolie, Legislative District #27

Mr. Jonathan Pushman, Director, Governmental Relations, then moderated a very robust and lively discussion for about 45 minutes. The guest legislators discussed their legislative priorities and responded to questions from committee members. Issues discussed included:

- School funding and Governor's Murphy's proposed budget for FY2025.
- They referenced upcoming Assembly Education and Senate Education Committee meetings. The former will consider various bills aimed at helping districts cope with reductions in state aid, while the latter will be conducting a public hearing on ways to improve the school funding formula (i.e., SFRA). Asw. Bagolie is sponsoring the following bill:
 - A-4048: Requires upcoming Educational Adequacy Report to include comprehensive review of certain components of school funding in consultation with certain stakeholders and experts.
- Legislation, A-3452/S-4234, that will grant tax levy cap flexibility to districts experiencing reductions in state aid.
- Legislative initiatives designed to mitigate the teacher shortage:
 - A-1625 (Bagolie): Eliminates requirement for State residency of public school employees for period of three years.
 - A-1669 (Bagolie): Removes obstacles to teacher certification for certain teachers.
 - A-3982 (Bagolie): Prohibits DOE from requiring minimum score on any individual subtest to qualify for certain endorsements; requires DOE to establish average minimum score on multiple subject matter tests to qualify for certain teacher endorsements.
 - A-3983 (Bagolie): Directs State Board of Education to authorize general science endorsement.
- Sen. McKnight discussed a bill, S-1783, she is sponsoring that will require instruction on cursive handwriting.

LEGISLATIVE UPDATES

Mr. Pushman referred to the agenda and various meeting materials that were sent to attendees in advance of the meeting. The materials included:

- A Governmental Relations Update that provides a detailed summary of recent legislative and Murphy administration activity.
- Bios for Senator Angela McKnight and Assemblywoman Rosy Bagolie

Mr. John Burns, Esq., Senior Legislative Counsel and Mr. Jesse Young, Legislative Advocate, provided a detailed report of the latest developments in and around the State House since the last committee meeting. The presentation included a thorough explanation of the following:

- An overview of Governor Murphy's proposed FY2025 state budget
- Education-related legislation that has been considered, or is scheduled for hearing, by the Legislature since the December 2023 committee meeting.
- Recently signed education laws.
- News from the NJ Department of Education.

Throughout and after the presentation, the Governmental Relations staff responded to member inquiries and questions that were submitted via the Chat function. A copy of the presentation has been provided to committee members, along with an unedited copy of the chat transcript and a summary of the meeting.

A meeting summary can also be found in the December 19, 2023 edition of School Board Notes:

<https://www.njsba.org/news-publications/school-board-notes/december-19-2023-vol-xlvii-no-20/legislative-committee-meeting-hosts-sen-vin-gopal-as-a-guest-speaker/>

Upcoming 2023-2024 Legislative Committee Meeting Dates

- Saturday, June 1, 2024 (In-Person, NJSBA Headquarters)

Staff

Jonathan Pushman, Director, Governmental Relations

Carl Tanksley, Esq., General Counsel

Raymond Pinney, Director, County Activities and Member Engagement

John Burns, Esq., Senior Legislative Counsel

Jesse Young, Legislative Advocate

Anette Airey, Administrative Assistant



LEGISLATIVE COMMITTEE ROSTER

5-18-24 *

State District	Name	Title	Board of Education
1	Michele Barbieri	Member	Upper Township (Cape May)
	Josephine Sharpe	Alternate	Wildwood City (Cape May)
2	Patrick Ireland	Member	Egg Harbor Township (Atlantic)
	Vacancy	Alternate	
3	Carolyn Kegler	Member	Logan Township (Gloucester)
	Cheryl Potter	Alternate	Elk Township (Gloucester)
4	Linda Gilch	Member	Gloucester Township (Camden)
	John Shaw	Alternate	Winslow Township (Camden)
	Maryjo Dintino	Resource	Gloucester Township (Camden)
5	Naomi Davidson	Member	Runnemede (Camden)
	Karen Vick	Alternate	Mantua Township (Gloucester)
6	Joyce Miller	Member	Gibbsboro (Camden)
	Vacancy	Alternate	
7	Lester Holley	Member	Edgewater Park (Burlington)
	Sean Toner	Alternate	Palmyra (Burlington)
8	Janet DiFolco	Member	Mount Holly (Burlington)
	Janis Knoll	Alternate	Evesham (Burlington)
9	Vacancy	Member	
	Vacancy	Alternate	
10	Steve Shohfi	Member	Lavallette (Ocean)
	Anna Polozzo	Alternate	Toms River Reg. (Ocean)
11	Giuseppe Grillo	Member	Asbury Park (Monmouth)
	Vacancy	Alternate	
12	Tara Rivera	Member	Jackson (Ocean)
	Vacancy	Alternate	

13	Matthew Kitchen	Member	Keansburg (Monmouth)
	Dr. Paul Christopher	Alternate	West Long Branch (Monmouth)
14	Kate Rattner	Member	Monroe (Middlesex)
	Stacy Morgan Santo	Alternate	Mercer County Spc Svcs (Mercer)
15	Jo Ann Groeger	Member	Lawrence Township (Mercer)
	Vacancy	Alternate	
16	Barry Nathanson	Member	South Brunswick (Middlesex)
	Jean Trujillo	Alternate	Hillsborough (Somerset)
17	Shantell Cherry	Member	Piscataway (Middlesex)
	Vacancy	Alternate	
18	Sharon Miller	Member	South Plainfield (Middlesex)
	Vacancy	Alternate	
19	Daniel Harris	Member	Woodbridge (Middlesex)
	Lynn Kasics	Alternate	South Amboy (Middlesex)
20	Jerry Jacobs	Member	Elizabeth (Union)
	Dr. Courtney Washington	Alternate	Roselle (Union)
21	Robin McKeon	Member	Bernards Township (Somerset)
	Vacancy	Alternate	
22	William Hulse	Member	Cranford (Union)
	Bernard Robson	Alternate	Rahway (Union)
23	Teresa Kane	Member	Milford (Hunterdon)
	Lisa Marshall	Alternate	Warren Hills (Warren)
24	Robert Carlson	Member	Wallkill Valley Regional (Sussex)
	Raymond Morris	Alternate	Newton (Sussex)
25	Michael Bertram	Member	Morris Hills Regional (Morris)
	Christopher Natale	Alternate	Jefferson Township (Morris)
26	Alison Cogan	Member	Parsippany Troy (Morris)
	Dino Cappello	Alternate	Denville (Morris)
	Charles Caraballo	Resource	Bloomington (Passaic)
27	Judy Bassford	Member	Clifton (Essex)
	Pamela Chirls	Alternate	Livingston (Essex)
	Jennifer Tunnicliffe	Resource	West Orange (Essex)
28	Dawn Haynes	Member	Newark (Essex)
	Vacancy	Alternate	

29	Hasani Council	Member	Newark (Essex)
	Vacancy	Alternate	
30	Mary Rose Malley	Member	Howell Township (Monmouth)
	Vacancy	Alternate	
31	Christopher Tisdale	Member	Jersey City (Hudson)
	Vacancy	Alternate	
32	Antonio Grana	Member	Hoboken (Hudson)
	Vacancy	Alternate	
33	Vacancy	Member	
	Vacancy	Alternate	
34	Jill Fischman	Member	Bloomfield (Essex)
	Derrick Henry	Alternate	Orange (Essex)
35	Lucia DeNova	Member	North Haledon (Passaic)
	Vacancy	Alternate	
36	Cristina Stefani-Rackow	Member	Edgewater (Bergen)
	Dr. Letizia Pantoliano	Alternate	Cliffside Park (Bergen)
	William Barnaskas	Resource	Bergen County Spc Svcs (Bergen)
37	Paula Colbath	Member	Fort Lee (Bergen)
	Clara Williams	Alternate	Teaneck (Bergen)
38	John Walsh	Member	Oradell (Bergen)
	Vacancy	Alternate	
39	Dr. Jeffrey Pollack	Member	Dumont (Bergen)
	Mary Ellen Nye	Alternate	Ho-Ho-Kus (Bergen)
40	Pamela Priscoe	Member	Verona (Essex)
	Vacancy	Alternate	

***Note: Roster is current as of April 12, 2024. It may not include any changes or new appointments approved by the Board of Directors at its May 3, 2024 meeting.**



REPORT OF THE SPECIAL EDUCATION COMMITTEE

Lisa J. Marshall, Chair

Prepared for the Annual Delegate Assembly

May 18, 2024

As Chair of the Special Education Committee, I would like to report on the Special Education Committee's activities since the December 2, 2023 Delegate Assembly.

CHARGE:

The Special Education Committee shall prepare and present appropriate testimony on special education issues affecting the delivery of special education services to children in New Jersey and in support of Association policies. The Committee shall report periodically to the Delegate Assembly and may recommend positions on special education issues for consideration by the Board of Directors.

MEETINGS:

The Special Education Committee met on January 10, February 21, and March 20, 2024. The agendas of those meetings included the following topics:

Private Schools for Students with Disabilities—The committee met with John J. Mulholland, Jr., Esq., Executive Director of ASAH, the association that represents approved private schools for students with disabilities. Mr. Mulholland stressed that APSSDs have many of the same challenges as local school districts. Bus driver shortages for APSSDs have been a major concern. The ASAH supports efforts to create alternatives to the current licensing structure to increase the number of qualified drivers. Mr. Mulholland also spoke about the need to increase the number of qualified teachers in APSSDs and supports efforts to create an alternative licensing structure to get more teachers in front of the classroom. He also spoke about tuitions to APSSDs which may appear to be high, but he stressed that the tuition charged to the local districts is actually highly regulated by the NJ Department of Education. One of the other contributing factors is many of these high-needs students require individual aides and smaller classes which increases labor costs.

Update from the NJ Department of Education—The committee met with Kimberly A. Murray, Director, Office of Special Education, Division of Educational Services in the NJ Department of Education. Ms. Murray gave an update on the activities in her office. She told the committee about the monitoring by her office of local district special education activities which has instituted a six-year monitoring cycle. Monitoring activities are tiered to provide appropriate support to local districts based on need. All districts will participate in Tier One Desk Monitoring, which consists of a district-led review of student records and special education policies and procedures. The results of the desk monitoring will be combined with established risk assessment criteria to identify districts who will participate in Tier Two Onsite Monitoring.

The Tier Two monitoring will focus on the following six areas: Least Restrictive Environment (LRE), IEP components, IEP implementation, Evaluation Processes, age 16 Transition, Discipline and Restraint and Seclusion. New Jersey is required to make determinations for each local district which will be broken down into four descriptors: Meets Requirements, Needs Assistance, Needs Intervention or Needs Substantial Intervention.

The NJSBA Special Education Committee thanks both Mr. Mulholland and Ms. Murray for sharing their expertise and time with the committee.

SPECIAL EDUCATION COMMITTEE MEMBERS 2024-2025

Member Name

Cherie L. Adams
Erica Campbell
Parul Aneja Khemka
Irene Lefebvre
Lisa J. Marshall, *Chair*
Cathy A. Moncrief
Holly Morell

District Name

Belmar Bd. of Ed.
Palmyra Bd. of Ed.
Livingston Bd. of Ed.
Boonton Town Bd of Ed.
Warren Hills Regional Bd. of Ed
Lindenwold Bd. of Ed.
Fort Lee Bd. of Ed.

Staff

John J. Burns, Esq.
Jonathan Pushman

Senior Legislative Counsel
Director, Governmental Relations



REPORT OF THE SCHOOL FINANCE COMMITTEE
Prepared for the Annual Delegate Assembly
May 18, 2024

CHARGE:

The School Finance Committee is a Standing Committee of the Association consisting of nine members appointed annually by the president. The committee shall monitor the school funding law in New Jersey and its impact on all types of school districts in the state. The committee shall also study issues relating to school finance, report periodically to the Delegate Assembly, recommend additions, modifications, or deletions to policy as needed, and take any other action as directed by the president, executive board, Board of Directors or Delegate Assembly.

REPORT:

Since the December 2, 2023 Delegate Assembly, the School Finance Committee has met virtually once, on April 24, 2024.

April 24, 2024 Meeting

Agenda/Discussion Items

- **Welcome** – Paula Colbath, Chair
- **Remarks** – Karen Cortellino, M.D., NJSBA President and Dr. Tom Connors, Vice President for Finance, provided introductory remarks welcoming both current and new committee members, as well as introducing NJSBA’s new Business Administrator in Residence, Charles Muller. Committee members took the opportunity to introduce themselves. Dr. Cortellino and Dr. Connors also reiterated the Association’s commitment to advocating for equitable school funding for all districts.
- **Review of Committee Charge** – Jonathan Pushman, Director, NJSBA Governmental Relations, read the mission of the committee, which is to monitor the school funding laws in New Jersey that impact school districts, and study issues related to school finance.
- **Meeting Materials** - Mr. Pushman referred to the agenda and various meeting materials that were sent to the members in advance of the meeting. The materials included:
 - Agenda
 - Committee Roster
 - NJSBA School Finance Committee Charge (NJSBA Bylaws)
 - FY2025 State Budget in Brief
 - FY2025 State Detailed Budget (Proposed)
 - Office of Legislative Services Analysis of NJDOE Budget
 - FY2025 School Aid Chart

Presentations

Mr. Pushman delivered a PowerPoint presentation, which provided an overview of the proposed state budget for fiscal year (FY) 2025 as well various noteworthy pending legislation concerning school finance and funding:

Education (PreK-12) highlights of the governor’s proposed budget:

- K-12 Formula Aid: \$11.7B (\$908M increase). Final year of the seven year transition, per “S-2”, to full funding under the School Funding Reform Act (SFRA).
- Preschool Aid: \$1.23B (\$124M increase, including \$20M for new districts and other expansion needs).
- Various initiatives to enhance teacher recruitment and retention, such as a \$10M line item for student-teacher stipends.
- Extraordinary Special Education Aid: \$420M (Flat). For FY24, this amount funded 71.7% of “eligible costs” for reimbursement.
- Academic Programs:
 - A new \$2.5M grant program to help districts acquire literacy screening tools.
 - Two new grant programs concerning Artificial Intelligence (AI)
 - \$1M for “Artificial Intelligence Innovation in Education Grants” to help school districts explore generative artificial intelligence
 - \$1M to support new AI-focused Career and Technical Education coursework.
- Student Health:
 - NJ Statewide Student Support Services (\$43M)
 - School-Based Youth Services Program (\$39.014M)
 - Expanded Eligibility for Free School Meals (\$50.6, a \$30M increase)
 - Community Schools (\$3M)
 - School-Based Health Professionals (\$500,000)
- Facilities and Operations:
 - Capital Maintenance and Emergent Projects (\$50M, down from \$75M)
 - Provision of Free Menstrual Products (new line item, \$3.5M)
 - Shared Services and Regionalization (Dept. of Community Affairs)
 - Local Efficiency Achievement Program (LEAP): \$6M (down from \$7.5M)
 - School Regionalization Efficiency Program (SREP): \$5M (Flat)
- Mr. Pushman then provided an overview of various school finance and funding legislative proposals that have received consideration by the Legislature since the 2024-2025 legislative session began in January:
 - S-1410: Eliminates use of census-based funding of special education aid in school funding law.
 - S-2434/A-3452: Provides tax levy cap adjustment for certain school districts experiencing reductions in State school aid.
 - A-2784: Authorizes school district that moves its annual school election to November to submit separate proposals for additional spending for budget year and subsequent budget year.
 - S-2837: Authorizes school districts to submit separate proposals for additional spending for subsequent budget year at special school election.

- A-942: Requires five-year average of equalized property valuation be used in calculation of local share under State school funding formula
- A-4048: Requires upcoming Educational Adequacy Report to include comprehensive review of certain components of school funding in consultation with certain stakeholders and experts.
- A-4049: Requires second enrollment count for determining State school aid.
- A-4050: Exempts fuel used for operation of certain school buses from petroleum products gross receipts tax and motor fuel tax.
- A-4059: Requires Commissioner of Education to permit certain school districts losing State school aid to submit budgets after enactment of FY 2025 appropriations act.
- A-4161: Establishes Stabilized School Budget Aid Grant Program to restore certain portions of State school aid reductions; permits certain school districts to exceed tax levy growth limitation in 2024-2025 school year; appropriates \$71.4 million.
NOTE: This legislation, which passed the full Assembly on April 15, would provide various pathways for financial relief (e.g., partial aid restoration, tax cap flexibility, or both) to districts experiencing state aid cuts in FY25 or a cumulative net reduction in aid between FY21 and FY25.

Mr. Muller delivered a PowerPoint presentation entitled “How are Schools Funded in New Jersey”. Highlights included:

SFRA Overview: An overview of K-12 formula aid under the School Funding Reform Act (SFRA).

The presentation covered:

- The background and timeline that created the establishment of the SFRA.
- How a district’s “Adequacy Budget” is calculated and the six components to Adequacy Budget:
 1. Base Cost
 2. At-Risk Cost
 3. LEP (limited English proficiency) Cost
 4. Combination At-Risk/LEP Cost
 5. Special Education Census Method
 6. Geographic Cost Adjustment
- Review of School Aid, which included:
 - Calculation of a district’s “local share”
 - Various types state aid categories: Equalization Aid; Special Education Categorical Aid, Security Aid, Transportation Aid; School Choice Aid
 - Extraordinary Special Education Aid reimbursement formula
 - Federal Entitlement Grants

Next Steps

The Committee discussed the importance of continuing to review and monitor the implementation of the current SFRA formula and to identify potential improvements to how New Jersey funds its public schools.

A member inquired on the status of a lawsuit brought by a New Jersey Superior Court Judge ordering the New Jersey DOE to turn over records seeking to understand how the state’s school funding formula is calculated, including a request to include the algorithm used. The suit alleged the DOE violated New Jersey’s Open Public Records Act. Mr. Pushman will inquire on the status of this suit and update the committee at its next meeting if there has been any progress on it.

School Finance Committee 2024-2025

Paula Colbath, <i>Chair</i>	Fort Lee	Bergen
George Babula	Harmony	Warren
Judith Bassford	Clifton	Passaic
Joseph Bucs	Northern Burlington Cty Reg	Burlington
Daniel Harris	Woodbridge Township	Middlesex
Matthew Kitchen	Keansburg	Monmouth
April Miller	Pitman	Gloucester
Cheryl Potter	Elk Township	Gloucester
Jean Trujillo	Hillsborough	Somerset
Karen Cortellino, M.D	NJSBA President	Ex Officio
Dr. Tom Connors	NJSBA Vice President for Finance	Ex Officio

Staff

Jonathan Pushman	Director, Governmental Relations
Charles Muller	Business Administrator in Residence
Anette Airey	Administrative Assistant



REPORT OF THE RESOLUTIONS SUBCOMMITTEE

by

**Chanta L. Jackson
Vice President for Legislation/Resolutions**

**Prepared for the Annual Delegate Assembly
May 18, 2024**

The Resolutions Subcommittee met virtually on Tuesday, April 9, 2024, Thursday, April 11, 2024 and Thursday, April 18, 2024 via Webex, to review the resolutions that will come before the Annual Delegate Assembly on May 18, 2024.

The Association received fifteen (15) resolutions prior to the official cutoff date of March 14 for the Annual Delegate Assembly. One resolution that was submitted to the Resolutions Subcommittee was withdrawn. Fourteen resolutions were forwarded to the Resolution Subcommittee for action. Of these, eight resolutions were adopted by the Resolution Subcommittee and forwarded to the Delegate Assembly for consideration. The Resolution Subcommittee declined to support six resolutions but will also be forwarded to the Delegate Assembly for consideration.

Pursuant to Article V, Section 6, action taken by the Resolutions Subcommittee may be overridden upon a motion and simple majority vote. The motion to override must state specifically the remedy sought by the moving party. The motion to override shall not be subject to debate except that both the maker of the motion and the chair of the Resolutions subcommittee shall be given three minutes to address the delegates concerning the motion.

Enclosed are the resolutions admitted to the Annual Delegate Assembly agenda by the subcommittee.

Enclosures



RESOLUTIONS SUBCOMMITTEE OF THE LEGISLATIVE COMMITTEE

JANUARY--DECEMBER 2024

CHAIR Chanta L. Jackson, NJSBA VP for Legislation/Resolutions

REGION A - MEMBERS

District 1 Michele Barbieri, Upper Twp. BOE (Cape May)
District 6 Joyce Miller, Gibbsboro BOE (Camden)
District 7 Lester Holley, Edgewater Park BOE (Burlington)
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District 15 Jo Ann Groeger, Lawrence Twp. BOE (Mercer)
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District 36 Cristina Stefani-Rackow, Edgewater BOE (Bergen)
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District 14 Kate Rattner, Monroe Twp. BOE (Middlesex)
District 18 Sharon Miller, So. Plainfield BOE (Middlesex)
District 19 Daniel Harris, Woodbridge Twp. BOE (Middlesex)

REGION C – ALTERNATES

District 24	Raymond Morris,	Newton BOE (Sussex)
District 25	Michael Bertram,	Morris Hills Regional BOE (Morris)
District 26	Alison Cogan,	Parsippany Troy BOE (Morris)
District 27	Pamela Chirls,	Livingston BOE (Essex)

REGION D – ALTERNATES

District 34	Derrick Henry,	Orange BOE (Essex)
District 35	Lucia DeNova,	North Haledon BOE (Passaic)
District 38	John Walsh,	Oradell BOE (Bergen)
District 39	Dr. Jeffrey Pollack,	Dumont BOE (Bergen)

EX-OFFICIO: **Karen Cortellino, M.D.**, NJSBA President, Montville Twp. BOE (Morris)

STAFF: Carl Tanksley, Esq., General Counsel **E-mail:** ctanksley@njsba.org
Cindy Harrison, Senior Legal Assistant to General Counsel **E-mail:** charrison@njsba.org

New Jersey School Boards Association
413 West State Street
Trenton, New Jersey 08618

Phone: (609) 695-7600 **Fax:** (609) 695-0413 **800 #:** 1-888-88NJSBA

G:DA\May 18, 2024\Resolutions Subcommittee\CommitteeRoster

RESOLUTIONS REMOVED FROM THE AGENDA (May 18, 2024)

<u>Sponsor</u>	<u>Objective Sought/NJSBA Policy #</u>	<u>Status Report/Activities</u>
<p>Denville (Hunterdon): <i>School Bus Drivers</i></p>	<p>Proposed new policy language at P&P 3541.33 supporting the belief that school districts should be authorized to hire school bus drivers to operate Type S school vehicles without the need for a commercial driver’s license but would require a Type S school bus operator certification.</p>	<p>NJSBA has existing policy.</p>

RESOLUTION NO. 1

SYNOPSIS

Resolution No. 1 from the Clinton Township Board of Education (Hunterdon County) proposes **new** policy language supporting the belief that the State should establish a funded award limit for litigation that is difficult to defend due to an extended statute of limitations and school districts' limited access to documentation. The resolution asserts that lawsuits arising from the extended statute of limitations have already led to increased costs in defending the claims. The resolution also anticipates that the district would have to use local tax dollars to pay the court awards and/or settlement agreements resulting from the litigation, which will impede the district's ability to provide a thorough and efficient education.

BACKGROUND

In 2019, as part of a nationwide initiative, New Jersey, along with 14 other states, enacted legislation to extend the civil statute of limitations for child sexual abuse claims¹. Specifically, the legislation amended New Jersey's Child Sexual Abuse Act ("CSAA") to permit a person to bring an action based on sexual abuse within 37 years after the minor reaches the age of majority (i.e., by age 55) or within 7 years from discovery of injury, whichever is later. See, N.J.S.A. 2A:14-2a. The amendments to the CSAA also opened a two-year revival window (December 1, 2019, through November 30, 2021) for child sexual abuse claims that would be expired, even under the new statute of limitations. See, N.J.S.A. 2A:14-2b.

In the fiscal analysis accompanying the CSAA amendments, the Office of Legislative Services ("OLS") noted that "school districts may be the most exposed to the filing of additional tort claims...given the nature of their responsibilities. To underscore that point, 465 teaching applicants and employees were disqualified from teaching over the past 5 years, with 189 having been disqualified for sexual offenses and 276 for child abuse." See "Legislative Fiscal Estimate for S477" (March 29, 2019). That said, OLS also acknowledged that it had "no information" regarding: the number of cases that may be filed; the number of cases that may result in a settlement or court-awarded damages; or the dollar amount of settlements and damages awarded. See Id. OLS concluded that the "magnitude of additional expenditures will depend on jurisprudence to be developed." See Id.

To further carry out the intent of the above changes to the CSAA, in 2019, the New Jersey Legislature also amended the New Jersey Tort Claims Act ("TCA"):

- To confirm that the new statute of limitations for child sexual abuse claims in the CSAA also applies to public employees and public entities, as opposed to the usual 2-year statute of limitations under the TCA;
- To eliminate any of the TCA's procedural requirements (e.g., the 90-day period for filing a notice of tort claim against a public entity) for child sexual abuse actions; and,

¹ See "Child Sex Abuse Statutes of Limitation Reform from 2002 to 2019: 2019 Annual Report by CHILD USA (May 5, 2020: <https://childusa.org/wp-content/uploads/2020/05/CHILD-USA-2019-Annual-SOL-Report-May-2020.pdf>)

- To establish a standard of liability.

See, N.J.S.A. 59:2-1.3; N.J.S.A. 59:8-3.

With respect to the standard of liability, the amendments to the TCA provide that immunity shall not be granted to public entities in child sexual abuse claims if caused by the “negligent hiring, supervision or retention of any public employee.” N.J.S.A. 59:2-1.3(a)(2). Immunity also will not be granted to public entities or public employees if the child sexual abuse was “caused by a willful, wanton or grossly negligent act of the public entity or the public employee” (emphasis added). N.J.S.A. 59:2-1.3(a)(1). In other words, as the New Jersey Appellate Division explained, “when the wrongful state of mind is provided by the public employee’s sexual offense, there is no need for a plaintiff to establish that the public entity also engaged in willful, wanton or grossly negligent conduct.” E.C. by D.C. v. Inglima-Donaldson, 470 N.J. 41, 52 (December 16, 2021).

Another section of the TCA that is relevant to Clinton Township’s resolution is N.J.S.A. 59:9-2(d), which provides that “pain and suffering” damages cannot be awarded against a public entity or public employee unless there is a permanent loss of a bodily function, and the medical treatment expenses are in excess of \$3,600. In a recent decision, the New Jersey Appellate Division reinforced that, in cases involving child sexual abuse, the harm sustained by a child meets the requirements of the statute, even when the injury only manifests itself in psychological symptoms².

The resolution also asserts that due to the new, extended statute of limitations for child sexual abuse claims and the two-year revival window for expired claims, victims have filed lawsuits against school districts with allegations that date back decades.

In its proposed resolution, Clinton Township acknowledged that, although all sexual abuse victims should be able to seek justice under the new, extended statute of limitations, such lawsuits are difficult to defend because the allegations occurred decades ago. Clinton Township represented that it has not been able to find past insurance records or concrete evidence to defend the claims.

Through additional discussions with the district, Clinton Township said that they have eight pending lawsuits under the CSAA and indicated that their legal defense costs, along with the potential settlement agreements and court awards in these actions, will affect their ability to provide a “thorough and efficient” education to the current students in the district.

The “thorough and efficient” education standard is established in New Jersey’s Constitution. Specifically, the Constitution requires the Legislature to “provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.” N.J. Const. Art. VIII, Section 4, Paragraph 1.

² See, C.W. v. Roselle Board of Education, 474 N.J. Super. 644, 652-653 (February 21, 2023).

The New Jersey Supreme Court has also confirmed that school districts need “adequate resources to provide the necessary educational programs consistent with State standards.” Abbott v. Burke, 199 N.J. 140, 175, 147 (2009)³.

The following is illustrative of complications facing new Jersey school districts. According to an article in “The Buffalo News,” in New York, another state that extended its statute of limitations in 2019 for child sexual abuse claims (age 23 to age 55), 180 lawsuits have been filed against public school districts in Western New York alone⁴.

In the above-referenced article, an attorney for boards of education in New York explained the many issues with insurance coverage, or the lack thereof, in the child sexual abuse cases filed under the new statute of limitations:

The older the cases are, the less likely that the district has documentation of who its insurance carrier was. And, even if it has a determination on that, in many instances the insurance carrier is bankrupt, or out of business, and there’s not a successor identified. Or, even if there is, the policy limits from back in say, the 60’s and 70’s are so low that they really don’t make a significant impact in current day cases⁵.

To ease the burden of school districts in paying for settlement agreements and court awards in these cases, there is proposed legislation (S4866) in New York that would establish a \$200 million State fund from “revenues received by the department of taxation and finance.”

Pursuant to S4866, monies from the fund can only be expended as reimbursement to public school districts and voluntary foster care agencies who have been named as defendants in actions under the new child sexual abuse law and have demonstrated that:

- No insurance policy for the covered period can be located after a good faith effort to do so;
- A monetary judgment was issued or there is a settlement agreement; and,
- Payment of the full judgment or settlement would put a substantial burden on the district’s ability to execute its mission and would negatively impact the existing student population.

In California, again, another state that extended its civil statute of limitations in 2019 for child sexual abuse claims, although there is no proposed legislation for a State fund like in New York, there are measures in place to assist boards of education in the payment of judgments. For example, public entities can adopt a resolution stating “that an unreasonable hardship will result

³ The New Jersey Department of Education’s fiscal accountability regulations echo the Constitution and the New Jersey Supreme Court with the stated purpose of ensuring that “each district board of education adopts an annual budget that provides adequate resources to meet the State’s constitutional mandate for a thorough and efficient system of free public schools for all children.” N.J.A.C. 6A:23A-1.1.

⁴ See, “Schools face millions in Child Victims Act payments, but proposed relief is stalled” (Stephen J. Watson, The Buffalo News, New York; July 30, 2023).

⁵ See, Id.

unless judgment is paid in installments” and apply to the court to pay such judgment in 10 equal annual installments. See, California Code, GOV Section 970.6.

In California, a board of education also may incur a bonded indebtedness (subject to approval of the local voters) to fund all or any portion of an outstanding judgment. See, California Code, GOV Section 975.2 – 976.8.

RELEVANT NJSBA POLICY

The proposed resolution seeks to add position and policy that is not currently contained within *NJSBA’s Positions and Policies (P&P) on Education*. Although Clinton Township did not cite a specific P&P file code where it would seek to add the proposed resolution language, there are several relevant P&P file codes which relate generally to the substantive content of the proposed resolution. For example:

1. P&P, File Code 2255 indicates the belief that it is the responsibility of the State to see that the resources necessary to achieve goals are available and used efficiently.
2. P&P, File Code 3220 indicates the beliefs that New Jersey’s school finance system should: provide state funding for the full cost of all state mandates; every piece of proposed legislation affecting school districts should contain a note stating the financial impact on school districts, if any; additional mandates imposed on local boards of education should have an identified funding source or appropriation; and, all enacted legislation affecting education should be forwarded to the Council on Local Mandates for review.
3. P&P, File Code 3530 indicates the beliefs that: the award of punitive or exemplary damages against a board of education in any legal action should be prohibited regardless of the applicability of any remedies available in common law or pursuant to statutory law; and, the New Jersey Tort Claims Act should be expanded to limit damages for pain and suffering recoverable by a plaintiff suing a public entity.

DISCUSSION

As an initial matter, the NJSBA acknowledges that victims of childhood sexual abuse have suffered an unspeakable harm. And, through the analysis of the proposed resolution, NJSBA is not questioning the victims’ trauma or entitlement to compensation (nor was that Clinton Township’s intent). NJSBA’s sole purpose is to examine the issues raised by Clinton Township (the difficulty in defending claims from decades ago and the impact on school districts’ ability to provide a thorough and efficient education to current students) and to determine whether new policy language is warranted.

Through current P&P policies, NJSBA recognizes the financial burden that litigation and court awards/settlements can place on school districts and supports the prohibition of non-economic damages (punitive, exemplary, and pain and suffering) against boards of education.

NJSBA’s current P&P policies also highlight the responsibilities of the State in ensuring that resources are available to boards of education to achieve goals and in identifying funding sources or appropriations for additional mandates imposed on boards of education.

The legislation extending the statute of limitations in child sexual abuse claims is not necessarily a “mandate” on boards of education because the effect on a board of education will depend upon whether individuals file lawsuits under the new law – some boards of education may not receive any lawsuits, while some may receive dozens. However, in analyzing the new law, OLS noted that “school districts may be the most exposed to the filing of additional tort claims...given the nature of their responsibilities,” but could not estimate the financial exposure on school districts, leaving it “to be determined” by the resulting cases.

Now, in the fifth year of the implementation of the new law, there is limited case law, but, anecdotally and through news articles, we are aware of settlement agreements in the millions of dollars and the fact that some school districts have several of these lawsuits pending.

In its proposed resolution, Clinton Township represented that it has not been able to find past insurance records or concrete evidence to defend the claims. Through subsequent discussions with the district, Clinton Township also indicated that their legal defense costs, along with the potential settlement agreements and court awards in these actions, will affect their ability to provide a “thorough and efficient” education to the current students in the district.

Clinton Township’s proposed solution is a State-funded award limit for child sexual abuse cases that occurred over 20 years ago and for which no records can be found. This solution is so specific that some districts may be excluded or the award limit could have unintended, but negative, effects. For example, a school district may locate insurance coverage for the relevant time period, but the policy limits are so low (or the coverage is denied due to the nature of the action) that the mere existence of insurance does not actually ease the financial burden of the litigation.

Also, a State-funded award limit could also lead to more lawsuits and higher settlement demands from plaintiffs’ attorneys, knowing that the State may contribute money. Finally, at this time, due to the limited case law and the lack of concrete data regarding the number of pending lawsuits and settlement agreements, the extent of the Statewide financial impact of the extended statute of limitations for child sexual abuse claims is unclear.

STATEMENT OF REASONS

1. With a Constitutional mandate for the Legislature to “provide for the maintenance and support of a thorough and efficient system of free public schools,” it is logical that the Legislature/State should provide relief/resources when a board of education’s ability to fund this standard is impeded.
2. However, without a full analysis of the current financial impact on all boards of education in the State and other related circumstances (e.g., the existence and extent of

insurance coverage and/or documentation relevant to the claims), it is impossible to determine whether or not adequate resources are available to boards of education.

3. Accordingly, the suggested modified resolution language below captures the spirit of Clinton Township’s resolution, while also broadening the scope of the resolution to provide for flexibility (both in a school district’s eligibility for State relief and the type of relief available from the State).

RECOMMENDATION

1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
2 following **substitute** language that would create new policy language to be included in NJSBA’s
3 *Manual of Positions and Policies on Education* in File Code 3530:

4
5 **The NJSBA believes that, although the Child Sexual Abuse Act permits civil claims against**
6 **public entities, due to the expanded statute of limitations to bring such actions, there may be**
7 **situations where a school district is unable to properly defend a specific claim due to the passage**
8 **of time, which then leads to protracted litigation and associated costs that negatively impact a**
9 **district’s ability to provide a thorough and efficient education. If such circumstances are**
10 **demonstrated, the state should provide assistance, including, but not limited to, financial support,**
11 **to ensure that school districts maintain sufficient resources to provide a thorough and efficient**
12 **education to all students.**

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

The following resolution was received from the
Clinton Township Board of Education (Hunterdon):

- WHEREAS, On May 13, 2019, Governor Phil Murphy signed S477/A3648 into law, drastically reforming New Jersey's civil statute of limitations for survivors of sexual assault; and
- WHEREAS, This law has allowed entities to bring lawsuits against tax-funded school districts for allegations going back decades; and
- WHEREAS, Analog record-keeping done in the past has impacted the ability of some districts to find proper documentation of coverage or witnesses who could neither affirm nor deny any claims; and
- WHEREAS, The Clinton Township School District is currently one of several districts with pending lawsuits stemming from this bill, where this district is unable to find past insurance records or concrete evidence; and
- WHEREAS, This legal research has come at great expense to taxpayers, and the district would have to use local tax dollars to pay any claims that could be awarded in court proceedings or settlements; and
- WHEREAS, The Delegate Assembly is the official policy making body of the New Jersey School Boards Association; and
- WHEREAS, Education related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA *Manual of Positions and Policies on Education*; and now, therefore, be it
- RESOLVED, That the Clinton Township Board of Education proposes the following **new language** for adoption by the Delegate Assembly and inclusion in the NJSBA *Manual of Positions and Policies on Education*:

The NJSBA believes that while all victims should be able to seek justice, the intent of S477/A3648 may not have meant to divert tax dollars from education to rectify past circumstances in which the district has not been able to find proper documentation; therefore NJSBA believes that there should be a state funded award limit for any cases that occurred over 20 years ago related to S477/A3648 in which no records can be found, to ensure the district can continue to provide a thorough and efficient education to current and future students; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Clinton Township Regional Board of
Education on March 11, 2024

Gretchen Dempsey
Board Secretary

RESOLUTION NO. 2

SYNOPSIS

Resolution No. 2 from the Denville Board of Education (Morris County) proposes **new** policy giving boards of education the authority to use their capital reserve accounts as a source of funds for the purchase of school buses, particularly electric school buses.

BACKGROUND

The Denville Board of Education has timely filed a resolution seeking new policy concerning the ability of school districts to utilize their capital reserve accounts to purchase school buses.

The purchase of school buses is a significant expenditure in any district budget; the cost of a gasoline-powered 54 passenger bus is approximately \$130,000 dollars and an electric-powered one is approximately \$250,000. The funds for the purchase of a school bus typically come out of the district's general fund, approved annually by the school board.

Under current law, the capital reserve fund cannot be used for the purchase of school buses. N.J.S.A. 18A:7G-31 establishes the capital reserve account. The statute says in part:

- a. ...The funds in the capital reserve account shall be used to finance the district's long-range facilities plan required pursuant to subsection a. of section 4 of this act and the amount in the account shall not exceed the total amount of local funds required to implement the plan.
- b. A board of education or a board of school estimate, as appropriate, may appropriate funds in the district's annual budget for the establishment of the capital reserve account pursuant to subsection a. of this section or to supplement the funds in the account as required to meet the needs of the long-range facilities plan.
- c. A board of education may, by resolution of the board: transfer funds from the capital reserve account to the appropriate line item account for the funding of capital projects as contained in the district's long-range facilities plan; and transfer funds from the capital reserve account to the debt service account for the purpose of offsetting principal and interest payments for bonded projects which are included in the district's long-range facilities plan.

N.J.A.C. 6A:23A-14.1 prohibits districts from using the funds in the capital reserve account for current expenses and may only use the funds to implement capital projects in the school district's Long Range Facilities Plan (LRFP) or to augment a capital project funded in whole or part by bond proceeds.

RELEVANT NJSBA POLICY

P&P File Code 3100

The NJSBA believes that all districts have the right to hold and use unreserved general fund balance in whatever amounts they deem without penalty. [Authority: BD 11/74, DA 12/74-4, DA 12/82-12, DA 6/87-14, DA 6/91-CR QEA, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

DISCUSSION

For districts that own their own bus fleets, replacing buses represents a significant expense. However, just like any other safety equipment, it must be replaced when it reaches the end of its useful life. Current statute says that the useful life of school buses with a gross vehicle weight of 25,000 pounds or more—typically the buses designed to carry 54 passengers—is 20 years, up from the previous authorized 12 years. N.J.S.A. 39:3B-5.1.

Where do districts get the money to pay for school buses?

The funds to pay for a new school bus would come out of the general fund¹ of the budget of any local school district. N.J.S.A. 18A:7F-38 prohibits districts from adopting a budget that increases their adjusted tax levy by more than 2%. There are, however, allowable adjustments for increases in student enrollment, health care costs, and pensions costs. See N.J.A.C. 6A:23A-11.2, 11.3. There is no allowable adjustment if a school district needs to replace its school buses. Therefore, the cost for new school buses must come from the general fund.

If a school district is interested in purchasing an electric bus, there is currently a state program that provides grants for the purchase of electric school buses which can cost \$250,000 or more. Under the NJ Electric School Bus Grant program, a district or school bus contractor is eligible for grants toward the purchase of a minimum of 2 up to a maximum of 24 battery-electric Type C or D school buses. This grant program lasts 3 years and provides \$15 million dollars per year.

Beyond such specialized grant programs, the funds for additional school buses must come out of the general fund.

Denville's solution

The Denville Board of Education proposes giving districts the ability to use funds from the capital reserve account to pay for the purchase of school buses. Currently, funds in the capital reserve account are restricted to those funds needed to support the LRF, implement, or augment a capital project. The use of such funds is restricted to these purposes. Additionally, any withdrawal or transfer from the capital reserve account must only go to a need related to the LRF or a capital project, foreclosing the ability of a district to transfer money out of this fund and use it for a purpose unrelated to the fund, such as the purchase of school vehicles. This is in contrast to the capital fund used by municipalities which does permit the use of municipal funds

¹ N.J.A.C. 6A:23A-1.2 defines "general fund" as a governmental fund that accounts for all financial resources of the district board of education or charter school board of trustees, except those required to be accounted for in another fund.

for the purchase of vehicles and apparatus, including alternative fuel vehicles. N.J.S.A. 40A:2-22.

STATEMENT OF REASONS

1. New 54 passenger school buses can cost anywhere from \$100,000 to \$250,000 or more depending on whether they are powered by gasoline, diesel or electric battery, representing a significant expense for school districts.
2. The capital reserve fund in a district budget is a restricted fund that can only be used to support the LRF, a capital project or to augment an existing facilities project.
3. The ability to use restricted district funds for the purchase of school vehicles could provide districts with needed fiscal flexibility. Municipalities are currently able to use their capital reserve accounts for the purchase of municipal vehicles and apparatus. School districts should have similar authority for school vehicles

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends adoption of this resolution with the following
- 2 **substitute** resolve clause for inclusion in NJSBA's *Manual of Positions and Policies on*
- 3 *Education*:
- 4
- 5 **The NJSBA believes** that school districts should be permitted to use monies from the capital
- 6 reserve account to purchase school vehicles, including electric school buses and related
- 7 infrastructure, such as charging stations.

**Purchase of School Vehicles
With Reserve Funds**

RESOLUTION NO. 2

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 18, 2024**

**The following resolution was received from the
Denville Township Board of Education (Morris):**

- WHEREAS, Current NJ statute requires districts to use current budget operating funds to purchase school buses; and
- WHEREAS, This means that districts are not allowed to purchase school buses using funds from Capital Reserve accounts; and
- WHEREAS, Districts who are ineligible for grants and subsidies are unable to purchase electric school buses because they are cost prohibitive; and
- WHEREAS, That current NJ Statute allows districts to use school buses weight exceeding 25,000 pounds for up to 15 years; and
- WHEREAS, That other NJ Public entities such as municipal governments are currently able to purchase vehicles using Capital Reserve accounts; and
- WHEREAS, The Denville Board of Education requests that school districts be allowed to purchase vehicles for student transportation, that includes and not restricted to electric school buses, using funds from Capital Reserve accounts; and
- WHEREAS, The Delegate Assembly is the official policy making body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA *Manual of Positions and Policies on Education*; now, therefore, be it
- RESOLVED, That the Denville Board of Education proposes the following new policy language for adoption by the Delegate Assembly and the inclusion in NJSBA's

Manual of Positions and Policies on Education in Section 3100 Budget Planning, Preparation and Adoption, under the Accounts heading:

The NJSBA believes that all districts should be permitted to use funds from Capital Reserve accounts for the purchase of vehicles for student transportation, that includes and not restricted to electric school buses; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Denville Board of Education
on February 26, 2024

Won James Kim
President

RESOLUTION NO. 3

SYNOPSIS

Resolution No. 3 from the Plainfield Board of Education (Union County) seeks to supplement File Code 6114 (Emergencies and Disaster Preparedness) in the NJSBA's *Manual of Positions and Policies on Education* ("P&P"), under the subheading, "School Cancellations," with **additional** policy language broadening its scope. More specifically, the resolution seeks to enumerate virtual or remote instruction as an "option" that should be available to local boards of education in lieu of closing their schools in certain situations. Additionally, the proposed resolution seeks to have this option available for "up to 10%" of a local board of education's school days, and "as needed for weather-related issues, unsafe increases in COVID-19 locally, and other emergencies."

BACKGROUND

Prior to March 2020, virtual or remote instruction days were an anomaly. However, as the COVID-19 pandemic emerged in March 2020, school districts throughout the State struggled with how to satisfy their obligation to provide students with the statutorily required minimum of 180 days of instruction in order to ensure continued receipt of State aid. Because the prospect of physically returning to school(s) was neither feasible nor advisable during the early stages of the pandemic, and Governor Murphy had declared a state of emergency and a public health emergency, swift legislative action was needed to authorize school districts to provide virtual or remote instruction to the State's students.

In this regard, N.J.S.A. 18A:7F-9 was amended to authorize local boards of education to utilize virtual or remote instruction *if* its schools were closed for more than three consecutive school days, and *if* the closure was due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure. The revised statute indicates that, in these limited circumstances, the Commissioner of Education (Commissioner) "shall allow" school districts to use one or more days of virtual or remote instruction to satisfy its obligation to provide a minimum of 180 days of instruction *if* one or more days of virtual or remote instruction was provided to students on the day(s) school(s) was closed, and provided that the school district's virtual or remote instruction program is/was submitted to, and approved by, the Commissioner.

Although the Governor's declared state of emergency and public health emergency have both expired, additional legislative action has been proposed to provide school districts with even greater flexibility to provide virtual or remote instruction. More specifically:

- **A1066 (Sampson)** (last session A2199 and S464): Revises the **conditions** for use of virtual or remote instruction in order to meet the minimum 180-day school year requirement (introduced in the Assembly on January 9, 2024, and referred to the Assembly Education Committee).

- **S426 (Pennacchio)** (last session S3629): Revises the **process** for use of virtual or remote instruction in order to meet the minimum 180-day school year requirement (introduced in the Senate on January 9, 2024, and referred to the Senate Education Committee).
- **S2914 (Corrado/Gopal)**: Permits virtual or remote instruction for public schools that are used as polling places during election days (introduced in the Senate on March 7, 2024, and referred to the Senate Education Committee).

Even though multiple iterations of legislation have been proposed to either revise the conditions for the use of virtual or remote instruction, the process for use of virtual or remote instruction, and/or to permit utilization of virtual or remote instruction on designated school days, local boards of education are only statutorily authorized to use virtual or remote instruction days *if* its schools are closed for more than three consecutive school days, and *if* the closure is due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure. N.J.S.A. 18A:7F-9. It is only in these circumstances that virtual or remote instruction days can be used to satisfy the minimum of 180 days of instruction.

While local boards of education have utilized virtual or remote instruction days other than as permitted by law, those days do not currently count toward the required minimum of 180 days of instruction. As noted above, if a local board of education fails to provide its students with at least 180 days of instruction, it may lose State aid.

Of note, and relevant to the within resolution, the Commissioner of Education has previously authorized alternate “options” of satisfying the 180-day requirement. These options have included, without limitation, extending the school year, opening the schools on days previously designated as closed, or conducting school on a Saturday. Therefore, providing local boards of education with the additional “option” of utilizing virtual or remote instruction days to satisfy the requirement to provide at least 180 days of instruction will only serve to supplement already existing options.

RELEVANT NJSBA POLICY

Resolution No. 3 proposes additional policy language to File Code 6114 (Emergencies and Disaster Preparedness) in the *Manual of Positions and Policies on Education*, under the subheading, “School Cancellations.” File Code 6114 currently states:

School Cancellations

The NJSBA believes that the opening and closing of public schools is a matter best determined by local boards of education. State government, including but not limited to the State Board of Education, should not mandate the closing of public schools except for state holidays, or reasons of health and public safety. Options in lieu of closing should be provided to local boards of education that can be adapted to meet local conditions.

The following policies from the P&P, and relevant subsections only, may be relevant to Resolution No. 4:

(1) **File Code 3516 (Safety).**

Safety Issues in Schools

A. **The NJSBA believes** that all necessary and appropriate safety precautions and remedial actions need to be taken in the public schools in order to inform students, staff and the community of and protect them against contaminants, including those that are air- and water-borne, as well as any other hazardous substances and noise pollution which students, staff and members of the community may come in contact with on school property. [Authority: DA 1/79-4 and 5; DA 1/80-3; DA 12/82-8; DA 6/90-7; DA 6/93-SR; DA 5/96-SR]

B. **The NJSBA believes** that the health and safety of students, staff and the community should be considered when sites are selected for hazardous waste disposal and solid waste burning. [Authority: DA 1/79-Late 1; DA 12/87-11; DA 5/96-SR]

C. **The NJSBA believes** that boards of education should be provided relevant assistance, including, but not limited to, financial resources to address safety and remediation issues affecting school districts. [Authority: DA 1/80-2; DA 6/81-B; DA 6/85-10; DA 12/85-8; DA 12/86-4; DA 5/96-SR]

D. **The NJSBA believes** that boards of education should be relieved from liability for the cost of the cleanup or removal of any accidental discharge of hazardous waste. [Authority: DA 6/81-B; DA 5/96-SR]

E. **The NJSBA believes** that safety and remediation initiatives should recognize the special status of boards of education and school districts and accord appropriate treatment based upon this special status. [Authority: DA 6/91-1; DA 6/93-3; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

(2) **File Code 5141 (Health).**

Student Health and Safety

A. **The NJSBA believes** that local boards of education should provide conditions and establish policies that will ensure the health and safety of students.

B. **The NJSBA believes** that the state or federal governments must provide funding for mandated programs. Further, such funding should not be furnished by the Department of Education when it would result in the diversion of school aid from educational purposes. Funding for health and safety programs should be received from the State department that has responsibility for the health and safety of the general population of the state. [Authority: BD 4/94; DA 5/97-SR]

C. **The NJSBA believes** that local boards' duty of care for student health and safety should be limited to a reasonable time before and after the school day and off-campus, school-sponsored activities. [*Authority: BD 9/06, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR, DA 5/22-SR*]

DISCUSSION

File Code 6114 (Emergencies and Disaster Preparedness), subheading, "School Cancellations," expresses the belief that the opening and closing of schools is a matter best determined by local boards of education; State government should not mandate the closing of public schools except in limited circumstances; and options" in lieu of closing should be provided to local boards of education. Importantly, the current language does not define or limit the breadth of "options" that should be provided to local boards of education to use in lieu of closing its schools. Instead, the current language broadly expresses the belief that "options in lieu of closing" should be provided to local boards of education, and that those options can then be adapted by local boards of education "to meet local conditions." In other words, the current policy language provides local boards of education with significant flexibility and latitude based on the options that are offered and available.

Resolution No. 3 seeks to specifically identify virtual or remote instruction as one of the "options" that should be provided to local boards of education. However, Resolution No. 3 also seeks to cap the maximum number of days that could be utilized for virtual or remote instruction if offered as an option (i.e., 10% of a local board of education's school days), and to limit the circumstances/conditions under which virtual or remote instruction could be used by local boards of education (i.e., to weather-related issues, unsafe increases in COVID-19 locally, and other emergencies).

Although the NJSBA believes that local boards of education are best-suited to determine the opening and closing of their schools; believes that virtual or remote instruction should be offered as an option in lieu of closing; and that whether to use virtual or remote instruction should be a local determination, Resolution No. 4, as written, may unintentionally limit the maximum number of days that could be utilized for virtual or remote instruction, and/or unnecessarily constrain the circumstances under which virtual or remote instruction could be used.

In order to ensure that local boards of education are provided with the greatest degree of flexibility and latitude when opening and closing its schools, virtual or remote instruction can be enumerated as one of many "options" that should be offered to local boards of education. However, it should not contain any other limitations or qualifications on usage. The imposition of any limiting or qualifying language could unnecessarily detract from the broad flexibility and latitude that should be afforded to local board of education.

STATEMENT OF REASONS

1. File Code 6114 (Emergencies and Disaster Preparedness), subheading, “School Cancellations,” does not currently detail the “options” that should be provided to local boards of education in lieu of closing their schools.
2. Because the “options” that should be provided to local boards of education are not enumerated, the use of virtual or remote instruction days is neither included nor excluded.
3. Virtual or remote instruction should be offered as an option, among others, to local boards of education in lieu of closing their schools, and should qualify as a day of instruction.
4. Although virtual or remote instruction should be offered to local boards of education as an option in lieu of closing, neither this option, nor any other, should set unnecessary restrictions on utilization.
5. The suggested amended resolution language (below) appropriately captures the spirit and intent of Plainfield’s resolution.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
- 2 following **substitute** language which would create additional policy language to be included in
- 3 the P&P in File Code 6114:
- 4
- 5 **The NJSBA believes** that the opening and closing of public schools is a matter best determined
- 6 by local boards of education. State government, including but not limited to the State Board of
- 7 Education, should not mandate the closing of public schools except for state holidays, or reasons
- 8 of health and public safety. Options in lieu of closing should be provided to local boards of
- 9 education that can be adapted to meet local conditions, including, but not limited to, the use of
- 10 virtual or remote instruction days to satisfy the required number of days of instruction.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

The following resolution was received from the
Plainfield Board of Education (Union):

- WHEREAS, The New Jersey School Boards Association (NJSBA) is committed to supporting the educational needs and safety of students and staff; and
- WHEREAS, Unforeseen circumstances such as inclement weather, COVID-19 outbreaks, and other emergencies may arise and preclude the school district from providing in-person learning; and
- WHEREAS, N.J.S.A. 18A:7F-9 requires that public school facilities be open for at least 180 days during the preceding school year as a condition of receiving State aid; and
- WHEREAS, N.J.S.A. 18A:7F-9 and N.J.A.C. 6A:32-13.1(b) presently grants school districts authority to implement “virtual or remote instruction pursuant to in the event of a school closure more than three consecutive school days due to a declared state of emergency or declared public health emergency by a State or local health department; and
- WHEREAS, The Plainfield Board of Education thinks that school districts need the flexibility to employ virtual or remote instruction in circumstances involving the necessity of a school closure less than the requisite three days pursuant to a State or local health department declaration due to weather, an unsafe increase in the number of reported COVID-19 infections, and/or any other emergent situation; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education related policies resulting from prior Delegate Assembly and Board of Directors’ actions are codified in the NJSBA *Manual of Positions and Policies on Education*; and now, therefore be it

RESOLVED, That the Plainfield Board of Education proposes the following additional policy language with regards to Policy 6114 Emergencies and Disaster Preparedness, sub-heading “School Cancellations” for adoption by the Delegate Assembly and inclusion in NJSBA’s *Manual of Positions and Policies on Education*:

The NJSBA believes that the opening and closing of public schools is a matter best determined by local boards of education. State government, including but not limited to the State Board of Education, should not mandate the closing of public schools except for state holidays, or reasons of health and public safety. Options in lieu of closing should be provided to local boards of education that can be adapted to meet local conditions, which includes providing the flexibility to utilize up to 10% as virtual days as needed for weather-related issues, unsafe increases in COVID-19 locally, and other emergencies. [Authority: DA-12/73-A1, DA 6/93-SR, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

Cross References: 3516 Safety
 5141 Health
 5142 Pupil safety

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Plainfield Board of Education
on February 29, 2024

Cameron E. Cox, MPA, SSS
School Business Administrator/
Board Secretary

RESOLUTION NO. 4

SYNOPSIS

Resolution No. 4 from the Plainfield Board of Education (Union County) proposes **replacement** policy language to NJSBA’s *Manual of Positions and Polices on Education* (“P&P”) File Code No. 6171.4 *Special Education – Tuition Costs* providing that “NJSBA believes that there should be a 2% cap placed on the annual tuition increase imposed on school districts by approved public and private schools that charge tuition to educate students. Additionally, Plainfield seeks to remove the following language from the same File Code No. 6171.4, “public schools should receive fair consideration in determining their special education tuition rate.”

BACKGROUND

According to Plainfield, the cost of tuition at approved public and private schools can be a significant financial burden on local school districts. Additionally, Plainfield asserts that public school districts are limited to a 2% increase on the current tax levy pursuant to N.J.S.A. 18A:7F-38 and within the calculations for Adjusted Special Education Categorical Aid pursuant to N.J.S.A. 18A:7F-55, which, according to the resolution, has not kept up with the actual rising costs.

Plainfield seeks to advocate for a 2% cap on the annual tuition increase in public and private schools providing special education services to help ensure that tuition increases remain reasonable manageable for local school districts while still allowing approved public and private schools to cover their costs and provide quality education services.

The sponsoring board has respectfully proposed that the above revisions be made to NJSBA’s *P & P*.

RELEVANT NJSBA POLICY

File Code 9300 – Governance – Sending-Receiving Tuition Increases [Excerpt]

A. The NJSBA believes that year-over-year per pupil tuition increases levied by receiving districts and schools have adversely impacted tuition-paying districts’ ability to provide effective educational programs in their districts. The NJSBA recognizes that year-over-year per pupil tuition increases levied by receiving districts and schools have forced some tuition-paying districts to seek voter approval for tax increases well in excess of the 2% cap on the tax levy contravening the intention of P.L. 2010, c.44 and imposing a severe burden on their taxpayers in the event of an affirmative vote and placing the districts’ programs at risk in the event of a negative vote.

B. The NJSBA believes there should be a statutory cap on year-over-year per pupil tuition increases levied by receiving districts and schools. [Authority: DA 11/14-2, DA 5/18-SR, DA 5/23-SR]

File Code No. 6171.4 - Special Education – Tuition Costs [Excerpt]

A. **The NJSBA believes** that New Jersey’s system of financing public education should enable all local school districts to provide appropriate public educational opportunities for all of New Jersey’s educationally disabled students without unduly burdening local taxpayers.

B. **The NJSBA believes** that the State should fund 100 percent of the costs of all required special education services in excess of a district’s regular education per pupil amount. Excess cost funding for special education should be excluded from the spending growth limitation calculation. The State’s excess cost system for State aid for special education should include prior approval procedures and appropriate monitoring.

C. **The NJSBA believes** that State aid for special education should be calculated on a current year basis.

D. **The NJSBA believes** that State reimbursement for the actual cost of providing transportation for special education students should be provided on a current year basis.

E. **The NJSBA believes** that State aid for special education should “follow the student” to whatever school district is required to provide special education services for that student. In the alternative, the school district receiving State aid for special education services for a student shall reimburse the school district providing such services. If State aid for special education cannot “follow the student,” the State should provide the additional funds necessary to provide special education services.

F. **The NJSBA believes** that the State should provide an emergency interest-free loan fund to which school districts may apply when unanticipated special education costs threaten a district’s ability to provide a T&E education to all of its students.

G. **The NJSBA believes** that State aid should be available for extended academic year special education programs.

H. **The NJSBA believes** that the State should provide for a second child count date in the second semester of the school year.

I. **The NJSBA believes** that the State should provide funding for the identification and provision of programs and services for children with educational disabilities ages 3-5.

J. **The NJSBA believes** that all New Jersey educationally disabled students should be provided an appropriate public education within New Jersey, and, where possible, within the regular school environment. When residential placements of educationally disabled students are necessary:

1. The State should assume all non-instructional costs for students placed in residential facilities;

2. A school district's residential placement instructional cost responsibility should be limited to no more than two times the district-wide per pupil costs for the preceding school year;

3. The State should assume full financial responsibility for the residential costs of court-mandated institutionalizations. [Authority: DA12/68-21, DA 12/72-CR (Urban Education), DA 12/72-CR (Special Education), DA 5/73-CR (Special Education), BD 11/74, DA 6/78-20, DA 1/79-10, DA 1/80-23,25, DA 12/81-CR (Urban Education), DA 12/83-17, DA 6/84-12, DA 12/88-5,5A,6, DA 12/90-11, BD 10/91, DA 12/91-3, DA 12/91-CR(QEA), DA 6/92-4, DA 12/94-5, DA 11/97-CR (Special Education), DA 11/99-4, DA 5/00-CR (Joint Committee)]

K. The NJSBA believes that federal and state law should specifically prohibit any court, administrative body or other entity from requiring a school board or state located within the United States to provide for a child's education, residential cost or the cost of any other service provided outside the United States. [Authority: DA 11/03-4, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR]

L. The NJSBA believes special education providers should have a similar cap on their ability to charge local districts for services as local districts have on their ability to raise revenue. [Authority: DA 11/17-2, DA 11/22-SR]

File Code 3240 - Sending-Receiving Tuition Increases

The NJSBA believes that the state should assume the costs for any increases in sending-receiving tuition caused by changes in the funding formula or its application that are not under the control of sending or receiving boards of education, until local boards of education have the opportunity to include the cost of such activity in a complete budget planning cycle. [Authority: DA 11/98-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

DISCUSSION

While the resolution as proposed was timely submitted and in proper format, the NJSBA's *Manual of Positions and Policies on Education* at File Code No. 9300 already contains the following language:

File Code 9300 - Sending-Receiving Tuition Increases [Excerpt]

A. The NJSBA believes that year-over-year per pupil tuition increases levied by receiving districts and schools have adversely impacted tuition-paying districts' ability to provide effective educational programs in their districts.

The NJSBA recognizes that year-over-year per pupil tuition increases levied by receiving districts and schools have forced some tuition-paying districts to seek voter approval for tax increases well in excess of the 2% cap on the tax levy contravening the intention of

P.L. 2010, c.44 and imposing a severe burden on their taxpayers in event of an affirmative vote and placing the districts' programs at risk in the event of a negative vote.

B. The NJSBA believes there should be a statutory cap on year-over-year per pupil tuition increases levied by receiving districts and schools. [*Authority: DA 11/14-2, DA 5/18-SR, DA 5/23-SR*]

Additionally, the aforementioned belief statements from Plainfield are further supported in File Code No. 6171.4(A), (B) and (L) and would simply be duplicative of this existing language.

File Code 6171.4(A)(B) and (L)

A. The NJSBA believes that New Jersey's system of financing public education should enable all local school districts to provide appropriate public educational opportunities for all of New Jersey's educationally disabled students without unduly burdening local taxpayers.

B. The NJSBA believes that the State should fund 100 percent of the costs of all required special education services in excess of a district's regular education per pupil amount. Excess cost funding for special education should be excluded from the spending growth limitation calculation. The State's excess cost system for State aid for special education should include prior approval procedures and appropriate monitoring.

L. The NJSBA believes special education providers should have a similar cap on their ability to charge local districts for services as local districts have on their ability to raise revenue. [*Authority: DA 11/17-2, DA 11/22-SR*]

The proposed language including a 2% cap on annual tuition increases is too specific and would unnecessarily restrict NJSBA's advocacy efforts now and in the future. For instance, the Legislature could enact legislation providing flexibility around the existing tax levy cap that allows upward adjustments for special education costs, or could lift the existing cap, thereby allowing district to exceed the existing 2% cap as it stands today. Additionally, it is unclear that this specific language would benefit all districts. To the contrary, a specific cap percentage may impede a district's ability to meet the specific requirements of its Special Education program. As such, the more generalized language currently found in the P & P should remain unchanged.

Secondly, Plainfield seeks to remove the following language from the same File Code No. 6171.4, "public schools should receive fair consideration in determining their special education tuition rate." The proposed deletion would mean we now no longer believe that public school that charge tuition to receive other public school education students should receive fair consideration in determining their special education tuition rates.

STATEMENT OF REASONS

1. The proposed resolution calls for action that restricts the flexibility provided in existing policy, specifically File Code 9300 and 6171.4. Existing policy seeks fair consideration

for public school special education tuition increases and seeks to impose those same limits on private providers.

2. The beliefs already contained in these sections of the P&P are more than sufficient to allow NJSBA to advocate on the issue of special education tuition costs at such time as it deems appropriate. To include the language adding a precise 2% cap, limits NJSBA's ability to advocate for all districts and to allow districts to advocate for their own needs at the local level.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends this resolution be opposed.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 18, 2024**

**The following resolution was received from the
Plainfield Board of Education (Union):**

WHEREAS, The New Jersey School Boards Association (NJSBA) recognizes the importance of providing a free appropriate education for all students, including those with disabilities; and

WHEREAS, New Jersey Department of Education approved public and private school districts that charge tuition to educate students receiving special education programming play a critical role in meeting the needs of these students; and

WHEREAS, The cost of tuition at approved public and private school can be a significant financial burden on local school districts; and

WHEREAS, Public School Districts are limited to a 2% increase on the current tax levy pursuant to N.J.S.A. 18A:7F-38 and within the calculations for Adjusted Special Education Categorical Aid pursuant to N.J.S.A. 18A:7F-55, which has not kept up with the actual rising cost; and

WHEREAS, The Plainfield Board of Education has identified a need to advocate for a 2% cap on the annual tuition by increase in public and private schools providing special educational services to help ensure that tuition increases remain reasonable and manageable for local school districts while still allowing approved public and private school to cover their costs and provide quality education services; and

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA *Manual of Positions and Policies on Education*; and, now, therefore be

RESOLVED, That the Plainfield Board of Education proposes the following revised policy language with regards to Policy 6171.4 Special Education, sub-heading "Tuition

Costs” for adoption by the Delegate Assembly and inclusion in NJSBA’s *Manual of Positions and Policies on Education*:

C. The NJSBA believes that there should be a 2% cap placed on the annual tuition increase imposed on school districts by approved public and private schools that charge tuition to educate students. [public schools should receive fair consideration in determining their special education tuition rates] Private schools for the disabled should have the same tuition rate calculations and procedures and non-allowable costs as do public schools. [Authority: DA 6/87-13, DA 11/97-CR (Special Education), DA 11/97-SR, DA 5/98-9, DA 5/02-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17 SR, DA 11/22-SR]

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Plainfield Board of Education
on February 29, 2024

Cameron E. Cox, MPA, SSS
School Business Administrator/
Board Secretary

RESOLUTION NO. 5

SYNOPSIS

Resolution No. 5 from the Plainfield Board of Education (Union County) seeks to supplement File Code 6142.2 (English Language Learner; Bilingual/Bicultural) in the *Manual of Positions and Policies on Education* (P&P), under the subheading “Programs,” subsection B. More specifically, the resolution seeks to include **additional** language providing local boards of education with “a more flexible approach” to establish dual-language immersion programs other than utilizing a numerical proportional cap for classes. Stated differently, the resolution seeks to provide local boards of education with more flexibility in the proportion of multilingual learners (MLs¹) to English speaking students in dual-language immersion programs.

BACKGROUND

The *Every Student Succeeds Act* (ESSA) replaced *No Child Left Behind* (NCLB), and reauthorized the *Elementary and Secondary Education Act* (ESEA) of 1965. ESSA intends to ensure that all students have equitable access to high-quality educational resources and opportunities.

In compliance with the ESSA, local boards of education are required to provide *all* preschool through 12th-grade MLs with equal educational opportunities, and with educational activities and programs that prepare them to meet or exceed the New Jersey Student Learning Standards (NJSLS) for high school graduation, while also developing and maintaining English proficiency. See, N.J.A.C. 6A:15-1.2; N.J.A.C. 6A:15-1.4(a). Local boards of education accomplish this through the provision of a language instruction educational program (LIEP) to all MLs.

The substance of the LIEP services to be provided can vary and depends on the student's grade and the total number of MLs enrolled in the school district. Relevant to Resolution No. 6, whenever there are 20 or more MLs in kindergarten through 12th grade in any one language classification enrolled in the school district, LIEP services shall include a bilingual education *or* a dual-language immersion program, unless a waiver is granted pursuant to N.J.A.C. 6A:15-1.15. See, N.J.A.C. 6A:15-1.4(b)2 (emphasis added).

A **bilingual education program** is a full-time LIEP in all courses and subjects. In this program:

- Students receive instruction in the primary language of the MLs enrolled in the program and in English, while also receiving English as a Second Language (ESL) instruction;
- Educators use the primary language of instruction to enhance literacy in the primary language and as a support in the development of listening, speaking, reading, and writing skills in English; and

¹ A “Multilingual learner” or “ML” is a student who is developing proficiency in English, in addition to a different primary language. The term is synonymous with “English learner” or “English language learner.” See N.J.A.C. 6A:15-1.2.

- Students receive instruction in the history and culture of the country, territory, or geographic area that is the native land of the parents and families of MLs enrolled in the program, and in the history and culture of the United States

N.J.A.C. 6A:15-1.2.

A **dual-language immersion program** is a full-time LIEP that provides students with structured English language instruction *and* instruction in a second language in all academic content areas. In this program:

- MLs in a dual-language immersion program receive instruction in their primary language, as well as ESL instruction; and
- Daily instruction is provided in English, and a minimum of 50 percent of instruction is provided in the primary language of enrolled MLs.

N.J.A.C. 6A:15-1.2.

The requirements for bilingual education and dual-language immersion programs are enumerated in N.J.A.C. 6A:15-1.4(d)1-4. See also N.J.S.A. 18A:35-18. In addition, if a local board of education establishes a dual-language immersion program, it must also ensure that: (1) the program is designed to help students achieve proficiency in English and in a second language while mastering academic content area skills; (2) instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards; (3) classes *shall be comprised of at least 50 percent MLs*; and (4) the program may be coordinated with the school district’s world languages program. N.J.A.C. 6A:15-1.4(f)1-4 (emphasis added).

Notwithstanding the requirement that classes in a dual-language immersion program “shall be comprised of at least 50 percent MLs,” guidance² from the Department of Education indicates that “[w]here possible, classes in dual-language bilingual programs shall be comprised of approximately equal numbers of [MLs] and of students whose native language is English.”

Equally important, dual-language immersion programs that are *not* established to provide LIEP services, either because a school district does not have to provide LIEP services or because it already provides LIEP services through a bilingual education program, do not have to comply with the requirements of Chapter 15. N.J.A.C. 6A:15-1.4(f)5. Consequently, a non-LIEP dual-language immersion program does *not* need to ensure that classes are comprised of at least 50 percent MLs.

Plainfield has 20 or more MLs in kindergarten through 12th grade in any one language classification enrolled in its school district and must, absent receipt of a waiver from the Department of Education, provide LIEP services through either a bilingual education or dual-language immersion program. For the 2023-2024 school year, the Department of Education approved Plainfield’s bilingual education program request.

² <https://www.nj.gov/education/title3/dual.shtml>

RELEVANT NJSBA POLICY

NJSBA's *Manual of Positions and Policies on Education* include the following policies that may be relevant to Resolution No. 6:

(1) 6142.2 – English Language Learner; Bilingual/Bicultural Education

Programs

- A. **The NJSBA believes** that English Language Learner curriculum should be an integral component of any bilingual program. *[Authority: DA 12/81-CR Bilingual; DA 11/97-SR]*.
- B. **The NJSBA believes** that local boards of education should have flexibility in implementing alternative instructional approaches when they are unable to implement a bilingual education program. *[Authority: DA 12/81-CR Bilingual; DA 6/88-5; DA 12/89-4; DA 6/90-2; DA 11/97-SR]*
- C. **The NJSBA believes** that increased parental involvement in bilingual/ELL programs, including informed parental consent, should be supported. *[Authority: DA 12/81-CR Bilingual; DA 6/88-5; DA 12/89-4; DA 6/90-2; DA 11/97-SR]*
- D. **The NJSBA believes** that local school boards should have the ability to choose from a full array of state-approved programs (including full-time bilingual education) and whatever instructional approach is deemed most effective by the school board for educating LEP students in the school district. *[Authority: DA 5/98-8, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]*

(2) 6146 – Graduation Requirements

Bilingual Program Graduation Requirements

The NJSBA believes that students in bilingual programs should be required to meet all State and district requirements and standards for graduation. *[Authority: DA 10/78-CR Graduation Requirements; DA 12/81-CR Bilingual, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]*

DISCUSSION

Although Plainfield received a waiver from the Department of Education for its 2023-2024 bilingual education program, it would also like to establish a dual-language immersion program. The dual-language immersion program would be in addition to, and not in lieu of, the current bilingual education program. However, Plainfield indicates that it cannot establish classes of at least 50 percent MLs, or even “approximately equal numbers” of MLs and those whose native language in English.

If a local board of education is unable to strictly comply with the regulatory requirements for the establishment of a bilingual education program or a dual-language immersion program, N.J.A.C. 6A:15-1.15 may authorize it to submit a waiver to the Department of Education. If a local board of education cannot seek a waiver from the Department of Education through N.J.A.C. 6A:15-1.15, it may do so through Chapter 5. See N.J.A.C. 6A:5-1.1 et seq. For the 2023-2024 school year, Plainfield successfully requested and received a waiver through the regulatory process.

In addition, and as noted above, dual-language immersion programs that are *not* established to provide LIEP services do not have to comply with the requirement to have classes comprised of at least 50 percent MLs.

Although Plainfield cannot presently meet the requirement to have classes of at least 50 percent MLs, or even “approximately equal numbers” of MLs, it may not need to comply with this requirement because it already has a waiver from the Department of Education for the provision of LIEP services through its bilingual education program. In other words, Plainfield is already providing its students with LIEP services through a bilingual education program, and can offer an additional dual-language immersion program that does not comply with N.J.A.C. 6A:15-1.4(f)3 because it is not being established to provide LIEP services.

Nonetheless, local boards of education should be afforded with the flexibility to deviate from regulatory requirements when it can show that that a program of instruction is otherwise educationally appropriate.

STATEMENT OF REASONS

1. File Code 6142.2 (English Language Learner; Bilingual/Bicultural), subheading, “Programs,” subsection B, does not currently discuss flexibility with regard to the establishment of dual-language immersion programs.
2. If a local board of education is unable to strictly comply with the regulatory requirements for the establishment of a dual-language immersion program, it may be able to pursue a waiver through N.J.A.C. 6A:15-1.15 and/or Chapter 5. See N.J.A.C. 6A:5-1.1 et seq.
3. As with bilingual education programs, local boards of education should have flexibility when establishing dual-language immersion programs if they are unable to strictly comply with regulatory requirements, but the programs are otherwise deemed to be educationally appropriate.
4. The suggested amended resolution language (below) appropriately captures the spirit and intent of Plainfield’s resolution.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
- 2 following **substitute** language which would create additional policy language to be included in

3 NJSBA’s *Manual of Positions and Policies on Education* in File Code 6142.2 (English Language
4 Learner; Bilingual/Bicultural) under the subheading “Programs,” subsection B:

5
6 **B. The NJSBA believes** that local boards of education should have flexibility in
7 implementing alternative instructional approaches when they are unable to implement a bilingual
8 education program and, to the extent deemed educationally appropriate, should have flexibility in
9 establishing dual-language immersion programs even if they are unable to strictly comply with
10 regulatory requirements. [*Authority: DA 12/81-CR Bilingual; DA 6/88-5; DA 12/89-4; DA 6/90-*
11 *2; DA 11/97-SR*]

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

**The following resolution was received from the
Plainfield Board of Education (Union):**

- WHEREAS, The State of New Jersey values linguistic diversity and recognizes the benefits of multilingualism in education for Multilingual Learners ("MLs") and non-MLs; and
- WHEREAS, Dual language programs have been shown to promote academic achievement, cultural understanding, and linguistic proficiency for all students, regardless of their demographics; and
- WHEREAS, New Jersey Regulation N.J.A.C. 6A:15-1.4(f)(3) states that any district board of education who establishes a dual language immersion program is required to ensure that all classes within the dual language immersion program shall be comprised of at least fifty percent (50%) MLs; and
- WHEREAS, The Plainfield Board of Education believes that school districts should be provided flexibility to choose the most suitable language program based on their unique needs and goals rather than a firm demographic proportion; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; and now, therefore be it
- RESOLVED, That the Plainfield Board of Education proposes the following additional policy language with regards to Policy 6142.2 English as a Second Language; Bilingual/Bicultural, sub-heading "Programs" for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes that local boards of education should have flexibility in implementing alternative instructional approaches when they are unable to implement a bilingual education program, or to provide a more flexible approach to existing dual language programs than a numerical proportional cap; and, be it further [Authority: DA 12/81- CR Bilingual; DA 6/88-5; DA 12/89-4; DA 6/90-2; DA 11/97-SR]

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a special meeting of the
Plainfield Regional Board of
Education on February 27, 2024

Cameron E. Cox
Board Secretary

RESOLUTION NO. 6

SYNOPSIS

Resolution No. 6 from the Plainfield Board of Education (Union County) seeks **revised** language for Article V, Section 4 titled “Consultation” of the NJSBA Bylaws. The proposed language provides for an interim process by which districts proposing resolutions deemed unclear or in improper form by NJSBA support staff or the Resolutions Subcommittee (RSC) can revise those resolutions prior to the members of the Delegate Assembly (DA) deliberation and vote of any proposed resolutions during an annual or regular meeting.

BACKGROUND

According to NJSBA Bylaws, Article V Section 1, “the object of the resolution procedure is to promote an orderly and democratic process for delegate action and to ensure that proper research is conducted prior to delegate action so that delegates shall have as much pertinent information available as possible to aid them in their decisions.”

To that end, in an effort to promote an orderly process, NJSBA resolution filing procedures indicate that the format for resolutions be consistent with the format for the NJSBA's *Manual of Positions and Policies on Education* because education-related policies adopted by the DA and Board of Directors are codified in that manual. Each policy is presented in the manual as a whole statement, including the policy position(s). As a result, resolutions admitted to the DA agenda must propose an NJSBA policy position statement, formulated as a broad belief statement, for consideration by the delegates. The resolution must also tell the delegates if the proposed policy language is **new, additional, revised or replacement** language. See "Delegate Assembly Resolution Format (5/01)." This format provides the appropriate context and helps to guide deliberations during debate.

Member districts are provided with the above information prior to the resolution submission deadline and are further advised of the specific resolution formatting criteria indicated below:

**New policy language may be proposed when there is no existing NJSBA policy on the subject.*

**Additional policy language may be proposed to expand existing language either to broaden the scope of the Association's position or to add implementation strategies.*

**Revised policy language may be proposed to modify (amend) existing language while retaining the intent of the original position statement.*

**Replacement policy language may be proposed to change the position of the Association on an issue or to make significant changes in language while retaining the original position concept. In either case, the existing language is to be substituted with the “replacement” policy language.*

* In each case where **Additional, Revised, or Replacement** language is proposed, the relevant file code number and policy title must be referenced in the resolved clause.

Proposals for **Revised** and **Replacement** language must also indicate the affected policy subheading. Deletions should be bracketed and proposed new language underlined.

Each resolution must include a minimum of three “whereas” clauses and two “resolved” clauses as follows:

WHEREAS, (Include a brief statement of the issue/concern); and

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it

RESOLVED, That the (Yourtown) Board of Education proposes the following (**new, additional, revised, or replacement**) policy language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes...(Provide a philosophic statement of the intent of the resolution. The statement should be broad so that, if approved by the delegates, it will be an enduring belief of the Association.)

Resolutions received by the deadline are then reviewed by NJSBA staff to ensure that the proposed resolutions are submitted in the above-indicated format, contain the required elements, seek action within the authority of NJSBA, and are clear as to intent and request. This process is necessary as past practice has shown that deviation from the standard format results in confusion among both the RSC and the delegates during deliberation and therefore avoids a loss of time and lack of clarity in determining the district's intent in filing the resolution for consideration.

Under current practices, if procedural defects in the resolution submission are identified, the resolving district receives communication (written or on the phone, and in many instances both) regarding the specific deficiencies, indicating that the deficiencies prevent the resolutions from being submitted to the RSC for review and thereafter to the DA. If time remains prior to the resolution deadline¹, there is no prohibition that would prevent the sponsoring district to then submit a revised and properly formatted resolution.

All resolutions deemed to meet requirements are submitted for review to the RSC; the RSC then acts on the proposed resolutions pursuant to NJSBA Bylaw Article V, Section 3 and includes the resolutions and recommended action on an agenda to the Delegate Assembly. Actions of the

¹ Pursuant to Bylaw Article V, Section 7a, resolutions must be received by NJSBA no later than 65 days prior to the date of the delegate assembly.

RSC can be overridden upon motion and affirmative majority vote of the delegates assembled. See NJSBA Bylaw Article V, Section 6.

RELEVANT NJSBA POLICY

The resolution seeks amendment to NJSBA Bylaws. The relevant Bylaws sections pertinent to the proposed resolution include:

Article V Resolutions

Section 1: Purpose of Procedures

The object of the resolutions procedure is to promote an orderly and democratic process for delegate action and to ensure that proper research be conducted prior to delegate action so that the delegates shall have as much pertinent information available as possible to aid them in their decisions.

Section 4: Consultation

The Resolutions Subcommittee shall, upon request, extend to each body that has submitted a resolution an opportunity to appear before the subcommittee or subcommittee thereof to present the resolution. The rules for the conduct of these appearance shall be promulgated by the Resolutions Subcommittee.

Section 5: Duties and Authority of Resolutions Subcommittee

In order to expedite the consideration of resolutions by the delegates, the Resolutions Subcommittee shall prepare a resolutions agenda and shall be authorized as follows:

- A. In the event a resolution is submitted in improper form or is unclear in intent, to amend the resolution or to substitute a new resolution on the resolutions agenda;
- B. In the event a resolution is similar to other resolutions already submitted, to combine resolutions or remove some from the agenda in favor of others;
- C. In the event a resolution calls for action beyond the scope of the Association's charter, to remove the resolution from the agenda;
- D. In the event a resolution calls for action which had been considered by the delegates at the preceding meeting of the Association and changes in the educational scene since that time are found to be insufficient to cause a reevaluation of the issue, to remove the resolution from the agenda;
- E. In the event a resolution calls for action on an issue which has become moot prior to the Delegate Assembly at which it is to be presented, to remove the resolution from the agenda; and

F. In the event a resolution calls for action which would constitute a reaffirmation of existing Association policy, to remove the resolution from the agenda.

Provided, that none of the foregoing authorized actions of the Resolutions Subcommittee shall be taken except upon a two-thirds affirmative vote of those present and voting.

The Resolutions Subcommittee shall also include in the agenda any bylaw amendments received by the Association, consistent with the procedures set forth in Article XII, Section 3 of these bylaws.

Procedural Rules Stemming from Bylaws

(1) RSC Rules

Additionally, the RSC adopted rules, titled *Rules for the Conduct of Appearances Before the Resolutions Subcommittee or Any Subcommittee Thereof*, relative to its process and procedures. The relevant section of those rules include:

Pursuant to Article V, Section 4 of the Bylaws of the New Jersey School Boards Association, the Resolutions Subcommittee has adopted the following Rules:

7. Effective Date; Waiver

- a. These rules became effective on October 28, 1981, were amended on March 9, 1984, October 18, 1991, April 2, 2002 and November 18, 2006 and shall remain in effect unless further amended or repealed.
- b. The Resolutions Subcommittee reserves the right to *waive the operation of these rules or any part thereof so as to best effectuate the objective of the resolutions procedure.*

(emphasis added).

(2) Delegate Manual

The manual provided to all delegates also includes pertinent information as follows:

Delegate Assembly Manual - Overview of Delegate Assembly Procedures (page 42, as of April 4, 2024)

Resolutions Subcommittee and Emergency Resolutions Subcommittee: The Resolutions Subcommittee meets 42 to 49 days before each delegate assembly to review resolutions and sunset policies submitted for delegate action.

DISCUSSION

As indicated in NJSBA Bylaw Article V, Section 1, the purpose of the resolution review process is to promote an orderly and democratic process for delegate action and to ensure that proper research is conducted prior to delegate action so that the delegates have as much pertinent information available as possible to aid them in their decisions.

The proposed resolution seeks to create an additional layer of review and revisions that is unlikely to enhance the resolution process, but rather may impede it. The current process, whereby NJSBA staff complete a technical review of proposed resolutions, serves the dual purpose of ensuring a consistent format to facilitate deliberations by the delegates and to distinguish resolutions advocating a position or idea from those seeking to amend the P&P.

This review determines whether the proposed resolution is properly formatted, is clear, and seeks appropriate action. Removing resolutions deemed to be procedurally deficient prevents unnecessary work in attempting to elucidate the intent of a proposed resolution that is not clear on its face; ensures that the resolution aligns to the NJSBA's *Manual of Positions and Policies on Education* format; would be unclear to the RSC and/or the delegates reviewing the resolution, thus allowing them to make informed decisions/votes; and ensures that NJSBA staff, and thereby the RSC, have an opportunity to thoroughly research and review resolutions to recommend action that results in good, sound policy. Essentially, the NJSBA staff review maintains an orderly and democratic process for both the delegates and the RSC.

It is worth noting that a district sponsoring a resolution receives confirmation of receipt and notice as soon as possible regarding procedural deficiencies. The notice explicitly details the deficiencies and in many instances is provided in writing and via telephone. Where the resolution is received sufficiently in advance of the filing deadline, the resolving district is provided with an opportunity to submit corrected resolutions for consideration at that same DA.

Absent the above-noted practice, there is insufficient time built into the RSC approval process to allow procedurally defective resolutions to be revised, resubmitted, and sent to the RSC for action. Sending procedurally defective resolutions to the RSC for consideration requires an additional meeting of the RSC prior to the DA. As it stands now, the RSC must meet in a small 7 day window (between 42 to 49 days before each DA). *See Delegate Assembly Manual*, page 42. This means that the RSC has just 7 days, inclusive of weekends and holidays, for the RSC to meet twice, potentially three times depending on resolution volume, to review both the accepted and procedurally defective resolutions, consider them, take action with regard to same, and develop the DA agenda.

The proposed resolution permits the sponsoring board time to rectify the deficiencies noted by the RSC and resubmit the resolution if it so chooses². If resubmitted, the RSC would then need to consider the revised resolution, make a recommendation, vote upon same and submit the resolution for the DA agenda³. This requires another meeting of the RSC, all within a 7 day

² The resolution does not provide a timeline for submission of revised resolutions.

³ The Delegate Assembly handbook is sent 22 days before the date of the DA. *See Delegate Assembly Manual* at p. 42. Moreover, approximately five workdays after the RSC meeting, a notice is sent to all school business administrators, county association presidents and board presidents by fax/e-mail advising them that the report of the Resolutions Subcommittee, all resolutions admitted to the DA agenda and background materials, proposed *Bylaws* amendments, sunset policies and committee reports with recommendations for delegate action have been placed on

window. This does not even account for the time NJSBA staff must find and devote to each revised resolution by way of extensive research into existing policy and policy archives, along with a written recommendation to the RSC.

STATEMENT OF REASONS

Providing for an interim process whereby procedurally defective resolutions can be revised by the sponsoring board after submission interferes with the orderly resolution process and does not ensure that resolutions submitted to the DA are thoroughly reviewed and researched by NJSBA staff and the RSC:

1. Current process ensures clarity and efficiency of resolutions;
2. Current process ensures that districts aspire to submit properly formed resolutions, thereby creating efficiency in the DA process; and
3. Current process ensures the DA results in good policy that is properly and thoroughly researched by NJSBA staff.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends this resolution be opposed.

the NJSBA web site in order to permit consideration of the issues by district boards before each delegate assembly.
Id.

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ANNUAL DELEGATE ASSEMBLY
May 18, 2024

The following resolution was received from the
Plainfield Board of Education (Union):

WHEREAS, The Delegate Assembly of the New Jersey School Boards Association (NJSBA) holds bi-annual meetings to review and incorporate new policy language into the NJSBA's *Manual of Positions and Policies on Education* and/or to amend the NJSBA Bylaws; and

WHEREAS, Article XII of the NJSBA *Bylaws*, Section 1 titled "Amendments" states that the bylaws "may be amended at any regular or special meeting of the delegates by a two-thirds vote of the delegates present and voting provided written notice of a proposed amendment shall have been given to all district boards of education in accordance with the procedures set forth below; and

WHEREAS, Article XII of the NJSBA *Bylaws*, Section 3 titled "Amendment Procedures" states that "the Resolutions Subcommittee shall prepare a report and submit it in advance of the regular or special meeting of the delegates to each local board of education; and

WHEREAS, The Subcommittee report is required to be prepared as set forth pursuant to Article V, Section 3 of these bylaws and requires that the procedure for bylaw amendments shall be consistent with the procedure set forth pursuant to Article V, Sections 2, s and 7a of these Bylaws; and

WHEREAS, Article V of the NJSBA *Bylaws*, Section 5 titled "Duties and Authority of Resolutions Subcommittee" grant the Resolution Subcommittee the authority to prepare a resolutions agenda and subsection (a) grants authority to amend the resolution or to substitute a new resolution on the resolutions agenda in the event that a resolution is submitted in an improper form or is unclear; and

WHEREAS, Although the Subcommittee has the authority to amend a resolution or to substitute a new resolution in the event it is not in proper form or is unclear, there is no mechanism by which an impacted sponsoring District may appeal a

subcommittee's preliminary determination or to permit and amendment to an improperly formatted or unclear resolution pursuant to its already existing powers pursuant to Article V, Section s(a) of the *Bylaws* as set forth above; and

WHEREAS, The *Bylaws* do not contain any specific format requirements for resolutions, and leaves the format requirements to the discretion of the Subcommittee; and

WHEREAS, Local Boards of Education are left without any recourse to revise and resubmit any proposed resolutions rejected by the Resolution Subcommittee, including those rejected for only formatting deficiencies; and

WHEREAS, The only available appeal process for proposed resolutions rejected by the Resolution Subcommittee is the authority of a local board of education to override actions taken by the Resolutions Subcommittee by motion and a majority vote of the delegates assembled at the annual meeting pursuant to Article V, Section 6 of the NJSBA *Bylaws*; and

WHEREAS, Article V, Section 6 of the NJSBA *Bylaws* states in relevant part that "the motion to override Resolutions Subcommittee action may be made only during the time set forth in the meeting agenda, which shall be after the consideration of emergency resolutions and prior to delegate action on regular resolutions"; and

WHEREAS, The Plainfield Board of Education now seeks an interim process by which to appeal any proposed resolutions rejected by the Resolution Subcommittee prior to the members of the Delegate Assembly attendance and vote of any proposed resolutions at an annual (or regular) meeting; and

The NJSBA believes that the State Board of Education, the New Jersey State Department of Education, the State Legislature, and other agencies should revise the ABR's statutory definition of "HIB" to take into account not only how the conduct was reasonable perceived by the victim, but to also consider the intent or motivation of the actor, because not every person who commits an act of HIB intended to do so and/or had the capacity to understand the effect of their words or deeds, particularly those individuals with special needs or those pupils who are very young; and, be it further

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA *Manual of Positions and Policies on Education*; and now, therefore be it

RESOLVED, That the Plainfield Board of Education proposes the following amended language for Article V, Section 4 titled "Consultation" of the NJSBA *Bylaws* for adoption by the Delegate Assembly and inclusion in NJSBA's *Bylaws*:

The NJSBA believes that the Resolutions Subcommittee shall, upon request, extend to each body that has submitted a resolution an opportunity to appear before the subcommittee or subcommittee thereof to present the resolution; the rules for the conduct of these appearances shall be promulgated by the Resolutions Subcommittee and must contain a process for the body that has submitted a resolution that the Resolutions Subcommittee and/or its support staff has rejected to revise a resolution that is submitted in an improper form, is unclear in intent, as provided in Section 51 below, and, therefore, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a special meeting of the
Plainfield Regional Board of
Education on February 27, 2024

Cameron E. Cox
Board Secretary

RESOLUTION NO. 7

SYNOPSIS

Resolution No. 7 from the Plainfield Board of Education (Union County) seeks to add **new** policy language to NJSBA's *Manual of Positions and Policies on Education* 6142.10, Technology indicating the belief that boards of education should implement policies that establish guidelines on the use of Artificial Intelligence (AI) in public schools.

BACKGROUND

The Plainfield Board of Education submitted a resolution seeking to create new NJSBA policy to assist boards of education in ensuring that policies and guidelines for implementation of curriculum and instruction utilizing AI are guided by the overarching principles of equity, transparency, accountability, fairness, and student privacy.

RELEVANT NJSBA POLICY

File Code 6142.10: Technology

Technology Curriculum

- A. The NJSBA believes that technology should be incorporated into the K-12 curriculum wherever it is appropriate. Students should be able to apply technology to personal, educational, and work-related purposes. [*Authority: DA 6/94-CR Technology, DA 11/97-SR*]
- B. The NJSBA believes funding for distance learning is critical to modern curriculum development and increased opportunities for student achievement in a highly technological society." [*Authority: DA 11/95-CR Shared Services, DA 12/83-1, DA 5/01-3, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

File Code 6141.1: Experimental/Innovative Programs

Implementation of Innovative Programs

The NJSBA believes that local boards of education should ensure that their policies on innovative programs provide a process to monitor their implementation. This includes careful review of their rationale and plans prior to implementation, participation by affected staff in the planning, and evaluation of the impact by objective observers. [*Authority: 12/82-CR Urban Education, DA 11/02-SR, DA 11/07- SR, DA 11/12-SR.*]

DISCUSSION

The term artificial intelligence was coined in 1955 and came from a study at Dartmouth, Harvard, and Bell Labs. It defines AI as machine-based systems that can for a given set of human defined objectives, make predictions, recommendations, or a decision influencing real or virtual environments (National AI Act 2020 from US Department of State).

The newest iteration of AI, Generative AI, is a form of AI that creates something new from information provided to the machine-based system that can use analysis of data to create personalized content and learning.

As technology has progressed, AI has become more frequently utilized. In 1961, the industry's first robot "Unimate" was used on assembly line production for GM cars right here in New Jersey. By 1968, the movie 2001, A Space Odyssey highlighted "Hal," a sentient computer, demonstrated the challenges of AI. Some may also remember Furby, the first pet robot and Christmas toy of choice in 1998. Certainly, notable was "Watson" that defeated two Jeopardy Champions in 2011, well over a decade ago. As the pace of technological innovation marches forward at an expedited pace, society at large and educational institutions are now facing this next generation of AI, Generative AI.

Governor Murphy, through Executive Order #346 (October 2023), created a Task Force to address AI in every facet of business, industry, government, and education. In his most recent budget proposal for fiscal year 2025, he outlined plans to include \$2 million to help schools explore AI education and to develop new career and technical programs targeted to AI.

Like many of us, educators and students use AI-powered services every day, such as voice assistants in their homes; tools that can correct grammar, complete sentences, and draft essays; and plan road trips on their phones. Devices such as Roombas and drones are other examples of AI that we now take for granted.

The benefits of AI and Generative AI for education are clear. According to the National Office of Education Technology:

AI enables new forms of interaction. Students and teachers can speak, gesture, sketch, and use other natural human modes of communication to interact with computational resources and each other. AI can generate human-like responses, as well.

AI can help educators address variability in student learning. With AI, designers can anticipate and address the variations in how students successfully learn—whereas traditional curricular resources are often designed to teach to the most common learning pathways. For example, AI-enabled educational technology may be deployed to adapt to each student's English language abilities with greater support for the range of skills and needs among English learners.

AI supports powerful forms of adaptivity. Conventional technologies adapt based upon the correctness of student answers. AI enables adapting to a student's learning process as it unfolds step-by-step, not simply providing feedback on right or wrong answers. Specific adaptations may enable students to continue strong progress in a curriculum by working with their strengths and working around obstacles.

AI can enhance feedback loops. AI can increase the quality and quantity of feedback provided to students and teachers, as well as suggesting resources to advance their teaching and learning.

AI can support educators. Educators can be involved in designing AI-enabled tools to better engage and support their students and reduce time spent on administrative tasks and paperwork.

While the opportunities abound with the usage of AI, challenges are present as well. Many technological advances can be fraught with the potential for misuse and provide a benefit. Ethical use of data, ensuring data privacy and security is critical. Facial recognition to monitor attendance and behavior can raise additional privacy concerns. The potential for deep fake videos, the deliberate amplification of misinformation and ensuring the accuracy and integrity of academic work are some additional examples. Monitoring the data and algorithms utilized is needed to ensure the elimination of potential bias. These are the reasons why strong belief statements and guidelines around the appropriate use of AI are imperative.

STATEMENT OF REASONS

1. The 2023 World Economic Forum Future of Jobs reports predict that 75% of computer use will be generative AI by 2025. Additionally, the report suggests that AI and machine learning will be the fastest growing profession globally. As of February 2024, only seven states (California, North Carolina, Ohio, Oregon, Washington, Virginia, and West Virginia) have provided guidance to school districts on AI. All students deserve access to technology that can fuel learning, personalize the learning process itself and better prepare our students for the 22nd century.
2. New Jersey, as a leader in public education nationally, needs to continue to address both the opportunities and challenges that AI and Generative AI create for our students and educators.
3. It is incumbent on boards of education as leaders to be a strong voice in the development and implementation of policies that will leverage the opportunities and address the challenges that AI/Generative AI put before us.

RECOMMENDATION

1 The Resolution Subcommittee recommends the adoption of this resolution with the following
2 **substitute** resolved clause in 6142.10 of NJSBA’s *Manual of Positions and Policies on*
3 *Education*:

4
5 **The NJSBA believes** that the use of Artificial Intelligence (AI) by students and staff, along with
6 the integration of AI into curriculum, presents both unprecedented opportunities and profound
7 challenges to New Jersey School Districts and that school districts need to implement policies to
8 establish guidelines for the use of AI in public schools.

9

10 In support of this belief, NJSBA supports the establishment of a statewide Artificial Intelligence
11 Task Force which will provide guidance and policy recommendations to assist public schools in
12 ensuring equitable access to AI technologies, promote responsible and ethical AI use, and foster
13 innovation and digital literacy among students and educators.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

**The following resolution was received from the
Plainfield Board of Education (Union):**

- WHEREAS, Technology plays a vital role in modern education, providing opportunities for innovating teaching and learning; and
- WHEREAS, The use of Artificial Intelligence ("AI") in public school districts has the potential to enhance educational outcomes, personalize learning experiences, and improve administrative efficiency; and
- WHEREAS, The responsible and ethical use of AI in public schools is essential to safeguard student privacy, equity, transparency, and accountability; and
- WHEREAS, The United States Department of Education's Office of Education Technology released a news report in 2023 addressing the need for drafting school policies to address the benefits and risks of the use of AI in our school district and public education system; and
- WHEREAS, The Plainfield Board of Education believes that it is necessary for school districts to establish clear standards and guidelines for the use of AI to ensure its benefits are maximized while minimizing risks; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA *Manual of Positions and Policies on Education*; and now, therefore, be it
- RESOLVED, That the Plainfield Board of Education proposes the following new policy language with regards to Policy 6142.10 Technology for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes the integration of Artificial Intelligence (AI) into curriculum presents both unprecedented opportunities and profound challenges to New Jersey school districts and that school districts need to implement policies to establish guidelines for the use of AI in public school; and, be it further

RESOLVED, That, NJSBA believes, the following principles guide the task force with regards to development and implementation of AI policies in public schools:

- a. Equity: AI systems should be designed to reduce, rather than exacerbate educational inequities and provide equitable access to educational resources.
- b. Transparency: Schools shall provide clear information on how AI is used, including its purpose, algorithms, and data sources to ensure transparency and understanding among stakeholders.
- c. Privacy: Student data privacy shall be safeguarded in accordance with applicable laws and regulations. Data collected and processed by AI systems shall be used solely for educational purposes.
- d. Accountability: Schools shall establish mechanisms for accountability and oversight of AI systems, including regular assessments, audits, and evaluations.
- e. Fairness: AI Algorithms shall be designed and tested to prevent discrimination and bias, ensuring fair treatment for all students; and, be it further

RESOLVED, That, this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a special meeting of the
Plainfield Regional Board of
Education on February 27, 2024

Cameron E. Cox
Board Secretary

RESOLUTION NO. 8

SYNOPSIS

Resolution No. 8 from the Toms River Board of Education (Ocean County) proposes **revised** language for NJSBA's *Manual of Positions and Policies on Education* ("P&P") File Code 3220 indicating that all real estate developments utilizing Payment in Lieu of Taxes ("PILOT") programs should be included in any statewide equalized valuation calculation that impacts a Local Education Agency's share of state education aid and determines local fair share.

BACKGROUND

According to a publication of the Division of Local Government Services, *The Municipal Tax Abatement Handbook*, the Long-Term Tax Exemption Law (N.J.S.A. 40A:20.1 et seq.) empowers municipalities to grant tax exemptions to private entities undertaking redevelopment and housing projects. The exemptions may continue for a term of up to 30 years from project completion or up to 35 years from the execution of the tax exemption agreement. The handbook also indicates, "the tax exemption laws exist to incentivize private developers to invest in the development of a property or area of a municipality in a manner that may not be economically viable without a financial incentive. The abatement reflects the local unit's policy interest in advancing economic development at the abated site, and its willingness to sacrifice some tax revenue in the short to mid-term in exchange for attaining those policy goals. This is a delicate balance because too little subsidy may cause a municipality to fail to realize the development objective, but too much may unduly burden other taxpayers who must offset the subsidy through their own tax dollars."

According to a 2013 report from the New Jersey Office of the State Comptroller, "property taxes are apportioned according to the assessed value of taxable property. The amount of taxable property in each municipality is known as the ratable base. Providing tax-exempt status to property increases the property tax burden for other taxpayers as there is less available property to be taxed, resulting in a higher tax rate being applied to the ratable base."¹

The 2013 report continues, noting:

Tax abatements are reductions of or exemptions from taxes granted generally to businesses and developers, typically to encourage them to make improvements to property or to locate a project in a distressed or blighted area. Municipalities grant tax abatements to enhance employment opportunities, attract residents and encourage commercial establishments to locate in the municipality.

¹ *Management of Tax Exempt Property by Selected New Jersey Municipalities*, July 30, 2013, https://www.google.com/url?client=internal-element-cse&cx=f1a222ae9af1a47bb&q=https://www.nj.gov/comptroller/news/docs/report_tax_exempt.pdf&sa=U&ved=2ahUKewjK7ePq1rqFAxVbF1kFHbCbC14QFnoECAUQA&usg=AOvVaw15R0wNfO0xILIXapaR_BG5&arm=e (Last visited April 11, 2024).

A payment in lieu of taxes (PILOT) program may be agreed upon as part of an abatement agreement. A PILOT is made to compensate a municipality for some or all of the tax revenue it loses as a result of relieving the property owner of otherwise applicable tax obligations. Outside of the tax abatement context, a PILOT also may be agreed upon and made by a tax-exempt entity (e.g., college or public agency) to help defray the costs of providing municipal services such as police and fire protection. Municipalities initiate a PILOT program through a resolution approved by the local governing body and setting forth its terms in a financial agreement with the property owner.

In New Jersey, the PILOT program is designed to encourage development of a project that might not otherwise be feasible. Pilot programs are broken down into three areas, affordable housing, commercial/industrial, and other categories.

All municipalities collect all but 5% of the PILOT fee. That five percent is allocated to the county, and the municipality receives the balance. The structure of the payments is negotiated between the developer and municipality. The school district does not share in the proceeds unless the municipality includes the district in the negotiations.

Turning to the funding statutes, N.J.S.A. 18A:7F-1 et seq. establishes the *School Funding Reform Act of 2008* and includes a funding formula for school districts throughout the state. The formula is based primarily on the equalized valuation and personal income of the State.

It is interesting to note that equalized valuation as used in a district's state aid does not include the value of the PILOT programs. Toms River believes that the amount of the PILOT assessed values should be included in the State's overall equalized valuations, which in theory would increase a district's local fair share and reduce the Equalization Aid.

The accompanying statutes describe the components of SFRA and detail how these components are used in the calculation of a school district's state aid. A sample of the statutes are:

N.J.S.A. 18A:7F-43 School Funding Reform Act of 2008

N.J.S.A. 18A:7F-48 Equalization Aid

N.J.S.A. 18A:7F-52 Equalization Aid based on Local Share Determination

N.J.S.A. 18A:7F-53 Equalization Aid; Calculation

While there are additional statutes that determine a school district's budget, the proposed resolution, by referencing a district's local share, directly implicates N.J.S.A. 18A:7F-52; Equalization Aid based on Local Share Determination ("Local Share"). This statute sets forth the calculation of aid.

RELEVANT NJSBA POLICY

The sections of NJSBA's policies that are relevant to this recommendation are as follows:

P&P 3210 –

Tax-Exempt Properties

The NJSBA believes that in cases where students attend local public schools and reside in tax-exempt housing at a nonpublic school or independent institution of higher education, by way of a payment in lieu of taxes (PILOT) to the school district, the nonpublic school or independent institution of higher education should pay the out of district tuition of the per student cost of educating the students. [*Authority: DA 11/10-1, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

P&P 3220 –

State School Finance System

- C. The NJSBA believes** that the School Finance Committee should, as needed or as requested by the NJSBA Board of Directors, review the equity of distribution for construction state aid in view of socioeconomic factors, wealth, geographic characteristics, equalized school tax rate and other financial conditions. [*Authority: DA 5/00-6, DA 11/00- CR (School Finance), DA 5/01-CR (School Finance), DA 11/01-SR, DA 11/06-SR), DA 11/11-CR (Ad-Hoc School Finance Committee)*]

State Aid to School Districts

- B. The NJSBA believes** that as long as aggregate-income is used as a measure of local ability to pay for school costs, school districts and municipalities should have the benefit of a formal appeal process to challenge the assignment of income, similar to the formal appeal process available to challenge property values assigned to a municipality. [*Authority: DA 11/99-CR (School Finance)*]

State Revenue Raising System

- A. The NJSBA believes** that the state revenue raising system should embody the following characteristics:
1. Guarantee sufficient revenues to consistently meet the state's constitutional and statutory funding obligations to school districts;
 2. Be balanced with respect to the ability to expand and contract in response to economic conditions (elasticity) and the capacity to produce a stable flow of revenue (stability);
 3. Be balanced with respect to sources of revenue (individuals, businesses, property, sales, etc.);

4. Be designed to consider both an individual's and community's ability to pay.
[Authority: DA 9/82-1, DA 5/96-CR (School Finance), DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 5/17- SR, DA 5/17-CR (School Finance)]

State Aid to School Districts

- A. **The NJSBA believes** in an equitable distribution of education aid and related support payments which ensure that all school districts have an opportunity to benefit from governmental financial assistance....
- G. **The NJSBA believes** that local school districts educating the children who reside in state tax-exempt properties should not be adversely impacted in bearing the local cost of education for those students. NJSBA supports seeking aid from the state to fully fund the education of such students. [*Authority: DA 5/17-SR, DA 5/17-CR (School Finance)*]

DISCUSSION

Municipalities use PILOTs to encourage development of a project that might not otherwise be financially attractive to developers. Through a PILOT program, the developer receives a reduction of property taxes. When a property is designated as a PILOT, it no longer pays toward the local tax levy. The local tax levy is the amount we all pay in property taxes, some of which goes to fund our public schools. PILOTs can be understood as negatively impacting public education as PILOTs do not require payment into the local ratables.

The equalized valuation as used in a district's state aid calculation does not include the equalized value of PILOT programs. Toms River believes that the amount of the PILOT assessed values should be equalized and included in the States overall equalized valuations, which in theory would reduce the Equalization Aid to a district with PILOT programs due to the increase in local ratables, which would therefore result in an increase to the PILOT district's local fair share.

Because the equalized valuation in the State Aid calculation for equalization aid, does not include the true assessed value of a PILOT property, Toms River also believes that if the PILOT funds were included in the Statewide equalized valuation, the "pool" of State Aid would be redistributed throughout the State's school districts.

Major districts that are impacted include, but are not limited to, the Urban districts such as Jersey City, Newark, Paterson and Atlantic City to name a few. As of 2022 there were 1,457 PILOTs in the state among 564 towns. However, not every municipality has a PILOT program. Toms River has two PILOT programs, Toms River Township and South Toms River borough.

As of a 2022 Department of Community Affairs (DCA) report, there were 1,457 PILOT programs throughout the State. There is a total of 197 municipalities that have one or more PILOT programs, 149 are affordable housing, and 48 are a combination of Commercial/Industrial, and Other.

Toms River believes with the addition of equalized valuation to the state aid calculation, the district as well as other districts would receive additional state aid. This would only be true if the multiplier used in equalized valuation and personal income remained constant. Where personal income remains constant, the inclusion of it may redistribute the total aid available but could not specifically identify an individual district.

The NJSBA believes in an equitable distribution of education aid and related support payments which ensure that all school districts have an opportunity to benefit from governmental financial assistance...

There are pending bills that attempt/seek to address this issue:

A155: Includes value of certain properties exempt from taxation in valuation used to calculate State school aid in SDA districts.

A1107: Requires municipalities to share certain payments in lieu of property taxes with school district; informs counties, school districts, and DCA of certain information related to property tax exemptions and abatements.

A157: Prohibits exemptions of school purposes property taxes under “Long Term Tax Exemption Law.”

A942: Requires a 5-year average of equalized property valuation to be used in calculation of local fair share under state school funding formula.

STATEMENT OF REASONS

1. The Toms River resolution does not guarantee that the Toms River school district will receive additional funds if the PILOT equalized values were included in the Statewide equalized valuation calculation. The determination of additional funding reallocated should PILOT funds be included in the equalized valuation portion of the Local Fair share calculation for each district cannot accurately be determined until the personal income and the multipliers are included.
2. The Resolution as presented could have a negative impact on the 197 municipalities/districts that current have PILOT programs.
3. The Resolution could have a negative impact on the districts that currently participate in a PILOT program.
4. The inclusion of PILOT funds in the equalized valuation formula cannot guarantee that the reallocation of State Aid would have a positive or negative impact on any particular school district.
5. There is a new funding formula under consideration that addresses this issue.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends this resolution be opposed.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

**The following resolution was received from the
Toms River Regional Board of Education (Ocean):**

WHEREAS, The inclusion of PILOTS for any statewide equalized valuation/calculation that determines/impacts a Local Education Agency’s share of state education aid, and determines Local Fair Share could have a significant impact on the local fair share calculated in SFRA for many/most school districts; and

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors’ actions are codified in the NJSBA’s *Manual of Positions and Policies on Education*; now, therefore, be it

RESOLVED, That the Board of Education of the Toms River Regional School District proposes the following additional policy language for adoption by the Delegate Assembly and inclusion in the NJSBA’s *Manual of Positions and Policies on Education Business & Noninstructional Operations*, in particular, #3220, State Funds:

The NJSBA believes that all real estate developments utilizing PILOT agreements or Payments in Lieu of Taxes should be included in any statewide equalized valuation/calculation that determines/impacts a Local Education Agency’s share of state education aid and determines Local Fair Share.

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Toms River Regional Board of
Education on February 21, 2024

Wendy Saxton
Board Secretary

RESOLUTION NO. 9

SYNOPSIS

Resolution No. 9 from the Toms River Regional School District Board of Education (Ocean County) proposes **new** policy language at File Code 1400 supporting its belief that, in the interest of school security, the use of public school buildings for polling places while school is in session should be prohibited.

BACKGROUND

In response to multiple tragic events in our nation, the safety and security of New Jersey public school students and staff has been a top priority over the past several decades. To that end, The State of New Jersey and local school districts have made significant investments in public school security measures.

Each school district has different physical attributes and circumstances that present unique challenges when it comes to use of school facilities as polling locations for elections. In many districts, ensuring a physical separation of voters from students or student access areas is one of those challenges.

Under current New Jersey law, the county boards of election designate polling places, and have the final authority on the selection of polling places and can even limit school districts from denying their usage. See N.J.S.A. 19:8-2¹. This is likely given the belief that in many cases, school buildings are historically centrally located and are generally in easily accessible locations for elections.²

There are several significant studies on school safety and security. In 2014, the NJSBA issued its initial report on school safety and security entitled *What Makes Schools Safe?* In 2015, the State of New Jersey issued its own report, *New Jersey School Security Task Force Report and Recommendations*. Finally, in 2018, NJSBA issued *A Final Report: A Supplement to NJSBA's 2014 Study, What Makes Schools Safe?* In the later report, an entire section was devoted to elections in school buildings.

NJSBA's 2018 Final Report, quotes the State Task Force as follows:

¹ The statute provides in relevant part: "Preference in locations shall be given to schools and public buildings where space shall be made available by the authorities in charge, upon request, if same can be done without detrimental interruption of school or the usual public services thereof... In no case shall the authorities in charge of a public school or other public building deny the request of the county board for the use, as a polling place, of any building they own or lease."

² NJSBA. (2018). *A Final Report: A Supplement to NJSBA's 2014 Study, What Makes Schools Safe?* 25

School staff, parents and the community-at-large remain concerned about the apparent contradiction between expensive screening devices at school entrances; advanced identification systems for staff, students, and visitors; and the hardening of school perimeters and building entryways on the one hand and allowing unfettered access by hundreds or even thousands of unknown visitors to school facilities on election days when classes are in session on the other hand. For some schools, it is relatively easy to create a zone where voters can avoid interacting with students.... However, many schools do not have that option.³

The 2015 State Task Force recommended that school districts work with law enforcement and election agencies in identifying voting facilities. It also urged that “care should be taken and caution exercised to ensure the safety and security of students and school staff. Such care and caution could conceivably include using election days for professional development for school staff when students are not expected to be in the school building.”⁴

NJSBA’s 2018 Final Report went on to state “School districts have to ensure that election-day visitors are separated from students. This may disrupt the academic program since teachers and students lose access to parts of the facility, or school districts may find it necessary to declare Election Day a holiday or close school on other days when balloting takes place, even if it’s not in the interest of educational continuity... Conversely, some have argued that students can benefit from seeing members of the community exercising their franchise.”⁵

NJSBA’s 2018 Final Report makes a number of recommendations, including Recommendation #15: “County boards of election should work collaboratively with school districts in determining the location of polling places. Districts should be reimbursed for security procedures necessitated by the use of schools as polling places.”⁶

In New Jersey, there are different types of elections. Primary elections are held in June, and general elections are held in November. Some districts have retained school elections in April, and special elections may be held at other specified times. See N.J.S.A. 19:2-1, 2-3, 60-1. Each of these elections may differ in their level of public participation.

Local boards of education are empowered to set the school calendar for their districts and can designate days for closure of school as well as staff in-service days when students are not present. See N.J.S.A. 18A:11-1, et seq., N.J.A.C. 6A:32-8.3.

In addition, the Department of Education has, in the past, authorized districts to utilize remote or virtual learning on certain election days and have the day count toward the 180-day requirement, if the conditions of N.J.S.A. 18A:7f-9 are met.

³ “*New Jersey School Security Task Force Report and Recommendations*,” 40

⁴ “*New Jersey School Security Task Force Report and Recommendations*,” 39

⁵ NJSBA. (2018). *A Final Report: A Supplement to NJSBA’s 2014 Study, What Makes Schools Safe?* 25

⁶ NJSBA. (2018). *A Final Report: A Supplement to NJSBA’s 2014 Study, What Makes Schools Safe?* 26

RELEVANT NJSBA POLICY

The proposed resolution seeks to add position and policy language that is not currently contained within NJSBA's Positions and Policies on Education Manual ("P&P"). Although Toms River cited P&P file code 1400 as the applicable policy where it seeks to add the proposed resolution language, there are other relevant file codes which relate to the substantive content of the proposed resolution.

1. File Code 1400 speaks generally to relationships between districts and other governmental entities.
2. File Code 1430 contains a core value of the Association, that decisions about local schools should be made at the local level to the greatest extent possible.
3. File Code 5131.5 encourages boards of education to adopt school security policies. These policies should be developed in cooperation with law enforcement, the courts, and other government agencies.
4. File Code 6114 expresses a belief that the opening and closing of public schools is a matter best determined by local boards of education. State government should not mandate the closing of public schools except for state holidays, or reasons of health and public safety.
5. File Code 9112 expresses the belief that school district elections should be held in the same nonpublic voting places as are permissible for general and primary elections.
6. File Code 9112 also expresses the belief that during school board elections, the polls should remain open, at a minimum, between the hours of 5:00 p.m. and 9:00 pm and during any additional time that the school board may designate between the hours of 7:00 a.m. and 9:00 p.m. and should remain open as long as necessary to permit those in line at the time set for closing the polls to cast their ballots.

DISCUSSION

The issue raised by Toms River is both timely and important. As noted in the reports cited above, there is an apparent contradiction between two competing objectives. On the one hand, finding suitable polling places for elections to be held is necessary for the full conduct of elections in our localities, state, and nation. Schools have traditionally been ideal locations, due to their accessibility, and the lack of available alternative locations. However, we find ourselves in a time where greater school safety and security measures are necessary.

To that end, local school districts have adopted policies and practices whereby visitors to schools are both screened and supervised. However, it is not possible to do this for election visitors, due

to both practical and legal constraints.⁷ Districts therefore generally try to keep voters and students physically separated to the greatest extent possible when school is in session on election days. As confirmed in the studies cited above, each school district has different physical attributes and circumstances, and the separation of voters from students is a challenge for many districts.

The Toms River resolution seeks to prohibit the use of school buildings as polling places while school is in session and would apply to all school buildings and all elections, regardless of the circumstances in each district. As noted, in New Jersey, there are different types of elections. Primary elections are held in June, and general elections are held in November. Some districts have retained school elections in April, and special elections may be held at other specified times. Each of these elections tend to differ in their level of public participation. And again, each district has its own different physical attributes and circumstances.

Finally, districts retain the authority to set the school calendar for their districts and can designate days for closure of school as well as staff in service days. As the studies cited above outline, either closing schools completely, or using election days for staff in service provide districts with alternative options when voters cannot be separated from students in a given district. Since local control by local districts remains a core value of the Association, and not every district experiences difficulty in separating students from voters or otherwise being able to secure its buildings and students during election days, the NJSBA does not support a state-mandated prohibition on using schools as polling locations.

STATEMENT OF REASONS

1. Since the resolution as proposed by Toms River would impose a one size fits all solution for all districts in all elections, the resolution is not recommended for adoption as proposed. The suggested substitute resolution language below will appropriately capture the concerns of Toms River and serve to remind other boards of their ability to address election days as they feel necessary and appropriate.
2. In addition, county boards of election designate polling places, and have the final authority on the selection of polling places and can even limit school districts from denying their usage.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
- 2 following **substitute** resolved clause which would create **new** policy language to be included in
- 3 NJSBA's *Manual of Positions and Policies on Education* in File Code 9112:
- 4
- 5 **The NJSBA believes** the determination as to whether to close a public school building used as a
- 6 polling place on an election day should be made by the local board of education.

⁷ See generally, Office of the NJ Attorney General Voting Rights Resources, <https://www.njoag.gov/resources/electionprotection/>

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY

May 18, 2024

**The following resolution was received from the
Toms River Regional Board of Education (Ocean):**

- WHEREAS, The safety and security of New Jersey Public School students and the professionals that serve them is paramount; and
- WHEREAS, The State of New Jersey and Local Education Agencies have made significant investments in public school security measures to ensure all persons who enter a public school property are properly screened before entry and supervised once entry is permitted; and
- WHEREAS, The screening and supervision of voters in public polling places, in the same manner, is not feasible under law; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it;
- RESOLVED, That the Board of Education of the Toms River Regional School District proposes the following new policy language for adoption by the Delegate Assembly and inclusion in the NJSBA's *Manual of Positions and Policies on Education*, in particular, #1400, Community Relations, "Relations Between Other Governmental Agencies and the District":
- The NJSBA believes** that the use of Public School buildings as polling places while school is in session should be prohibited in the interest of school security.
- RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Toms River Regional Board of
Education on February 21, 2024

Wendy Saxton
Board Secretary

RESOLUTION NO. 10

SYNOPSIS

Resolution No. 10 from the Toms River Regional School District (Ocean County) proposes **new** policy language providing that “NJSBA believes full-day kindergarten should be a required grade in New Jersey Public Schools to help local education agencies facilitate instruction and mastery of the New Jersey Student Learning Standards, and this mandate should be supported through a well thought out school funding formula.”

BACKGROUND

The Toms River Board of Education has timely filed a resolution seeking to add new language to the NJSBA’s *Manual of Policies and Procedures of Education* (P&P).

In New Jersey, Kindergarten is not a compulsory grade and students are not required to attend Kindergarten programs. N.J.A.C. 6A:24-3. The exception to this regulation is that school districts formerly known as the Abbott Districts are required to provide full-day kindergarten programs. N.J.S.A. 18A:44-2. The N.J. Student Learning Standards for kindergarten students include: English Language Arts; Mathematics; Science; Social Studies; Visual & Performing Arts; World Languages; Career Readiness, Life Literacies, & Key Skills; Comprehensive Health & Physical Education; Computer Science & Design Thinking.

If a district does have a full-day Kindergarten program, a full-day is considered 2.5 hours (as opposed to 4 hours for grades 1 –3). Pursuant to N.J.A.C. 6A:32-8.3:

- (a) A day in session shall be a day on which the school is scheduled to provide instruction and students are under the guidance and direction of a teacher(s) engaged in the teaching process. A day on which school is closed for reasons such as holidays and teachers' institutes, or inclement weather not under conditions set forth at N.J.A.C. 6A:32-13, shall not be considered a day in session.
- b) A day in session shall consist of not less than four hours, exclusive of recess and lunch periods, except that one continuous session of two and one-half hours may be considered a full day in kindergarten.

According to the Toms River Resolution, the New Jersey State Board of Education recently passed updates to the New Jersey Student Learning Standard that significantly increased the “vigor” of content that is required to be provided in Kindergarten. Because Kindergarten is not considered a compulsory grade, Toms River contends that boards of education and chief school administrators are “forced to make difficult budget choices that can prevent the creation and/or sustainability of full day Kindergarten programs.” Toms River further asserts that the State is striving towards free Universal Pre-Kindergarten which require a sound established vertically articulated full day Kindergarten Program.

The sponsoring board has respectfully asserted the above additional language be added to the P & P Manual.

RELEVANT NJSBA POLICY

File Code 6178 – Early Childhood Education/Pre-School

- A. The NJSBA believes that full-day kindergarten programs benefit students. Technical assistance from the Department of Education and financial incentives including state funds for program planning, staff development, and renovation or construction of suitable kindergarten classrooms should be made available to districts seeking to convert from a half -day to full-day program.
- B. The NJSBA believes that full-day kindergarten programs should be developmentally appropriate.
- C. The NJSBA believes that full-day kindergarten should not be mandated by the State unless state funds are provided to meet the need for necessary additional facilities and staff.
- D. The NJSBA believes that full-day kindergarten programs should be supported under the T&E budget and the state funding formula should apply the same per-pupil cost weight for full-day kindergarten programs that is used for the elementary grades 1-5. [Authority: DA 6/89-CR (*Early Childhood Education*), DA 11/97- SR, DA 5/01-2, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

RELEVANT STATUTORY AND REGULATORY LANGUAGE

N.J.S.A. 18A:44-2 - Establishment of Kindergarten

The board of education of any district may establish a kindergarten school or kindergarten department, which in order to receive State aid shall be a one-year program in advance of or in preparation for entrance to first grade, in any school under its control, and may admit to such kindergarten school or department any child over the age of four and under the age of five and shall admit to such kindergarten school or department any child over the age of five and under the age of six years who is a resident of the district.

N.J.S.A. 6A:32-12.1 – Kindergarten Programs

(a) School districts offering approved kindergarten programs shall provide each student enrolled with a balanced program using adequate equipment, materials, and supplies. School districts shall design a balanced kindergarten program to meet the individual needs of every student and may include instruction in reading and other subjects when the teacher of the class determines that a student is ready for such instruction.

(c) School districts that are not subject to the Abbott v. Burke decisions at 153 N.J. 480 (1998) and 177 N.J. 578 (2003) ("Abbott decisions") or the provisions at

N.J.A.C. 6A:13-3.2 shall maintain a maximum enrollment for a kindergarten classroom of 25 students per teacher. School districts subject to the Abbott decisions or in which 40 percent or more of the students are "at-risk" as defined at P.L. 2007, c. 260, shall follow the provisions for kindergarten at N.J.A.C. 6A:13-3.2.

1. School districts that are not subject to the *Abbott* decisions or the provisions at N.J.A.C. 6A:13-3.2 may submit a written request to the executive county superintendent for permission to increase the number of students in a kindergarten classroom, provided another teacher, or a paraprofessional is employed full-time to provide for the increased size.

DISCUSSION

While the resolution as proposed was timely submitted and in proper format, P&P File Code No. 6178 – Early Childhood Education/Preschool already contains the following language:

- A. **The NJSBA believes** that full-day kindergarten programs benefit students. Technical assistance from the Department of Education and financial incentives including state funds for program planning, staff development, and renovation or construction of suitable kindergarten classrooms should be made available to districts seeking to convert from a half-day to full-day program.
- B. **The NJSBA believes** that full-day kindergarten programs should be developmentally appropriate.
- C. **The NJSBA believes** that full-day kindergarten should not be mandated by the State unless state funds are provided to meet the need for necessary additional facilities and staff.
- D. **The NJSBA believes** that full-day kindergarten programs should be supported under the T&E budget and the state funding formula should apply the same per-pupil cost weight for full-day kindergarten programs that is used for the elementary grades 1-5. [*Authority: DA 6/89-CR (Early Childhood Education), DA 11/97- SR, DA 5/01-2, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR.*]

Based on the language above, NJSBA is already of the belief that full day kindergarten programs benefit students and should be developmentally appropriate. Additionally, the language as it currently exists, holds that full day kindergarten should not be mandated unless fully funded by the state to meet the need for additional facilities and staff. Moreover, NJSBA believes that Full Day Kindergarten programs should be supported under the T&E Budget.

The Toms River resolution seeks to add language to the P&P Manual that is divergent from already existing language wherein NJSBA believes that full day Kindergarten should not be mandated by the State unless state funds are provided to meet the needs for necessary additional facilities and staff. There was no specific information and/or data provided by Toms River nor was any found during the research process to determine the statewide impact of such a change. Moreover, it has not been demonstrated that there is statewide support for this proposition.

The language of the resolution if accepted could have the unintended consequence of forcing districts not similarly situated to be subject to a State mandate that they are not locally in a position to implement or continue. Lastly, absent more information about the statewide impact of a statewide mandate requiring Full Day Kindergarten programs, the broader language already contained in the P&P Manual allows NJSBA the flexibility to allow districts to run their respective early childhood programs.

It is also worthy of note that the current funding law (N.J.S.A. 18A:7F-43 – School Funding Reform Act) and associated statutes and regulations outlined below do currently address the funding concerns of this resolution and have passed constitutional muster with respect to delivering a “Thorough and Efficient” education.

STATEMENT OF REASONS

1. The aforementioned resolution calls for action which runs contrary to NJSBA’s support of local control, as set forth in P&P 1430, and general resistance to governmental mandates which subvert local control as set forth in P&P 3220.
2. Additionally, the resolution calls for a change to existing Association policy without sufficient justification to do so [File Code 6178 – Early Childhood Education/Preschool].

The current P&P language allows NJSBA to advocate in this area without requiring every district to provide a Full Day Kindergarten Program.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends this resolution be opposed.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

**The following resolution was received from the
Toms River Regional Board of Education (Ocean):**

- WHEREAS, The New Jersey State Board of Education recently passed updates to the New Jersey Student Learning Standards that have significantly increased the rigor of content which school districts are required to include in vertically articulated K-12 curricula, especially in English Literature Arts and Mathematics. The new standards introduce topics in kindergarten that were taught in second grade just two standard revisions ago; and
- WHEREAS, Kindergarten neither full nor half day is required to be offered or attended in the State of New Jersey; and
- WHEREAS, The State of New Jersey is striving toward free Universal Pre-Kindergarten programs which require a sound established vertically articulated full-day Kindergarten program; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it;
- RESOLVED, That the Board of Education of the Toms River Regional Schools proposes the following new policy language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*:
Instruction:

The NJSBA believes that full-day Kindergarten should be a required grade in New Jersey Public Schools to help local education agencies facilitate instruction and mastery of the New Jersey Student Learning Standards, as well this mandate should be supported through a well thought out school funding formula.

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Toms River Regional Board of
Education on February 21, 2024

Wendy Saxton
Board Secretary

RESOLUTION NO. 11

SYNOPSIS

Resolution No. 11 from the Toms River Board of Education (Ocean County) seeks **new** policy language at NJSBA's *Manual of Positions and Policies on Education*, ("P&P") File Code 9300, Governance, indicating that the NJSBA believes the New Jersey Department of Education (DOE) should be required to maintain a public database of all state-mandated policies and issue model policy documents including all required language and areas of discretion in such model policies.

BACKGROUND

N.J.S.A. 18A:11-1 provides the general mandatory powers and duties of local boards of education. One such duty is that local boards of education shall make, amend, and repeal rules (policy) for its own governance and business transactions. Those rules must be consistent with applicable laws and regulations. See N.J.S.A. 18A:11-1(c).

Accordingly, making policy is an essential function of a local school board. Nevertheless, in some instances the law will require a local board to create policy on specific issues; that law may then also require the policy to contain certain criteria/parameters or direct the DOE or other state entity to offer model policy guidance. Some examples of laws that require local boards to adopt policy on specific matters are:

- (1) Harassment, Intimidation and Bullying Law, N.J.S.A. 18A:37-15;
- (2) Heat Participation Policy, N.J.S.A. 18A:11-3.10;
- (3) Sports Concussion, N.J.S.A. 18A:40-41.3a;
- (4) Anti-Hazing, N.J.S.A. 18A:37-32.2;
- (5) Communication between school employees and students, N.J.S.A. 18A:36-40;
- (6) Transportation of students along hazardous routes, N.J.S.A. 18A:39-1.5;
- (7) Random testing of certain student, N.J.S.A. 18A:40A-23; and
- (8) Threat Assessment Teams, N.J.S.A. 18A:17-43.4.

Historically, and dependent upon the language of the legislation, the DOE issues model policy guidance to local school districts stemming from the legislative requirement(s). One such example includes the model concussion protocol policy issued by the DOE in September 2023, available [here](#)¹. Here, the DOE offers a guidance document and outlines the elements of a model policy. This type of model policy guidance from the DOE can be on an ad hoc basis, often driven by the language of the legislation.

NJSBA is aware of recent concerns across the state relative to mandated policy requirements, it is not, however, aware of a centralized online database created or supported by the DOE that contains a list of these mandated policies with a link to the issued model policy language/guidance.

¹ Available at

<https://www.nj.gov/education/broadcasts/2023/sept/13/UpdatedConcussionProtocolsandGuidance.pdf>

RELEVANT NJSBA POLICY

Relevant sections of NJSBA Positions and Policies on Education (P&P) include:

File Code 9311: Formulation, Adoption, Amendment of Policies School Board Policy

- A. **The NJSBA believes** that sound school board policy is essential to the successful and efficient functioning of the public schools.
- B. **The NJSBA believes** that in order to meet legal requirements and to provide effective direction for the operation of the district and its schools, local district policies should be reviewed on an ongoing basis. Boards should involve all stakeholders, including members of the community in the policy development and review process when appropriate. *[Authority: DA 5/76-CR (Policy Advisory), DA 12/82-CR (Urban Education), DA 6/93-SR, DA 11/98-SR]*
- C. **The NJSBA believes** that the role of the State Department of Education in approving local district policy should not exceed the requirements of administrative code or encroach on the authority of local boards of education regarding the management and operation of the district. *[Authority: DA 12/87-5, DA 6/93-SR, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR, DA 5/23-SR].*

File Code 1430: State and National Units

State Role in Education (relevant provisions only)

- A. **The NJSBA believes** the authority for management of public schools should rest with local boards of education and State authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education. *[Authority: DA 10/78-CR Graduation Requirements, DA 6/80-A, DA 6/93-SR, DA 6/95-SR]*
- B. **The NJSBA believes** that all rules, regulations, and guidelines governing local boards of education should be submitted for open public review and approval of the State Board of Education and implementation of state regulations should be consistent with officially adopted rules. *[Authority: DA 12/82-8, DA 6/93-SR, DA 6/97-7]*

DISCUSSION

Consistent with the above P&P policies, NJSBA has long held that the best decisions for students' education are made at the local level².

² NJSBA's support of local control for boards of education is contained in other P&P sections as well, including 3100-protection of local control in budget and finance; 1430 – protections regarding the state role in education,

Nevertheless, there are many situations in which legislation and/or regulation compels a local board to comply with state directives. One such instance is when, as indicated above, legislation requires that a local board develop and/or maintain policy on a certain topic. Depending upon the language in the legislation, the DOE may be required to issue guidance and/or model policy language that touches the minimum requirement(s) of the legislation. Local boards then review the legislation alongside the model policy guidance and create policy that meets the legal requirements of the legislation.

Regardless of the legislative directives compelling board action, there are several ways that a local board can continue to exercise discretion and control within the confines of mandatory policies and/or model policies. Local boards can potentially add to, or increase, the minimum requirements of a policy; it can modify the requirements to ensure the policy can be implemented and/or enforced in its district; it can include data collection as part of the policy language or policy requirements, if applicable; and it can align policy language to internal processes or to be consistent with its other policies.

P&P 9311 maintains that role of the DOE in approving local district policy should not encroach on the authority of local boards of education regarding the management and operation of the district. Although possibly unintended, DOE issuance and maintenance of model policies alongside a mandated policy list could exert pressure, or be perceived by local boards, as mandating language, thus usurping the local board's discretion in policy creation.

STATEMENT OF REASONS

1. There is little concern in supporting the concept that the DOE should maintain a mandated, publicly available, list of policies stemming from legislative or regulatory requirements. In fact, this list would ensure consistency across the State, which is beneficial for all local boards of education.
2. However, inclusion of draft model or sample policy language that denotes areas of local board discretion is a step too far and encroaches on local control. These samples could be unnecessarily limiting to a local board in exercising its discretion regarding development and implementation of policy, even if that policy is legislatively or regulatorily required. Boards could view the discretionary areas as the limits of its discretion, which may very well be inaccurate.
3. Accordingly, the substitute resolved clause below captures the spirit of this resolution while preventing loss of local control, to the extent possible, relative to legislative or regulatory policy mandates.

ensuring that local control remains without excessive state oversight; and 9311 – limiting the role of the state in approving local district policy.

RECOMMENDATION

1 The Resolutions Subcommittee recommends approval of the proposed resolution with the
2 following substitute language which would create **additional** policy language to be included in
3 NJSBA's *Manual of Positions and Policies on Education* in File Code 9311:
4

5 **The NJSBA believes** that the role of the State Department of Education in approving local district
6 policy should not exceed the requirements of administrative code or encroach on the authority of
7 local boards of education regarding the management and operation of the district. Nevertheless, the
8 State Department of Education should maintain a publicly available list of legislatively or
9 regulatorily mandated policies that a local board of education is required to maintain as part of its
10 policy manual. Sample or model policies may be provided as guidance for local boards but should
11 not indicate any specific language is mandated.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

**The following resolution was received from the
Toms River Regional Board of Education (Ocean):**

- WHEREAS, There has recently been significant public debate about the difference between mandated and recommended school district policies; and
- WHEREAS, It would be extremely helpful to districts to receive models of all required policies from the NJDOE directly and that those mandated policies be contained in a publicly searchable database; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors' actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it
- RESOLVED, That the Board of Education of the Toms River Regional Schools proposes the following (new, additional, revised, or replacement) policy language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*, in particular, #3000, Governance:

The NJSBA believes that the New Jersey Department of Education (NJDOE) should be required to maintain a public database of all state-mandated policies and to directly issue model documents including all required language and highlighting any areas of discretion in all new state-mandated policies based on legislation and administrative code to Local Education Agencies through the Chief School Administrator.

- RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Toms River Regional Board of
Education on February 21, 2024.

Wendy Saxton
Board Secretary

RESOLUTION NO. 12

SYNOPSIS

Resolution No. 12 from the Toms River Board of Education (Ocean County) seeks to add **additional** language to NJSBA's *Manual of Positions and Policies on Education* (P&P) File Code 3220 regarding the amount of State aid a school district receives. Specifically the resolution states that State Aid should be frozen at the 2022-23 levels for financially responsible S2 losers who are >10% below adequacy, spend at least 10% less than the average on administrative costs, and are unable to meet the local fair share contribution despite annual maximum statutory permitted tax levy increase until such time as the state aid formula is studied and thoughtful recommendations are made to facilitate a through and efficient education for all New Jersey Public School Students.

BACKGROUND

N.J.S.A. 18:7F-43 et seq., also known as the *School Funding Reform Act* (SFRA), sets forth a funding formula for how school districts are to be funded.

The *School Funding Reform Act* (SFRA), P.L. c 260 (18A:7F-43) ushered in a new era in school funding for New Jersey public education. Passed towards the end of the Corzine administration, the SFRA represented a dramatic shift from the previous state funding mechanisms; many of which were overshadowed by New Jersey Supreme Court rulings resulting from a string of arguments put forth in the *Abbott v. Burke* cases.

SFRA, which directs significantly greater resources to students and school districts with greater needs, is designed to maintain equitable funding in high-poverty districts while advancing equity statewide. The statute, ultimately deemed constitutional by the New Jersey Supreme Court, achieved these goals in two important ways: through a weighted student funding formula and through a significant expansion of the Abbott preschool program.

School aid under SFRA is distributed through a foundation formula, a method based on an amount that reflects the educational cost per student. Calculations are based on a per-pupil adequacy budget, which represents what districts should be spending to allow each student to attain New Jersey's educational standards. The base amount is set for elementary school students and is increased for middle school students, high school students and vocational school students, because as students progress through school, it grows more expensive to meet their educational needs.

Additional weights are added to the basic formula for at-risk students (those eligible for free or reduced-price school meals), students with multilingual learners (MLs), and special education students. A combination weight is calculated for students who are both at-risk and MLs.

The formula also recognizes that there are additional challenges in meeting students' needs when there is a high concentration of poverty in a district, so the additional at-risk weight increases as the poverty weight in a community increases. Some 49 percent of New Jersey students eligible for free and reduced-price school meals live in non-Abbott districts.

In addition, the formula encourages districts to provide full-day kindergarten by accounting for a full-day program and funding it as part of each district's adequacy budget.

Finally, because there are cost differentials in different parts of the state, the adequacy budget is adjusted by a geographic cost index. Nothing in the SFRA precludes a district from spending above adequacy, but that decision is left to the local district. The SFRA is simply focused on ensuring a district, at minimum, is meeting minimum adequacy standards.

Toms River has lost state aid due to the implementation of what is popularly referred to as S2, a new formula based on Public Law 2018, c. 67. When the law was implemented, school districts saw either an increase in aid, a decrease in aid or received basically the same state aid funding.

The main components of S2 funding are equalized valuation and personal income, the formula does not take into account any efficiencies a district may be able to demonstrate.

There are additional components that determine a school district budget, such as enrollment, equalized valuation and personal income. However, Toms River's recommended resolution refers specifically to addressing inequities that resulted from years of overfunding some districts while failing to adequately meet the needs of other growing districts and goes so far as to include the funding formula's failure to consider efficiencies in the district's operations as an additional component to receiving State Aid.

Toms River has indicated that the district lost State Aid during each year of the implementation of S2. The district is recommending that since they meet certain efficiency criteria, and the district's administrative costs are below adequacy (not an efficiency) that these items be considered when State Aid is determined.

The FY2025 budget plan marks the seventh and final year of the seven-year phase-in to fully funding New Jersey's school funding formula. This transition was required in a 2018 law, P.L. 2018, c. 67 (S2). The school funding formula is currently being discussed in the Legislature.

N.J.S.A. 18A:7F-46 "Efficiency standards" means the efficiency standards established for the 2008-2009 school year in Appendix E of the publication, A Formula for Success: All Children, All Communities, dated December 18, 2007. The standards shall be updated periodically through the Educational Adequacy Report according to N.J.S.A. 18A:7F-46. N.J.A.C. 6A:23A-9.3(c)

N.J.A.C. 6A:23A-9.3 is an analysis of a school district that has implemented all potential administrative efficiencies and/or eliminated all excessive non-instructional costs, the executive county superintendent shall consider the efficiency standards and Taxpayers' Guide to Education.

There are 14 Efficiency Standards showing efficiency in cost per pupil, student ratios to faculty, support personnel and administrative personnel, overtime pay, transportation efficiency, vacant positions, aides not mandated by IEP's. It would not be feasible to develop a formula with 14

variables, grade configuration of school districts (K-6, K-8 and K-12) and 585 school districts. The scenarios would be endless.

RELEVANT NJSBA POLICY

File Code 3220

State Aid to School Districts

H. The NJSBA believes that school districts should receive state aid based on the school funding formula in current New Jersey statute, without predetermined growth limits, and calculated based on the most recent and available student population statistics. *[Authority: DA 5/18-2, DA 11/21-SR]*

B. State Revenue Raising System

A. The NJSBA believes that the state revenue raising system should embody the following characteristics:

1. Guarantee sufficient revenues to consistently meet the state’s constitutional and statutory funding obligations to school districts.
2. Be balanced with respect to the ability to expand and contract in response to economic conditions (elasticity) and the capacity to produce a stable flow of revenue (stability).
3. Be balanced with respect to sources of revenue (individuals, businesses, property, sales, etc.).
4. Be designed to consider both an individual’s and community’s ability to pay. *[Authority: DA 9/82-1, DA 5/96-CR (School Finance), DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 5/17- SR, DA 5/17-CR (School Finance)]*

DISCUSSION

The School Funding Reform Act was enacted to create equity among school districts. The Act, referred to as “S2”, will end in school year 2024-25 and a new formula is expected to follow. Under S2, school districts experienced stability in the receipt of state aid. However, despite the state’s efforts at designing and implementing a new equitable school funding formula, some districts received more state aid and some districts saw a reduction of state aid over a seven-year period. During this period, while certain districts were able to sustain, and even enhance programs, others unfortunately were forced to decrease programs and staff.

The recommended resolution submitted is too restrictive. With the inception of S2, the state aid calculation for districts has affected all school districts. The S2 formula was fully funded in the 2024-25 school year.

For the next school year (2024-25), 422 districts saw an increase in state Aid, 137 experienced a decrease and 15 did not see a change in state Aid. Currently the only adjustments available to a district are enrollment growth and health care adjustment, and the use of Banked CAP. The formula does not allow for any other adjustments and has a direct result on the amount that a district either receives or is reduced due to P.L. 2018, c. 67 (S2), as a result districts may have needed to reduce programs and staff in order to stay within the 2% tax levy CAP.

In order to address some of these inequities, the legislature has introduced bills designed to modify how state aid is calculated year to year. A non-exhaustive list of examples follows below:

- A3452: Provides tax levy cap adjustment for certain school districts experiencing reductions in State school aid.
- A4003: Establishes School Funding Formula Evaluation Task Force.
- A1284: Establishes Stabilization Aid for certain school districts experiencing reductions in State school aid or other budgetary imbalances; establishes Education Rescue Grants for certain school districts experiencing reductions in teaching staff.
- A1125: "Fully Funding Schools and Cutting Property Taxes Act"; repeals certain sections of law; requires additional aid to lower property taxes commensurate with residents' ability to support schools; appropriates \$2.9 billion.
- A4049: Requires second enrollment count for determining State school aid.
- A942: Requires five-year average of equalized property valuation be used in calculation of local share under State school funding formula.
- A4048: Requires upcoming Educational Adequacy Report to include comprehensive review of certain components of school funding in consultation with certain stakeholders and experts.
- S1410: Eliminates use of census-based funding of special education aid in school funding law
- S2880: Provides additional State school aid to school districts experiencing enrollment increases due to conversion of age-restricted housing developments to non-restricted developments.
- A478: Provides supplemental appropriation from Property Tax Relief Fund to DOE to provide additional State aid to certain school districts.

- A655: Provides tax levy growth limitation adjustment for school districts experiencing reduction in State aid.
- A818: Prevents State school aid reduction in school districts that experienced decrease in equalized valuation and are in certain counties.
- A821: Requires State aid reduction to municipalities and school districts by number of accumulated absences paid to employees upon their retirement.
- A1097: Establishes a formula for the distribution of State aid to school districts.
- A1127: Establishes "Subaccount for School Funding Protection" reserve account in Property Tax Relief Fund to prevent state aid losses for schools during economic emergencies.
- A1286: Provides additional State pupil transportation aid to school districts that meet certain criteria.
- A1574: "Pandemic Education Relief Act"; provides additional State school aid for certain school districts that have previously experienced reductions and establishes allowable uses of aid.

The SFRA also changes the way special education is funded in New Jersey, recognizing and addressing the true statewide cost of special education. The approach followed, which is used by the federal government and several other states, is known as the “census method.” Each district’s adequacy budget for special education costs is calculated by multiplying the statewide average (14.87 percent) classification rate by the per-pupil special education excess cost of \$10,897. For each district, one-third of this special education component is funded on a categorical basis and two-thirds is funded on a wealth-equalized basis.

An increase in categorical extraordinary special education aid complements the formula. The state funds 75 percent of per-pupil special education costs that exceed \$40,000 per student for in-district placements and \$55,000 per pupil for out-of-district placements.

Ultimately local district adequacy budgets are a combination of state and local resources. Under the provisions of the SFRA, each district’s local share is based on the wealth of each community as measured by aggregate income and property value. Districts are free to spend above the per-pupil adequacy amounts but no additional state aid for that portion of a local district’s spending above adequacy is provided.

In addition, NJSBA policies currently address equitable funding and legislative advocacy efforts continue. For example, P&P 3220 provides as follows:

State School Finance System:

B. 7. Provide state aid based on predictable statutory formulas which is predictable, transparent and capable of being re-calculated at the local district level.

B.11. Include a system of evaluation to ensure accountability in the allocation of state aid.

B.13. Be modified, as needed, through a comprehensive approach with input from NJSBA members; 14. Provide all regular public-school students in New Jersey districts with fiscal equity.

C. The NJSBA believes that the School Finance Committee should, as needed or as requested by the NJSBA Board of Directors, review the equity of distribution for construction state aid in view of socioeconomic factors, wealth, geographic characteristics, equalized school tax rate and other financial conditions. [Authority: DA 5/00-6, DA 11/00- CR (School Finance), DA 5/01-CR (School Finance), DA 11/01-SR, DA 11/06-SR), DA 11/11-CR (Ad-Hoc School Finance Committee)

Constitutional Convention

A. The NJSBA believes that convening a constitutional convention to address property tax relief and/or reform abdicates the legislature's constitutionally enumerated obligation to impose taxes. [Authority: DA 5/05-4]

B. The NJSBA believes that the legislature is the appropriate body to decide how to implement tax reform and that a special session of the legislature is the correct and most efficient alternative to address property tax reform. [Authority: DA 5/05-4, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 11/21-SR

STATEMENT OF REASONS

1. The recommended resolution submitted is too restrictive. With the inception of S2, the state aid calculation for districts has affected all the school districts in the state, some adversely. The S2 formula was fully funded in the 2024-25 school year. The formula that was used did not consider any anomalies that a school district experienced, currently the only adjustments available to a district are enrollment growth and health care adjustment. The formula does not allow for any other adjustments and has a direct result on the amount that a district either receives or is reduced under S2, as a result, districts that were negatively impacted by S2 needed to reduce programs and staff in order to stay within the 2% tax levy CAP.
2. A funding formula should use data that represents the current district's status. Such as calculating Special Education aid on an actual number of students rather than a statewide average, using a 5-year average on a state and district property value and personal income.
3. Implementing efficiencies as part of a formula would not be consistent among all school districts and is subjective as to what constitutes efficiency.

4. The NJSBA's *Manual of Positions and Policies on Education* does address the anomalies that can occur in a school funding formula.
5. The Toms River resolution is too restrictive and subjective for efficiencies and would not be feasible for all New Jersey school districts.
6. The efficiencies would be different based on enrollment and administration of programs.
7. A determination of any State Aid would be difficult to calculate that would be equitable to all districts.
8. Several bills are currently pending before the Legislature that are designed to address the manner in which school districts are funded. It would be prudent to dedicate resources to address these pending bills based on existing policy.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends this resolution be opposed.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08618

1-888-886-5722

ANNUAL DELEGATE ASSEMBLY
May 18, 2024

**The following resolution was received from the
Toms River Regional Board of Education (Ocean):**

WHEREAS, SFRA as modified by S2 has had unintended consequences and caused unpredictable and devastating state aid cuts to a significant number of school districts.

WHEREAS, The Local Fair Share Calculation in SFRA, as modified by S2, is based on equalized property valuations and community income; and

WHEREAS, Local Boards of Education are statutorily limited to property tax increases within the 2% property tax levy cap since 2010; and

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it

RESOLVED, That the Board of Education of the Toms River Regional Schools proposes the follow (new, additional, revised, or replacement) policy language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*, in particular, #3220, State Funds:

The NJSBA believes that State Aid should be frozen at 22-23 levels for financially responsible S2 losers who are >10% below adequacy, spend at least 10% less than the average on administrative costs, and are unable to meet the local fair share contribution despite annual maximum statutorily permitted tax levy increases until such time as state aid formula is studied and thoughtful recommendations are made to facilitate a thorough and efficient education for all New Jersey Public School Students.

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Toms River Regional Board of
Education on February 21, 2024

Wendy Saxton
Board Secretary

RESOLUTION NO. 13

SYNOPSIS

Resolution No. 13 from the Warren Hills Board of Education (Warren County) proposes **additional** policy concerning the inclusion of intent of the alleged perpetrator as an essential element of harassment, intimidation and bullying.

BACKGROUND

The Warren Hills Board of Education seeks a policy revision to include the intent of the alleged perpetrator as an essential element of any HIB violation. The reason that Warren Hills seeks this change is because it believes that if a student did not intend to commit an act of HIB, then the conduct violation should be handled through the district's general code of conduct, not through its HIB policy. Warren Hills believes that it is unfair to the perpetrator to have an HIB violation on their record if they didn't actually intend to commit an act of HIB. It believes this to be especially needed for young students or special education students who may commit HIB without intending to do so.

RELEVANT NJSBA POLICY

File Code 5131.5 - School Violence

A. **The NJSBA believes** that boards of education have a responsibility to ensure that schools are safe havens for learning by taking actions to diminish the potential for violence and bullying in their schools.

B. **The NJSBA believes** that boards of education should regularly review their policies regarding school violence to ensure that they address methods/strategies for dealing with incidents of violence; require record-keeping of acts of violence in order to make judgments as to the future handling and prevention of violence; specify methods of reporting acts of violence; and provide for the training of staff to handle and prevent of acts of violence in their schools and on their athletic fields.

C. **The NJSBA believes** that the State Board of Education, the New Jersey State Department of Education, the State legislature, and other agencies should assign a high priority to the issue of school violence, harassment, intimidation and bullying through providing means for local school districts to:

- promote a district-wide attitude of sensitivity in dealing with others;
- investigate school violence, harassment, intimidation and bullying and promulgate methods of preventing and combating them, including policies and other strategies for prevention during a pending criminal or school investigation of a student;
- train staff to respond quickly and appropriately to incidents of violence, harassment, intimidation and bullying;
- provide means for increasing supervision in activities outside the classroom;

- include topics in the curriculum that address the causes and prevention of violence, harassment, intimidation and bullying; and encourage students, teachers, and others who may be victims of violence, harassment, intimidation and bullying to report such actions to school officials. [*Authority: DA 10/78-CR Violence; DA 6/93-SR; DA 11/99-ER(A); DA 5/10-2*]

File Code 5141 - Student Health and Safety

A. **The NJSBA believes** that local boards of education should provide conditions and establish policies that will ensure the health and safety of students.

File Code 5145.4 - Student/Student Relations Discrimination and Intimidation

A. **The NJSBA believes** that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability, gender identity or expression, affectional or sexual orientation and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statements and/or actions.

B. **The NJSBA believes** that students' acts of discrimination and/or intimidation should not be tolerated. Proven acts of discriminatory practices should result in disciplinary action.

C. **The NJSBA believes** that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including, but not limited to those that are actual or perceived as being lesbian, gay, bisexual, transgender, questioning, or other sexual orientation, gender identity or expression.

[*Authority: BD 10/19/90, DA 11/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR; DA 5/21-1, DA 5/22-SR*]

File Code 6164.1 - School Climate

A. **The NJSBA believes** that the State should promote and fund school district efforts to investigate methods to ensure that students receive personalized attention, where appropriate, in an effort to prevent feelings of alienation and friendlessness. [*Authority: DA 11/99-ER (A), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR*]

B. **The NJSBA believes** that local districts should promote school climates that embrace the inclusion of all students of all abilities in all aspects of district programming and services. The State should provide the necessary funding, including transportation and IEP-managed support services, to promote inclusive climates and practices. [*Authority: DA 5/14 (Special Education Task Force), DA 11/17-SR, DA 11/22-SR*]

DISCUSSION

The Warren Hills Board of Education seeks to have any *unintentional* acts of HIB removed from the scope of the HIB statute.

What is HIB?

The law defines HIB as:

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student. N.J.S.A. 18A:37-14

Thus, HIB requires three elements. "First, the conduct must be reasonably perceived as motivated by any actual or perceived enumerated characteristic or other distinguishing characteristic and, second, the conduct must substantially disrupt or interfere with the rights of other students or the orderly operation of the school. The third condition is that one of the three criteria enumerated in the Act regarding the effect of the conduct must also be satisfied." Wehbeh v. Verona Twp. Bd. of Educ., Commr. 2020: February 4, p. 5.

In Wehbeh, *supra*, a board of education found that a teacher committed HIB against a student who had a 504 plan to provide accommodations for anxiety when the student sought advice on whether to take an Advance Placement Chemistry course. While emphasizing that it was ultimately the student's decision to take the AP course, the teacher stressed that the course was very difficult and that it "will kill you." Additionally, the teacher said that the student would not be permitted the accommodation of additional time for tests and quizzes, as stated in the student's 504 Plan.

Following the board’s determination of HIB, the teacher appealed to the Commissioner who sent the case to an administrative law judge for factfinding. The administrative law judge overturned the determination of the board because the ALJ determined that intentionality is an implied element of any HIB determination. The Commissioner of Education overruled the decision of the ALJ, remanding it for further factfinding determining that “the [HIB] statute requires an analysis of how the actor’s motivation is perceived and whether that perception is reasonable. It does not require an analysis of the actual motivation of the actor.” In sum, the Commissioner of Education has found that no intentionality is required to sustain an HIB violation.

Special Education and Young Students who commit acts of HIB

The New Jersey Department of Education has issued guidance to assist districts in handling HIB incidents committed by students with disabilities. Specifically, the NJDOE has said:

If it is determined that the conduct resulting in HIB resulted from the student’s unique circumstances (disabling condition), the resulting consequence should be determined with that in mind, which could result in the provision of counseling or other assistance, rather than a punitive measure such as a suspension. In addition, if the consequence imposed results in a requirement, in accordance with the IDEA, to conduct a manifestation determination, and it is concluded that the HIB behavior was a manifestation of the student’s disability, any consequence changing the placement of the student would have to be rescinded and the student returned to his or her placement.

It is understood that some young students or students with disabilities might not understand the effects of their behaviors, might have varying degrees of control over their behaviors, or might not have acquired or mastered certain behaviors. However, it is important to recognize that in addition to addressing HIB offenders, the ABR protects student victims of HIB, regardless of who commits the HIB.

The ABR provides schools with the opportunity to teach all students about differing abilities (e.g., cognitive, social-emotional, behavioral or physical), which could minimize HIB reports for misperceived or misunderstood behaviors from students with disabilities. This instruction may be a component of the district’s activities to improve school culture and climate. *Anti-Bullying Bill of Rights Act: Questions and Answers*, November 2015 ([Anti-Bullying Bill of Rights Act \(N.J.S.A. 18A:37-13 et seq.\) Questions and Answers \(nj.gov\)](https://www.nj.gov/education/anti-bullying-act-questions-and-answers) , last accessed 4/1/2024)

For young students who commit acts of HIB, administrators are careful to tailor the consequences to the circumstances involved in the bullying incident. For example, W.C.L. and A.L. o/b/o L.L. v. Board of Education of the Borough of Tenafly, EDU 3223-12, Initial Decision (November 26, 2012), aff’d Commissioner (January 10, 2013), the Commissioner upheld the board of education’s determination that student’s conduct constituted an incidence of HIB and consequence imposed for such action was not arbitrary, capricious or unreasonable. A fourth-grade student embarrassed and offended a fellow classmate by explaining to others in the class without the first student’s consent that she had dyed her hair because she had head lice. Student was given a learning assignment to read and discuss a book entitled “Just Kidding” at lunch with

the anti-bullying specialist. No other discipline was imposed. In the case, the Commissioner noted that “the Board’s sensitive response to the event clearly cannot be characterized as unreasonable, arbitrary or capricious.” *W.C.L. at 2*. In another case, *L.K. & T.K. o/b/o A.K. v. Board of Education of Township of Mansfield*, 107-19 (Commissioner of Education; 4/22/19) – the Commissioner concluded that a 7-year-old student “should have known” that her constant questioning of their fellow student who was gender nonconforming was harmful to them, particularly where the perpetrator of HIB had been counseled numerous times by school staff that the constant questioning was hurting the student.

These cases demonstrate that districts do take into account the circumstances of both the alleged perpetrators and the HIB victim when considering the consequences for an HIB incident. Guidance issued to districts, and districts’ own mandatory HIB policies require consequences and *appropriate* remedial action for a person who commits an act of HIB. “Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students’ histories of inappropriate behaviors, per the code of student conduct...” *Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act, N.J.* Department of Education, December 2011, p.27.

The Importance of School Climate and Culture in Combatting HIB

One of the ways that HIB is reduced is through developing and maintaining a positive school climate and culture. “[S]chool climate and school culture promote successful behaviors, reduce safety and health concerns, positively affect academics, build caring communities, prepare students to be ethical leaders and provide resources and political capital in the community.” *Guidance*, p. 16. “Research reports on school climate suggest that positive interpersonal relationships and optimal learning opportunities for students in all demographic environments can increase achievement levels and reduce maladaptive behavior.” *Id. at 17*. “School climate is a key factor in whether students or adults will bully one another (DuPage County Schools, 2011). To reduce HIB, it is important to assess and improve, as appropriate, the climate or “feel” of the school and the social norms with regard to HIB.” *Id.*

One of the ways to assess the climate and culture of a school is through the collection and assessment of data. “Data can help administrators and educators tailor a bullying prevention strategy to meet the school’s needs, and can serve as a baseline from which administrators can measure and report their progress in reducing bullying.” *Guidance at 20*. Data about bullying is used by school safety teams, the anti-bullying specialist, the anti-bullying coordinator, the superintendent and the board of education to assess the effectiveness of school and district anti-bullying strategies, programming and resources. Without accurate data, these efforts to combat bullying become more difficult. “The importance of engaging in data collection efforts is underscored by the evidence of a disparity in the number of incidents that are reported to school staff and those that go unreported.” *Id.*

The Warren Hills Resolution

With this background in mind, the resolution of Warren Hills raises concerns. The Commissioner of Education has recognized that HIB can be both intentional and unintentional. *Wehbeh, supra*.

Warren Hills asserts that unintentional acts of HIB should not be considered HIB at all and should follow the path that non-HIB matters follow in the general code of student conduct. This would mean that unintentional acts would not be included in district and school-level HIB data collection. Additionally, it would mean that these unintentional acts, though they are HIB in every other respect, would be unavailable to decision-makers as they try to assess their district's school climate and culture. This could lead to a skewed view of bullying in their districts, leading to an inability to marshal scarce anti-bullying resources to where they are actually needed.

Disparate treatment of bullying victims and their families might also result should the Warren Hills proposal become law. A victim of an *intentional* act of HIB currently gets a carefully delineated process with mandatory timelines: a swift investigation, a written report, involvement of both the superintendent and the board of education in determining the consequences. Parents have a right to see certain information about the incident and a right to appeal to the board within a specified timeframe. A victim of an *unintentional* act of HIB and their parents might not receive this same process under the Warren Hills proposal, because an unintentional act of HIB would not actually be considered HIB. Victims and their families, however, would still be experiencing the harmful impact that resulted from the act, unintentional or not.

Finally, the Warren Hills proposal might be seen as incompatible with the existing policies in the *Manual of Positions and Policies on Education*. NJSBA has a stalwart reputation as an advocate for student safety. The Association's current policies concerning student safety and anti-bullying contain no qualifiers concerning intentionality. A policy distinguishing between intentional and unintentional acts for purposes of HIB might negatively impact the Association's efforts to advocate for the safety of all students, because our policies in this area would be predicated on how the act of HIB was committed, rather than on the universal harms that can result from those acts, intentional or not.

STATEMENT OF REASONS

1. The current HIB law draws no distinction between intentional and non-intentional acts of HIB, a fact that the Commissioner of Education has emphasized in case law.
2. Treating intentional and non-intentional acts differently could have a negative impact on a district's ability to improve climate and culture because a non-intentional act would not be subject to the same procedures and data collection requirements as intentional acts.
3. An advocacy policy treating intentional and non-intentional HIB acts differently may lead to victims being treated differently based on the acts of their aggressor, rather than treating victims based on the harmful results inflicted. Current Association policy entitles all students to feel safe and secure in the school environment, regardless of the intentionality of the aggressor.

RECOMMENDATION

- 1 The Resolutions Subcommittee recommends this resolution be opposed.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 18, 2024**

**The following resolution was received from the
Warren Hills Regional Board of Education (Warren):**

- WHEREAS, Public schools play an essential role in the safe and high quality education of students in New Jersey; and
- WHEREAS, One aspect of such an education is to address, investigate, and eradicate instances of harassment, intimidation, and bullying (“HIB”) in the Public schools, particularly in light of the current school climate and necessary focus on ensuring student safety and all students’ rights to attend school free from HIB; and
- WHEREAS, New Jersey law contains a definition of HIB that includes numerous aspects and steps necessary to determine whether an act constitutes an incident of HIB, with such definition codified in the Anti-Bullying Bill of Rights Act (“ABR”) at N.J.S.A. 18A:37-14; and
- WHEREAS, The definition of HIB includes a requirement that in order for an act to be considered HIB, it must, in part, be reasonably perceived *by the victim* to be motivated by an actual, perceived, or other distinguishing characteristic, result in a substantial disruption or interference with the orderly operation of the school and/or the rights of students, and have the effect of insulting or demeaning a student, among other things; and
- WHEREAS, The Commissioner of Education, in construing the ABR, has emphasized that an individual can unintentionally commit an act of HIB when she emphasized that, “the statute requires an analysis of how the actor’s motivation is perceived and whether that perception is reasonable. It does not require an analysis of the actual motivation of the actor...None of these criteria require the actor to have actual knowledge of the effect that her actions will have, or to specifically intend to bring about that effect” (Wehbeh v. Verona Bd. of Ed. (2020)); and
- WHEREAS, This definition of HIB could result in a finding that an individual unintentionally committed an act of HIB; and

- WHEREAS, The intent or motivation of the actor is not considered prior to a substantial finding of HIB; and
- WHEREAS, It is inherently unjust to label somebody as a “bully” if the requisite intent to commit an act of HIB was not present; and
- WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA’s *Manual of Positions and Policies on Education*; now, therefore, be it
- RESOLVED, That the Warren Hills Regional School District Board of Education proposes the following additional policy language for adoption by the Delegate Assembly and inclusion in NJSBA’s *Manual of Positions and Policies on Education*, in particular, Positions and Policies on Education #5131.5, Vandalism/Violence, “School Violence,” Section C.:

The NJSBA believes that the State Board of Education, the New Jersey State Department of Education, the State Legislature, and other agencies should revise the ABR’s statutory definition of “HIB” to take into account not only how the conduct was reasonable perceived by the victim, but to also consider the intent or motivation of the actor, because not every person who commits an act of HIB intended to do so and/or had the capacity to understand the effect of their words or deeds, particularly those individuals with special needs or those pupils who are very young; and, be it further

- RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Warren Hills Regional Board of
Education on February 27, 2024

Donnamarie Palmiere
Board Secretary

RESOLUTION NO. 14

SYNOPSIS

Resolution No. 14 from the Wharton Borough Board of Education (Morris County) proposes **additional** policy language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education ("P&P")*, File Code 6142, Subject Fields, indicating the belief that history instruction should occur across all content areas, and provide students with a comprehensive, unbiased account of the world's and our nation's history, enabling them to make valid connections to the present and participate in the democratic processes that further advances the causes of justice, security and opportunity for all.

BACKGROUND

The Wharton Borough Board of Education submitted the request for consideration to revise the *Manual of Positions and Policies on Education: Subject Fields: File Code 6142* that would include additional policy language for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*.

The request seeks additional policy language supporting the belief that history instruction should occur cross all content areas and provide students with comprehensive, unbiased account of the world's and our nation's history, enabling them to make valid connections to the present and participate in democratic processes that further our nation's values of justice, security, and opportunity for all.

In today's "Information Age" with sources of news that range from documented fact-based reports to the opinions of individuals stated as factual and with no independent documentation, it is increasingly important that all students develop the skills to discern fact from opinion and have the opportunities to learn from comprehensive, unbiased accounts of the world, and our nation's history to enable them to participate in democratic processes.

Additionally, in some communities, there is a concern regarding the increased requests to have local boards of education eliminate written material that addresses topics that some believe are inappropriate for public schools.

File Code 6144 of the NJSBA *Manual of Positions and Policies on Education* states that the local board of education should determine the appropriateness of all instructional materials the district uses:

"The NJSBA believes that the local board of education should serve as the final authority in determining the appropriateness of selected instructional materials at any grade level and in all subject areas, recognizing that there may be parental/community objections to any such material."

While current NJSBA policy supports the proposed additional language, it is not as specific in its position as the proposed additional language, thus the recommendation to revise **File Code 6142**.

RELEVANT NJSBA POLICY

The NJSBA has several relevant policies related to the substance of this resolution:

- 6140 that relates to curriculum adoption including mandated curricula.
- 6141 that relates to Curriculum Development and Adoption and focuses on literacy and media skills.
- 6142 that relates to Subject Fields and includes content on grade level curriculum, including social studies content.
- 6144 that relates to Controversial Issues and Academic Freedom.

File Code 6140 Curriculum Adoption

Mandated Curriculum and Programs

- A. **The NJSBA believes** that neither the state nor federal government should mandate any new or expanded school curricula, activity, or program unless a compelling need, including its educational value, has been demonstrated.
- B. **The NJSBA believes** that categorical funding at the 100% level should be provided annually for each mandated program and activity required to be provided by school districts, and that districts shall not be required to maintain and continue these programs and activities in the absence of categorical funding. Once qualified for categorical aid, districts should remain eligible for a minimum period of time to allow the establishment and operation of required programs with minimal disruption and prevent abrupt shifts in state aid from one year to the next. [*Authority: DA 1/80-A; DA 1/80-1; DA 6/83-2; DA 12/83-4; BD 11/84 CR (Extended School Year); BD 4/94; DA 6/88-19 & 19A; BD 10/91; DA 11/98-CR (School Finance); DA 12/91-CR QEA; DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

File Code 6141 Curriculum Design/Development

Study Skills and Classroom Behavior Curriculum

The NJSBA believes that study skills, critical thinking and problem solving should be stressed at all levels of the curriculum. [*Authority: DA 12/82-CR Urban Education, DA 12/83-1, DA 11/97 SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

Media Literacy Programs

- A. **The NJSBA believes** that the establishment of a media literacy program in elementary and secondary schools will serve to reduce violent behavior by teaching students the difference between reality and fiction and the consequences of violent behavior.

- B. **The NJSBA believes** that institutions of higher education should include media literacy training as part of the teacher preparation program. [Authority: DA 11/99-ER (A), DA 11/02-SR, DA 11/07- SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

File Code 6142 Subject Fields

Elementary/Middle School Curriculum

The NJSBA believes that the elementary/middle school curriculum should foster an enthusiasm for learning and the development of the individual’s abilities. The curriculum should provide a sound base for study in high school and later years in such areas as English language development and writing, computational and problem-solving skills, science, social studies, foreign language, and the arts. [Authority: DA 12/83-1, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

World Language Curriculum

The NJSBA believes that it is desirable that students achieve proficiency in a world language because study of a world language introduces students to non-English-speaking cultures, heightens awareness and comprehension of one's native tongue, and helps serve the Nation's needs in commerce, diplomacy, defense, and education. [Authority: DA 12/81-1, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17- SR, DA 11/22-SR]

High School Curriculum

- A. **The NJSBA believes** that the teaching of language arts in high school should equip graduates to comprehend, interpret, evaluate, and use what they read; write well-organized, effective papers; listen effectively and discuss ideas intelligently. This should include knowledge of our literary heritage, including an examination of how it enhances imagination and ethical understanding, and how it relates to the customs, ideas, and values of today’s life and culture.
- B. **The NJSBA believes** that the teaching of mathematics in high school should equip graduates to understand algebraic and geometric concepts; understand elementary probability and statistics; apply mathematics in everyday situations; and estimate, approximate, measure, and test the accuracy of their calculations. Mathematics curricula at the high school- level should include instruction appropriate for college-bound and non-college-bound students.
- C. **The NJSBA believes** that the teaching of science in high school should provide students with an introduction to the concepts, laws, and processes of physical and biological sciences; the methods of scientific inquiry and reasoning; the application of scientific knowledge to everyday life; and the social and environmental implications of scientific and technological development. High school science courses should address the needs of college-bound and non-college-bound students.

- D. **The NJSBA believes** that the teaching of social studies in high school should be designed to enable students to understand their places and possibilities within the larger social and cultural structure; to understand the broad sweep of both ancient and contemporary ideas that have shaped our world; understand the fundamentals of how our economic system works and how our political system functions; and grasp the difference between free and repressive societies. [*Authority: DA 12/83 – 1, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]

File Code 6142: Subject Fields

Academic Freedom

- A. **The NJSBA believes** in the fundamental American right of freedom of speech, but also recognizes the need for local school district control over matters of particular sensitivity to individual school district communities. Because of the differing maturity levels of students at the various grade levels, care must be taken to ensure the appropriateness of instructional materials used in the classroom at all grade levels and in all subject areas.
- B. **The NJSBA believes** that classroom presentations on any controversial matter should include a review of diverse points of view, and that any expression of personal opinion should be so identified. NJSBA further believes that there is a need for greater academic freedom for teachers at the public secondary level (9-12) than at the public elementary level (preK-8).
- C. **The NJSBA believes** that the local board of education should serve as the final authority in determining the appropriateness of selected instructional materials at any grade level and in all subject areas, recognizing that there may be parental/community objections to any such material. [*Authority: BD 3/61, BD 1/71, BD 12/90, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR*]
- D. **The NJSBA believes** that Boards of Education have the responsibility to ensure all instructional materials are age-appropriate, complement the district curriculum and/or student support programs, facilitate critical thinking, further learning, and are congruent with local community preferences. In light of this belief, a board of education book selection processes should only restrict access to or exclude a book or other learning materials from its curriculum, library, or other support resources following a process that evaluates the book or materials in a manner that is consistent with the constitutional and statutory protections afforded individuals by the State.

The NJSBA believes that in support of this belief NJSBA will encourage local boards to consult with other educational organizations and local stakeholders in the selection of curricular and support materials while retaining its statutory authority over such decisions. [*DA 12/23*]

DISCUSSION

Currently, there is distrust by segments of our society in traditional, electronic, and/or alternative media and in government institutions, including boards of education. The reductions of local print media combined with the society's increase in electronic and alternative media, including social media, as a news source requires students to be even more media savvy to ensure they can determine the accuracy and validity of the information they read.

The sponsoring district has requested that the operative language of the resolved clause be added to **File Code 6142** that addresses content in subject fields at the elementary/middle and high school levels. Since "history" is included in the content area identified as "Social Studies," the proposed substitute resolution language includes that modification to identify the established content area (Social Studies) with History as a content area included in the study of Social Studies. The recommendation is for the additional language to be added to **FILE CODE 6142: Subject Fields**. This section addresses the key elements of the suggested language while incorporating into current policy language, as noted in the emphases excerpts below, the inclusion of instructional materials in all content areas:

- Providing an elementary/middle level knowledge base for study at the high school level.
- Having a sensitivity to the unique needs of age spans.
- Ensuring the age appropriateness of all content and different needs by grade/age span.
- Including diverse viewpoints.
- Ensuring any personal opinion, if shared, is identified as such.
- Ensuring all content is supportive of the locally adopted curriculum.

Rather than limit the additional policy language to address the high school curriculum, as stated in the 6140 discussion of Elementary/Middle School Curriculum: *The curriculum should provide a sound base for study in high school and later years in such areas as English language development and writing, computational and problem solving skills, social studies, foreign language and the arts*, the recommendation is for the revised language to be included to refine **File Code 6142** and apply to all subject area curricula.

File Code 6142: addresses the Elementary/Middle School curriculum, the World Language curriculum and four academic areas of the high school curriculum: language arts, mathematics, science and social studies. Additionally, there are four (4) sub-sections (see below) to **File Code 6144-Controversial Issues, Academic Freedom** that relate to the Wharton recommendation. As noted below, the proposed additional language reinforces and clarifies the existing policy language while maintaining the fundamental responsibilities to respect the roles and rights of the families/guardians of all students enrolled in New Jersey's public schools.

File Code 6142(D). The NJSBA believes that the teaching of social studies in high school should be designed to enable students to understand their places and possibilities within the larger social and cultural structure; to understand the broad sweep of both ancient and contemporary ideas that have shaped our world; understand the fundamentals of how our economic system works and how our political system functions; and grasp the difference between free and repressive

societies. [Authority: DA 12/83 – 1, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

- A. **The NJSBA believes** in the fundamental American right of freedom of speech, but also recognizes the need for local school district control over matters of particular sensitivity to individual school district communities. Because of the differing maturity levels of students at the various grade levels, care must be taken to ensure the appropriateness of instructional materials used in the classroom at all grade levels and in all subject areas.
- B. **The NJSBA believes** that classroom presentations on any controversial matter should include a review of diverse points of view, and that any expression of personal opinion should be so identified. NJSBA further believes that there is a need for greater academic freedom for teachers at the public secondary level (9-12) than at the public elementary level (preK-8).
- C. **The NJSBA believes** that the local board of education should serve as the final authority in determining the appropriateness of selected instructional materials at any grade level and in all subject areas, recognizing that there may be parental/community objections to any such material.
- D. **The NJSBA believes** that Boards of Education have the responsibility to ensure all instructional materials are age-appropriate, complement the district curriculum and/or student support programs, facilitate critical thinking, further learning, and are congruent with local community preferences. In light of this belief, a board of education book selection processes should only restrict access to or exclude a book or other learning materials from its curriculum, library, or other support resources following a process that evaluates the book or materials in a manner that is consistent with the constitutional and statutory protections afforded individuals by the State.

The Wharton request is also aligned with 2020 NJ Student Learning Standards for Social Studies (see below) that recommends “...*the teaching of social studies across all content areas should provide students with a comprehensive, unbiased account of the world’s and our nation’s history, enabling them to make valid connections to the present and to participate in democratic processes that further advance the causes of justice, security and opportunity for all.*”

Mission and Vision of the 2020 NJ Student Learning Standards for Social Studies:

Mission: Social studies education provides learners with the knowledge, skills, attitudes, and perspectives needed to become active, informed, and contributing members of local, state, national, and global communities.

Vision: An education in social studies fosters a population that:

- Is civic minded, globally aware, and socially responsible.

- Exemplifies fundamental values of democracy and human rights through active participation in local, state, national, and global communities.
- Makes informed decisions about local, state, national and global events based on inquiry and analysis.
- Considers multiple perspectives, values diversity, and promotes cultural awareness.
- Recognizes the relationships between people, places, and resources as well as the implications of an interconnected global economy.
- Applies an understanding of critical media literacy skills when utilizing technology to learn, communicate, and collaborate with diverse people around the world.
- Discerns facts from falsehood and critically analyzes information for validity and relevance.

STATEMENT OF REASONS

1. The objectives of public education include fostering appreciation of diversity, inclusivity, and cultural sensitivity among our students, ensuring they are equipped with a comprehensive understanding of the past.
2. Exposing students to a wide range of perspectives fosters critical thinking skills, promotes respectful dialogue and broadens their world view, and should be stressed across all content areas and grade levels of the curriculum.
3. There is distrust by segments of our society in traditional, electronic and/or alternative media and in government institutions, including boards of education.
4. The reductions of local print media combined with the society's increase in electronic and alternative media, including social media, as a news source requires students to be even more media savvy to ensure they can determine the accuracy and validity of the information they read.
5. Pride in our country is often the natural outcome of a thorough understanding of our nation's history in the context of world history.
6. History includes the successes and challenges of societies; it also reflects the imperfection of mankind. The lives of world and national historical figures are complex, sometimes difficult and even tragic; we protect our educators as they meet the expectation to provide an accurate and comprehensive account of historical events, people and societies.
7. We recognize our responsibility, as board of education trustees, to provide a balanced and comprehensive curriculum that recognizes the contributions of all cultures and peoples, while acknowledging both the valiant and the dark chapters of history.

8. As board of education members, it is our responsibility to ensure the resources and materials for the teaching of world and American history we approve are based upon primary and contemporary sources, vetted research and other publicly available, unbiased sources.

RECOMMENDATION

1 The Resolutions Subcommittee recommends approval of this resolution which would create
2 **additional** policy language at **File Code 6142** in the NJSBA's *Manual of Positions and Policies*
3 *on Education*:

4
5 **The NJSBA believes** that the teaching of history, across all content areas, should provide
6 students with a comprehensive, unbiased account of the world's and our nation's history,
7 enabling them to make valid connections to the present and to participate in democratic
8 processes that further advance the causes of justice, security and opportunity for all.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

**413 West State Street
Trenton, NJ 08618**

1-888-886-5722

**ANNUAL DELEGATE ASSEMBLY
May 18, 2024**

**The following resolution was received from the
Wharton Borough Public Schools (Morris):**

- WHEREAS, Public education is a pillar of our democracy by virtue of its role in maintaining a well-informed citizenry; and
- WHEREAS, Pride in our country is the natural outcome of a thorough understanding of our nation’s history in the context of world history; and
- WHEREAS, The objectives of public education include fostering appreciation of diversity, inclusivity, and cultural sensitivity among our students, ensuring they are equipped with a comprehensive understanding of the past; and
- WHEREAS, Exposing students to a wide range of perspectives fosters critical thinking skills, promotes respectful dialogue and broadens their worldview, and should be stressed across all content areas and grade levels of the curriculum; and
- WHEREAS, The lives of word and national historical figures are complex, sometimes difficult and even tragic; and
- WHEEAS, We encourage and protect our educators in the performance of their duties to provide an accurate account of historical events, people and societies; and
- WHEREAS, We strive for a balanced and comprehensive curriculum that recognizes the contributions of all cultures and peoples, while acknowledging both the valiant and the dark chapters of history; and
- WHEREAS, Resources and materials for the teaching of world and American history should be based upon primary and contemporary sources, vetted research and other publicly available, unbiased sources; and

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA's *Manual of Positions and Policies on Education*; now, therefore, be it

RESOLVED, That the Wharton Borough Board of Education proposes the following **additional** policy language to File Code 6142 for adoption by the Delegate Assembly and inclusion in NJSBA's *Manual of Positions and Policies on Education*:

The NJSBA believes...

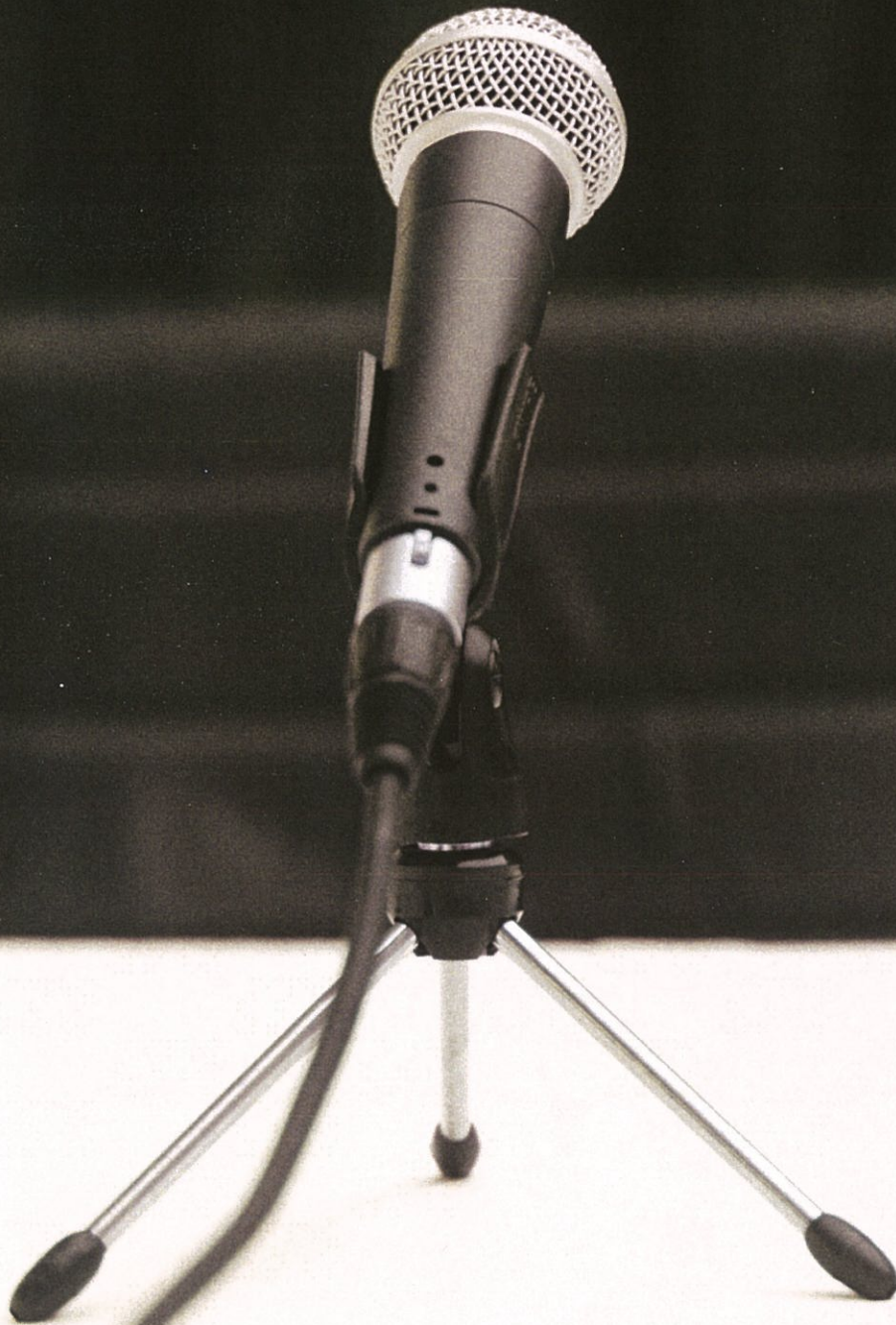
That the teaching of history, across all content areas, should provide students with a comprehensive, unbiased account of the world's and our nation's history, enabling them to make valid connections to the present and participate in democratic processes that further advance the causes of justice, security and opportunity for all; and, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 18, 2024 Delegate Assembly.

Adopted at a regular meeting of the
Wharton Borough Board of
Education on
February 8, 2024



Sandy Cammarata
Business Administrator/
Board Secretary

The Delegate Assembly is the policymaking body of the New Jersey School Boards Association. These materials are submitted for consideration by the delegates at the Annual Meeting on May 18, 2024.



New Jersey School Boards Association

413 West State Street • Trenton, New Jersey 08618-5697

 1-888-88NJSBA or 609-695-7600  www.njsba.org

This book was bound and printed in-house by the staff of NJSBA.