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NEW JERSEY SCHOOL BOARDS ASSOCIATION

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Trenton, NJ 08618

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SEMIANNUAL DELEGATE ASSEMBLY

May 16, 2026

**The following resolution was received from the
South Orange & Maplewood Board of Education (Essex):**

WHEREAS, the Board of Education of the School District of South Orange & Maplewood is committed to strengthening democratic participation and promoting electoral processes that reflect the full range of community preferences; and

WHEREAS, New Jersey school districts strive to ensure that local board of education elections provide fair opportunities for all candidates and enable voters to express nuanced preferences in multi-candidate, multi-seat contests; and

WHEREAS, all school districts in New Jersey are required to use an electoral system known as "Plurality Block Vote" or "Plurality At-Large," where every voter may make as many votes as there are seats to be filled, those votes are unranked, and the candidates with the most votes win

WHEREAS, in such elections-particularly where several candidates compete for multiple at-large seats-the current Plurality Block Voting structure can amplify small differences in voter support in ways that do not always reflect the broader distribution of community sentiment or the relative strength of individual candidates; and

WHEREAS, these structural features may inadvertently favor tightly grouped voting patterns and limit mechanisms through which voter preferences can be expressed or aggregated to achieve more equitable representation; and

WHEREAS, Ranked Choice Voting (RCV)-a system in which voters may rank candidates in order of preference and votes are counted in an "instant-runoff" or Single Transferable Vote process-has been demonstrated in other jurisdictions to support majority-backed winners, reduce vote-splitting among similar candidates, and allow proportional representation in multi-seat elections; and

WHEREAS, Multi-winner RCV can democratically accommodate an electoral field of any size, without dilution effects; and

WHEREAS, research from states and municipalities implementing RCV shows that voters report high satisfaction with the process, greater clarity in expressing preferences, and confidence that election results more accurately reflect community priorities; and

WHEREAS, New Jersey currently does not provide statutory authority for school districts to adopt RCV for local school board elections, nor do districts have the flexibility to request such a system even where community dynamics may suggest its potential benefits; 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 further

RESOLVED, That the South Orange-Maplewood Board of Education proposes the following new policy language for adoption by the Delegate Assembly and inclusion in NJSBA's Manual of Positions and Policies on Education:

The NJSBA supports allowing, but not requiring, districts to use Ranked Choice Voting in school board elections; now, be it

RESOLVED, That this resolution be placed on the agenda for consideration at the May 16th, 2026, Delegate Assembly. Adopted at a regular meeting of the South Orange-Maplewood Board of Education on December 18th, 2025.

Adopted at a board meeting of the
Bridgewater-Raritan Regional Board of Education
On December 18, 2025



Imani Moody, Board Secretary

RESOLUTION NO. 01

SYNOPSIS

Resolution No. 01 from the South Orange-Maplewood Board of Education (Essex County) proposes **additional** language to NJSBA's *Manual of Positions and Policies on Education* (P&P) supporting the belief that school districts should be allowed, but not required, to use ranked choice voting in school board elections. The resolution asserts that plurality block voting, which is currently used in multi-winner school board elections in New Jersey, may not be representative of community sentiment, and that multi-winner ranked choice voting would more accurately and proportionately reflect community preferences.

BACKGROUND

Pursuant to *N.J.S.A.* 19:3-4, all elections in New Jersey currently utilize plurality-style voting:

N.J.S.A. 19:3-4: "At every election, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices."

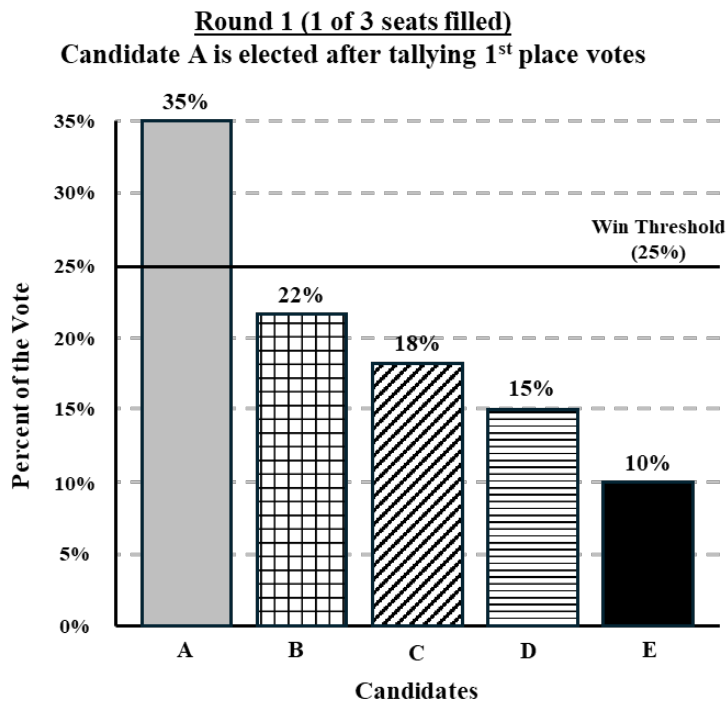
In single-winner elections, plurality voting is a system in which the candidate who receives the most votes wins election. This type of system is the most common in the United States and provides a winner even if no candidate receives a majority (over 50 percent) of votes. In those elections, voters place a single vote for their preferred candidate. In elections with multiple seats on the ballot, including board of education elections, plurality block voting is an electoral system in which the candidates who receive the most votes win election to the number of corresponding open seats. In these elections, voters are allowed to cast one vote for each seat that is listed on the ballot; in an election with three open seats, the three candidates receiving the highest vote totals are elected to office.

In contrast to plurality voting, ranked choice voting allows voters to "rank" a certain number of candidates. In elections that utilize single-winner ranked choice voting, a candidate automatically wins election if they are ranked first by more than 50 percent of voters. If no candidate reaches that quota, the candidate who received the least number of first-ranked votes is eliminated. That candidate's votes are then redistributed among the candidates who were ranked in second place on those ballots. At this point, a candidate who reaches the 50 percent threshold wins; if that does not happen, the process of elimination and vote redistribution is repeated until a candidate wins election.

Multi-winner ranked choice voting is a form of ranked choice voting that may be used in elections in which there is more than one winner, such as board of education elections. The process for determining multiple winners is more complex than that of single-winner ranked choice voting. In a multi-winner election, voters again "rank" a pre-determined maximum number of candidates. The following formula is used to determine the percentage of votes a candidate must exceed to automatically win election: $\frac{1}{(\text{number of open seats} + 1)}$. For example, if at least four candidates are in a contested election vying for three open seats, a candidate must win at least 25 percent of the vote to be elected. (This ensures that no more than

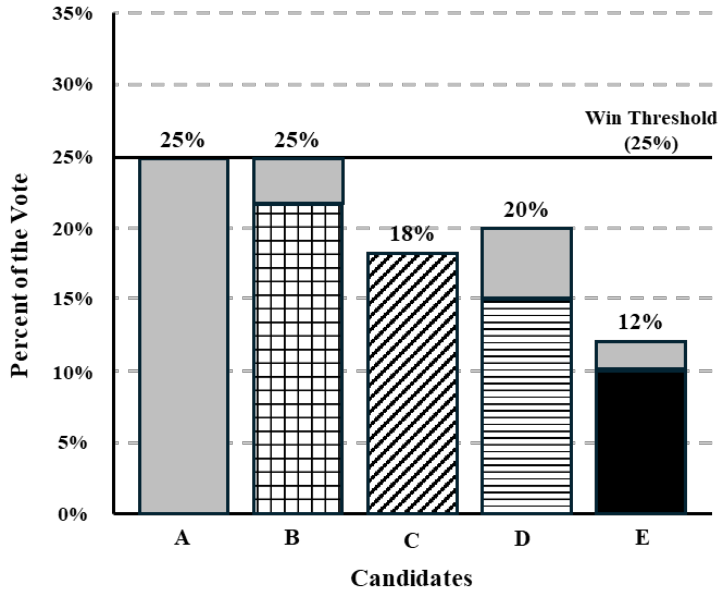
the available number of candidates can exceed the required vote threshold.) If a candidate exceeds the necessary vote total during the first round of voting, that candidate wins election and the portion of that candidate's excess votes above the election threshold are redistributed proportionally among the other candidates, based upon who the first-place candidate's voters ranked as their second choices. If no candidate reaches the threshold, the candidate who received the least number of first-ranked votes is eliminated. That candidate's votes are then redistributed among the candidates who were ranked in second place on those ballots. This process is repeated until all seats have been filled.

The example below illustrates how multi-winner ranked choice voting might work in an election with three open seats and five candidates:



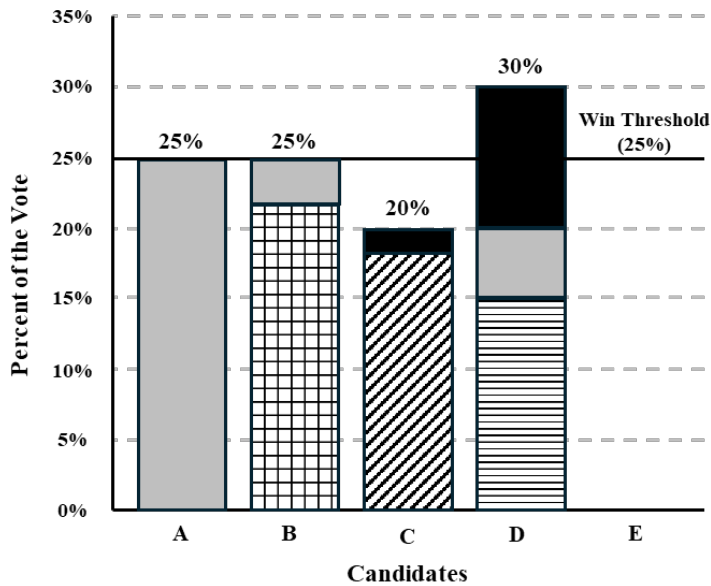
Round 2 (2 of 3 seats filled)

**Candidate B is elected after redistributing A's excess votes
Candidate E is eliminated for having the fewest votes**



Round 3 (3 of 3 seats filled)

Candidate D is elected after redistributing E's 2nd place votes



While ranked choice voting is not currently allowed by state law in New Jersey, bills have been introduced in the Legislature during each of the last three legislative sessions (S-1643/A-1745 in 2026-2027) that would allow municipalities and school boards to adopt ranked choice voting for their local elections following voter approval of an ordinance or resolution. Several

municipalities in the state have already passed ordinances that would ask voters to decide whether to change election systems should state law be updated.

Ranked choice voting has been implemented in many single-winner elections nationally, including in statewide elections in Alaska and Maine and in many municipal elections around the country. Multi-winner ranked choice voting is also increasingly being used in municipal elections, and is currently used in a handful of school board elections, including in Cambridge, MA; Portland, ME; Westbrook, ME; Burlington, VT; and Albany, CA.

South Orange-Maplewood's resolution requests the addition of new language to NJSBA's P&P that would guide the Association to advocate for district-level choice in using ranked choice voting in school board elections. Adding such language to NJSBA's P&P would not change state statute and would not require anything new of boards of education, absent the passage of legislation.

RELEVANT NJSBA POLICY

NJSBA's P&P File Code 9112 states:

The NJSBA believes that a uniform statewide system of school elections run by county election officials standardizes the election process, avoids confusion and encourages voter turnout. A collaborative relationship should exist between election officials and school officials. Interested groups at the statewide and county levels, including the New Jersey Association of Election Officials, should work collaboratively to promote procedures that foster the cost-efficiency of school elections and encourage voter turnout.

The same file code further provides:

The NJSBA believes in continuing efforts to increase voter turnout in school district elections.

Finally, File Code 1430 states:

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.

DISCUSSION

Several key changes have occurred to board of education elections in New Jersey in the past few decades. Prior to 1995, boards of education fully conducted their own elections, and Title 18A of New Jersey's statutes (the Education section) governed these elections. *P.L. 1995, c.278* transferred the responsibilities of board of education elections to county clerks, county boards of election, and district boards of election, and the statutes related to these elections were repealed from Title 18A and moved to Title 19 (the Elections section), which also governs primary, general, and other statewide elections. Board of education elections remained in April, and while school districts were no longer conducting their own elections, the election officials billed districts for their election costs.

With the signing of *P.L. 2011, c.202* in 2012, boards of education were encouraged to move their elections from April to November. One of the benefits of boards moving their elections to

November – in addition to eliminating voter approval of the district budget – was that, other than in limited circumstances, they would no longer incur costs for the payment of board workers, voting machines, printing ballots, or any other related election costs.

These previous changes in election law provide important context to NJSBA’s previous research on board elections. Through a substitute resolve clause at the May 2000 Delegate Assembly, the NJSBA was directed to form an ad hoc committee to study the benefits of a “bifurcated” school elections process that would have allowed districts to elect to conduct their own elections despite the passage of *P.L. 1995, c.278*, which had transferred the organization of board elections to election officials in 1995. The committee’s final report (“Report of the Ad Hoc Committee on School Elections”), prepared for the May 2001 Delegate Assembly, outlined the challenges boards may face because of a “bifurcated” system. Further, the report recommended that the Delegate Assembly adopt policy language in support of a “uniform statewide system of school elections run by county election officials.” These recommendations came at a time of heavy voter confusion following a weeks-long recount in the 2000 presidential election. Further, there were concerns among boards of education that the costs of elections were unclear, and now that county election officials were billing boards for their election costs, a more uniform system of elections would allow for more transparent billing. While the committee’s recommended policy language was adopted by the Delegate Assembly in May 2001 and now resides in P&P File Code 9112, the “uniform statewide system of school elections” referenced in 2001 refers to the oversight and cost of elections, rather than the specific election style used. Therefore, while South Orange-Maplewood’s resolution – supporting the belief that individual boards of education should be able to choose their own style of election format – appears to run counter to this established policy, the intent of the policy in File Code 9112 that was adopted by the Delegate Assembly in May 2001 does not necessarily apply to this kind of election change, given that boards of education no longer conduct their own elections and no longer owe the costs of their elections (except for special elections or the handful of districts that still have April elections).

Research on multi-winner elections has shown that plurality block voting – the system currently in use in school board elections in New Jersey – may have several drawbacks, including vote splitting (where candidates with similar, popular platforms may both lose to a candidate with a less popular platform), disproportionate representation (where an entire group of candidates running on a similar platform wins election despite the views of the electorate not being entirely in favor of that platform), significant shifts in election outcomes (entire slates of incumbents losing their seats because of a slight change in public opinion), and bullet voting (where voters cast votes for fewer than the maximum allowed candidates in order to make those votes more powerful). Ranked choice voting may improve upon each of these issues by providing winners who more closely align with the proportional viewpoints of the electorate; limiting the strength of “spoiler” votes; reducing the likelihood that “extreme” candidates win election because of vote-splitting among similar, more popular candidates; allowing incumbents the opportunity to stay elected for longer periods of time when a slight change in public opinion may otherwise cause them to lose election; and ensuring that every vote cast is meaningful because of the redistribution of votes on a losing ballot. Research on ranked choice voting in [New York City’s single-winner mayoral election](#) and [Portland’s multi-winner city council election](#) illustrates just some of the many instances of improved proportionality in representation.

Multiple pieces of research have also concluded that ranked choice voting may lead to more civility during the campaign cycle. Ranked choice voting incentivizes candidates with similar platforms to work together during campaigning because such candidates have more of a likelihood of being elected together, rather than competing for the same votes in a plurality block system. More civility in campaigns can decrease negativity and improve the overall climate – a potential benefit for New Jersey’s nonpartisan school board elections – and further has the potential to lead to decreased campaign costs. Finally, while critics of ranked choice voting often cite voter confusion as a barrier to initiating the new system of voting, polling has shown that voters in jurisdictions that have switched to ranked choice voting have learned how the system works fairly easily, and in some instances the switch has encouraged higher voter turnout, especially among younger voters. While research on the benefits and detriments of ranked choice voting is still ongoing as more jurisdictions across the country begin to adopt this election system, it appears that adopting such a system for school board elections in New Jersey may be beneficial.

Above all, as stated in P&P File Code 1430 and throughout many of NJSBA’s belief statements, the NJSBA continually advocates for local control and the ability of boards of education to choose what works best for them and their local communities. If a board were to decide that ranked choice voting works best for its purposes, it should have an avenue through which to make that choice a reality. As submitted, South Orange-Maplewood’s resolution does not intend for the NJSBA to advocate that *all* boards of education use ranked choice voting, but rather that boards should have the option to use ranked choice voting if they choose.

STATEMENT OF REASONS

1. Existing NJSBA policy asserts that authority for management of public schools should rest with local boards of education. The resolution, as submitted, would allow boards of education to decide what is best for their individual communities.
2. Existing NJSBA policy states that there should be a uniform system of school elections, but this policy was approved in the context of individual boards conducting and paying for their own elections, rather than commenting specifically on the *type* of election system being used. Therefore, this existing policy does not apply to the resolution as submitted.
3. Ranked choice voting in multi-winner elections could lead to more proportional representation, improved civility during the campaign process, higher voter turnout, and higher voter satisfaction.

RECOMMENDATION

The Resolutions Subcommittee recommends approval of the proposed resolution, with substitute language, which would create additional policy language to be included in NJSBA’s *Manual of Positions and Policies on Education* File Code 9112 - Elections/Appointment:

The NJSBA believes school districts should be permitted to use ranked choice voting in school board elections.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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SEMIANNUAL DELEGATE ASSEMBLY

May 16, 2026

**The following resolution was received from the
Essex County School Boards Association (Essex):**

WHEREAS, The New Jersey Constitution guarantees every child residing in the State the right to a “thorough and efficient system of free public schools,” a mandate that applies to all students regardless of immigration status; and

WHEREAS, Comprehensive public school districts, regional school districts serving multiple municipalities, and county vocational-technical school districts are creations of State law and are subject to extensive regulation, funding, and oversight by the State, including through the New Jersey Department of Education; and

WHEREAS, Although local boards of education govern school districts and districts are not direct instrumentalities of the Governor’s Executive Branch, public school districts function as agents of the State in fulfilling New Jersey’s constitutional obligation to provide public education and related student services; and

WHEREAS, State and federal law require New Jersey public schools to enroll students without regard to immigration status and to safeguard students’ rights to privacy, safety, and equal access to educational opportunity; and

WHEREAS, The presence or perception of civil immigration enforcement activity in or around school facilities may deter student attendance, inhibit family engagement, and disrupt the educational environment, thereby undermining student well-being, educational equity, and public safety; and

WHEREAS, The State of New Jersey has identified public schools as sensitive locations deserving heightened protections to ensure that they remain safe, welcoming spaces dedicated to teaching and learning; and

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

WHEREAS, Education-related policies adopted by the Delegate Assembly and the Board of Directors are codified in the NJSBA Manual of Positions and Policies on Education, which guides the Association’s advocacy and positions before State and federal policymakers; now, therefore, be it further

RESOLVED, That the Essex County School Boards Association proposes the following new policy language for adoption by the Delegate Assembly and inclusion in the NJSBA Manual of Positions and Policies on Education:

The NJSBA believes that public school districts—whether comprehensive, regional, or vocational-technical—serve as essential partners of the State in carrying out New Jersey’s constitutional obligation to provide a thorough and efficient education to all students.

The NJSBA affirms that public schools must remain safe, inclusive, and trusted environments, free from civil immigration enforcement activities that interfere with students’ access to education, compromise student privacy or well-being, or undermine the relationship between schools and the communities they serve.

The NJSBA further believes that boards of education should adopt policies and practices, consistent with State and federal law, that protect student rights, preserve continuity of instruction, and reinforce the role of public schools as places of learning and support—not venues for civil immigration enforcement—while honoring valid judicial authority; now, be it

RESOLVED, That this resolution be placed on the agenda for consideration at the May 16, 2026 Annual Delegate Assembly.

Adopted at a regular meeting of the
Essex County School Boards Association



on March 3, 2026

Reginald Bledsoe
Association President

RESOLUTION NO. 02

SYNOPSIS

Resolution No. 02 from the Essex County School Boards Association (Essex) proposes **new** policy language for adoption by the Delegate Assembly, and inclusion in the NJSBA's *Manual of Positions and Policies on Education (P&P)*. The proposed resolution requests that the NJSBA support the inclusion of three separate broad belief statements indicating, in summary, that public schools must carry out the State's constitutional obligation to provide all students with a thorough and efficient education; public school buildings must be free from civil immigration enforcement activities; and boards of education should adopt policies and procedures that protect the health and safety of all students, while also honoring valid judicial authority.

BACKGROUND

The right of all children to access and receive a free public education, without regard to their immigration status, has been recognized since the United States Supreme Court issued its decision in connection with *Plyler v. Doe*¹ on June 15, 1982. In this seminal decision, a Texas statute which withheld from local school districts any state funds used to educate children who were not “legally admitted” into the country, and also authorized local school districts to deny enrollment in their public schools to those children who were not “legally admitted” to the country, was challenged as unconstitutional. The United States Supreme Court held that it was a violation of the Equal Protection Clause of the Fourteenth Amendment for a state to discriminate against undocumented children by denying them access to a state's system of free public K-12 education, and also held that states cannot lawfully withhold funding for the education of undocumented students.

The constitutional mandate espoused in *Plyler v. Doe* is specifically delineated in our State's education laws and regulations, as enrollment in New Jersey's public school districts is predicated solely upon domicile within the school district, and is wholly unrelated to the immigration status of a student and/or their parent or guardian. In this regard, *N.J.S.A. 18A:38-1(a)*² provides that, “Public schools shall be free to ... persons over five and under 20 years of age ... who [are] domiciled within the school district”; *N.J.A.C. 6A:22-3.3(b)*³ states, in relevant part, “... immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in the school district or otherwise eligible to attend school there pursuant to *N.J.A.C. 6A:22-3.2*⁴ shall be enrolled without regard to, or inquiry concerning, immigration status”; and *N.J.A.C. 6A:22-3.4(d)*⁵ prohibits a school district from conditioning enrollment on the receipt of “[d]ocumentation or information relating to citizenship or immigration/visa status”

¹ <https://supreme.justia.com/cases/federal/us/457/202/>.

² <https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>.

³ <https://www.nj.gov/education/code/current/title6a/chap22.pdf>.

⁴ *Id.*

⁵ *Id.*

There are also a multitude of federal and New Jersey State laws and regulations which prohibit discrimination against all individuals, which necessarily includes our State’s public school students, based on their immigration status or that of their parents. Most notably, these laws and regulations include, without limitation:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and *national origin* in programs and activities, which includes programs and activities of New Jersey’s public school districts, receiving federal financial assistance; (emphasis added) and
- The New Jersey Law Against Discrimination prohibits discrimination and bias-based harassment in employment, housing, and places of public accommodation, which includes the State’s public school districts, based on *national origin, ancestry, nationality, race, and other protected characteristics* (emphasis added).

During his first term of office, one of President Trump’s top priorities was immigration reform. As a result, many states, including New Jersey, adopted orders and directives to clarify the appropriate and lawful role of State officials and law enforcement officers in federal immigration enforcement efforts. In this regard, and in November 2018, the New Jersey Attorney General’s Office issued the “[Immigrant Trust Directive](#)”⁶. By its terms, the directive was a policy “designed to strengthen trust between New Jersey’s law enforcement officers and the state’s diverse immigrant communities.” In this directive, the New Jersey Attorney General’s Office made clear that, State officials “are not responsible for enforcing civil immigration violations except in narrowly defined circumstances” and that, instead, those responsibilities “fall to the federal government and those operating under its authority.” Consequently, the directive indicated, among other things, that state, county, and local law enforcement agencies and officials would not, except as permitted in clearly defined circumstances, inquire about a person’s citizenship or immigration status, and would not, except in limited circumstances, provide assistance to federal immigration authorities when the sole purpose of that assistance was to enforce federal civil immigration law.

When President Trump’s first term ended, President Biden issued a series of directives on immigration matters which were focused on altering federal immigration enforcement priorities. Among other things, the Biden administration issued guidelines for Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) enforcement actions. These guidelines declared that immigration enforcement actions could not be taken in or near a location that would restrain people’s access to essential services or engagement in essential activities, and designated a non-exhaustive list of protected areas, which included: “Schools, such as known

⁶ https://www.nj.gov/lps/dcj/agguide/directives/ag-directive-2018-6_v2.pdf.

and licensed daycares, pre-schools, and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events,” as well as “Places where children gather such as a playground, recreation center, childcare center, before- or after-school care center, foster care facility, group home for children, or school bus stop.” Based on these guidelines, and until January 2025, school buildings and premises were “safe” from federal immigration enforcement efforts.

A. Recent Immigration Enforcement Efforts

Following the start of his new term as President in January 2025, President Trump reinitiated broad sweeping federal immigration enforcement efforts and reform. Among others, on January 20, 2025, the Acting Department of Homeland Security Secretary issued a directive *rescinding* the Biden administration’s guidelines for ICE and CBP enforcement actions. Therefore, school buildings were no longer regarded as “off limits” for federal immigration enforcement actions.

B. Response to President Trump’s Immigration Efforts

Almost immediately following the rescission of the Biden administration’s guidelines for ICE and CBP enforcement actions, the New Jersey Department of Education (NJDOE) issued a [broadcast memorandum](#)⁷ announcing the establishment of a [website](#)⁸ that provides “guidance and resources designed to help school staff understand and adhere to State and Federal requirements related to immigrant students and families.” In its broadcast memorandum, the NJDOE emphasized the State’s “commitment to ensuring that every student, regardless of immigration status, national origin, or religion, can attend public school safely” and reiterated that, based on the United States Supreme Court’s decision in *Plyler v. Doe*, “public schools are constitutionally obligated to provide all children with access to free public education, emphasizing that educating undocumented students is not a choice but a **legal responsibility**” (emphasis added).

To the extent that federal immigration enforcement efforts are initiated on school grounds, the NJDOE’s guidance and resources indicate that:

7

<https://www.nj.gov/education/broadcasts/2025/jan/22Special/GuidanceonSchoolRelatedStateandFederalRequirementsPertainingtoImmigrantStudentsandFamilies.pdf>.

⁸ <https://nj.gov/education/security/studentrights/index.shtml>.

- Public school districts must honor valid judicial search or arrest warrants, court orders, and subpoenas signed by a judge;
- It is “vitally important for school officials to obtain a copy of any judicial search or arrest warrant, court order, or subpoena and present it to legal counsel before taking any action in response to immigration officials, including Immigration and Customs Enforcement (ICE) personnel”; and
- Protocols must be developed by school districts when immigration officials approach a school for immigration enforcement activities regarding students, and those protocols must be “designed to protect the safety of all students.”

The NJDOE also provided an “example protocol” that school districts can follow, which includes alerting the chief school administrator or superintendent if/when an immigrant agent seeks to or enters school grounds in an official capacity; obtaining information from the agent regarding their credentials, the purpose of the access request, and any documentation that authorizes school access; complying with a request if the immigration agent declares the existence of exigent circumstances and demands immediate access; and not providing information about students’ attendance or locations, or making students available without first consulting with the chief school administrator or superintendent. The “example protocol” also made clear that “Chief School Administrators are not required to grant access to school premises absent an official judicial search warrant or arrest warrant signed by a judge or exigent circumstances,” and “an administrative immigration warrant is not sufficient to require admittance.”

Next, and before he left office, Governor Murphy signed the “Safe Communities Act” into law on January 20, 2026. The Safe Communities Act, codified as *P.L. 2025, c. 401*⁹, requires the Attorney General, no more than 180 days following the enactment of the law (or by approximately July 19, 2026), to develop model policies to ensure personal freedom in “sensitive locations,” which include public schools, and to ensure that eligible individuals are not deterred from seeking services to which they are entitled or otherwise eligible to receive. According to the bill’s statement, “The model policies would prohibit sensitive locations from assisting or participating in federal civil law enforcement, and would prohibit enforcement on entity premises at those locations.” For purposes of the Safe Communities Act, “federal civil law enforcement” is defined as “any effort to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and includes any effort to investigate, enforce, or assist in the investigation or enforcement of any violations of Title 8 of the United States Code.” Once developed, the Commissioner of Education shall require public schools, and request private schools, to adhere to the model policies developed. In short, the Safe

⁹ https://pub.njleg.state.nj.us/Bills/2024/A6500/6308_R1.PDF.

Communities Act aims to protect residents' access to essential services, regardless of their immigration status.

Finally, on February 11, 2026, newly sworn-in Governor Sherrill issued [Executive Order No. 12](#)¹⁰ which states, in relevant part, “WHEREAS, the use for [federal] civil immigration enforcement purposes of particular State properties that serve sensitive populations would risk causing undue harm to all New Jerseyans, including citizens and individuals with lawful presence, by discouraging sensitive populations from seeking essential services or discouraging their relatives or caregivers from accompanying or visiting them,” and “Except as authorized by a judicial warrant or judicial order or as authorized under Paragraph 5 of this Order, Executive Branch departments and agencies shall not permit or consent to federal immigration officers entering, accessing, or using nonpublic areas of State property for the purpose of facilitating federal enforcement of civil immigration law.”

¹⁰ <https://nj.gov/infobank/eo/057sherrill/pdf/EO-12.pdf>.

RELEVANT NJSBA POLICY

File Code 1430 State and National Units

Federal Role in Education

A. **The NJSBA believes** that it is the responsibility of the federal government to identify national interests in education, including national standards, and to provide full funding of those identified interests and initiatives. The role of the federal government should be to provide leadership in issues of national consequence that states and localities alone are unlikely to be able to meet, such as, protection of constitutional and civil rights for students and school employees; collection, analysis and reporting of national education statistics, and provision of general information about education. [*Authority: DA 11/09- ER (A)*]

...

C. **The NJSBA believes** the authority for the management of public schools must remain with local boards of education. Federal authority over school districts should not exceed the scope necessary to meet national goals, including national standards, and to fulfill the state constitutional mandate for a thorough and efficient system of free public education. Federal authorities must give local districts the flexibility necessary to achieve the objectives and goals of federal education programs while maintaining local control. [*Authority: DA 11/02-3, DA 11/09-ER (A)*]

State Role in Education

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*]

File Code 4119.24 (Staff/Pupil Relations)

Discrimination and Intimidation

The NJSBA believes that schools should develop a culture that promotes mutual respect and constructive relationships among staff and pupils. The learning environment within schools should be free from all forms of discrimination and intimidation and should encourage fulfillment of each student's potential. Acts of discrimination and/or intimidation by staff or students should not be tolerated and proven acts of discrimination/intimidation should result in

disciplinary action. *[Authority: BD 10/90, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

File Code 5118 (Nonresidents)

Proof of Residency

The NJSBA believes that students who reside within the boundaries of a school district are entitled to receive a free, thorough and efficient public education. Each school district should be entitled to confirm the residency status of each student using any appropriate and legal method while maintaining respect for each resident's right to privacy. *[Authority: DA 5/09-1, DA 5/17-SR, DA 5/22-SR]*

File Code 5131.5 (Vandalism/Violence)

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. *[Authority: DA 10/78-CR Violence; DA 6/93-SR; DA 11/99-ER(A); DA 5/10-2]*

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. *[Authority: BD 9/06, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR, DA 5/22-SR]*

File Code 5145.4 (Equal Educational Opportunity)

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 student 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 5145.12 (Search and Seizure)

Search and Seizure

The NJSBA believes that public school students have the constitutional right to be free from unreasonable searches and seizures by any person acting in an official capacity on behalf of a local school district. A search of a student by a school official should only be conducted when the official has a reasonable suspicion that a school rule or a law is being violated or when the district has demonstrated a special need for conducting random drug-testing of students. *[Authority: BD 9/82, DA 5/97-SR, DA 11/97 ER-A, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR, DA 5/22-SR]*

DISCUSSION

The right to access and receive a free public education in New Jersey is constitutionally mandated for all children over five and under 20 years of age, and is solely dependent upon their residency or domicile within a school district's boundaries. Admission to New Jersey's schools is required regardless of whether a student, and/or their parent or guardian, is a citizen. Moreover, children cannot be denied access to our State's public school system for failure to provide "[d]ocumentation or information relating to citizenship or immigration/visa status" See *Plyler v. Doe*; *N.J.S.A.* 18A:38-1(a); *N.J.A.C.* 6A:22-3.3(b); *N.J.A.C.* 6A:22-3.2; and *N.J.A.C.* 6A:22-3.4(d).

New Jersey is one of the most ethnically and culturally diverse states in the country. According to Governor Sherrill’s Executive Order No. 12, “... nearly 25 percent of the State population is foreign-born and approximately 14 percent of the State’s native-born residents have at least one immigrant parent.” Moreover, “New Jersey’s immigrant community is integral to the State’s economic prosperity, as illustrated by a 2020 report that found that immigrant entrepreneurs employ nearly 390,000 people, pay close to \$30 billion in State, local, and federal taxes, and comprise almost 41% of New Jersey’s Science, Technology, Engineering, and Mathematics (STEM) workforce.” Therefore, immigrants are critically important to our State’s communities, and to our economy.

Following the reinitiation of President Trump’s comprehensive federal immigration enforcement reform in 2025, concern intensified throughout the State about how, when, and where federal immigration enforcement efforts would be instituted. With the rescission of protections to school buildings and other previously designated “protected areas,” students were no longer safe from federal immigration enforcement efforts while attending school. Terrified that their children would be deported, some families pulled their children from school. Others sent their children to school, but feared they would not come home. Those students who attend school are distracted by the constant potential threat of deportation, and are unable to focus on their schoolwork or thrive academically. The true impact – physical and mental – on these students and their families cannot be accurately quantified, and will be long-lasting. Consequently, the constitutional right to access and receive a free public education as established by *Plyler v. Doe* in 1982, and codified in our State’s education laws and regulations, is compromised by the potential for federal immigration enforcement efforts to take place during the school day, and in school buildings.

New Jersey’s response to this policy change was swift. The NJDOE issued guidance and resources which made clear that, based on *Plyler v. Doe*, “public schools are constitutionally obligated to provide all children with access to free public education, emphasizing that educating undocumented students is not a choice but a **legal responsibility**” (emphasis added). While recognizing that valid judicial search or arrest warrants, court orders, and subpoenas must always be honored by school districts and the administration, the NJDOE emphasized that access to school grounds is not automatic, and must be accompanied by “an official judicial search warrant or arrest warrant signed by a judge or exigent circumstances.” In other words, the NJDOE reiterated that New Jersey schools must continue to educate all students regardless of their immigration status, and that federal immigration enforcement efforts on school grounds are prohibited absent the requisite legal authority.

Pursuant to the Safe Communities Act, by no later than July 2026, the New Jersey Attorney General is required to develop model policies to ensure personal freedom in “sensitive locations,” which include public schools. These model policies, once developed, will prohibit federal immigration enforcement on school grounds. Following development, the Commissioner of Education will also require public schools, and request private schools, to adhere to the model policies developed.

Finally, and in furtherance of the objectives of the Immigrant Trust Directive and the Safe Communities Act, Governor Sherrill’s Executive Order No. 12 recognizes that federal immigration enforcement activities in certain areas, including school buildings, would cause undue harm to the State’s residents, and would discourage sensitive populations from seeking essential services (including education). Therefore, absent judicial authority, “Executive Branch departments and agencies shall not permit or consent to federal immigration officers entering, accessing, or using nonpublic areas of State property for the purpose of facilitating federal enforcement of civil immigration law.”

The resolution submitted by the Essex County SBA seeks to add new policy language to an unspecified File Code of the P&P. The proposed resolve clauses indicate, as established by *Plyler v. Doe* and reinforced in State education laws and regulations, public school districts must carry out New Jersey’s constitutional obligation to provide a thorough and efficient education to all students; as embodied in the Immigrant Trust Directive, the NJDOE’s guidance, the Safe Communities Act, and Executive Order No. 12, that public school districts must be safe, inclusive, and trusted environments; and that, consistent with the objective of the Immigrant Trust Directive, the NJDOE’s guidance, the Safe Communities Act, and Executive Order No. 12, public school districts should not be venues for federal immigration enforcement efforts absent the requisite judicial authority.

Although the different resolve clauses in the resolution submitted by the Essex County SBA are separately embodied in various File Codes of the P&P, the true intent of the resolution is not contained within one comprehensive and all-encompassing resolve clause. Therefore, inclusion of new **substitute** language in File Code 3516 Safety Issues in Schools, namely, “**The NJSBA believes** that boards of education have a responsibility to ensure that its school buildings are safe havens for all students regardless of their immigration status, and are not to be used as venues for immigration enforcement absent judicial authority,” accurately satisfies the intent of the Essex County SBA; is supported by and consistent with existing P&P language; is bolstered by the objectives of the Immigrant Trust Directive, the NJDOE’s guidance, the Safe Communities Act, and Executive Order No. 12; and comports with *Plyler v. Doe*, and State education laws and regulations.

STATEMENT OF REASONS

1. The resolution submitted by the Essex County SBA seeks to include new policy language stating that: “public school districts - whether comprehensive, regional, or vocational-technical - serve as essential partners of the State in carrying out New Jersey’s constitutional obligation to provide a thorough and efficient education to all students”; “public schools must remain safe, inclusive, and trusted environments, free from civil immigration enforcement activities that interfere with students’ access to education, compromise student privacy or well-being, or undermine the relationship between schools and the communities they serve”; and “boards of education should adopt policies and practices, consistent with State and federal law, that protect student rights, preserve

continuity of instruction, and reinforce the role of public schools as places of learning and support - not venues for civil immigration enforcement - while honoring valid judicial authority.”

2. The proposed new language in the Essex County SBA is already embodied in parts/sections of existing P&P language, namely in File Code 1430 (State and National Units); File Code 4119.24 (Staff/Pupil Relations); File Code 5118 (Nonresidents); File Code 5131.5 (Vandalism/Violence); File Code 5141 (Health); File Code 5145.4 (Equal Educational Opportunity); and File Code 5145.12 (Search and Seizure). However, the intent of the Essex County SBA is not presently captured in one comprehensive and all-encompassing provision of the P&P.
3. NJSBA staff propose inclusion of new substitute language in File Code 3516 (Safety Issues in Schools), namely, “**The NJSBA believes** that boards of education have a responsibility to ensure that its school buildings are safe havens for all students regardless of their immigration status and are not to be used as venues for immigration enforcement absent judicial authority.”
4. In alignment with *Plyler v. Doe* and our State’s education laws and regulations, the proposed new substitute language recognizes that all students, irrespective of their immigration status, have the right to access and receive a free public education in New Jersey’s schools.
5. In alignment with the Immigrant Trust Directive, the NJDOE’s guidance and resources, the Safe Communities Act, and Executive Order No. 12, the proposed new substitute language recognizes that school buildings should be safe havens for all who attend, and should not be used as venues for immigration enforcement absent judicial authority.
6. Finally, the proposed new substitute language would satisfy the intent and spirit of the Essex County SBA’s resolution.

RECOMMENDATION

The Resolutions Subcommittee recommends approval of the proposed resolution with substitute language, which would create new policy language to be included in NJSBA’s *Manual of Positions and Policies on Education* File Code 3516 - Safety Issues in Schools:

The NJSBA believes that boards of education have a responsibility to ensure that their school buildings are safe havens for all students regardless of their immigration status and are not to be used as venues for immigration enforcement absent judicial authority.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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SEMIANNUAL DELEGATE ASSEMBLY

May 16, 2026

**The following resolution was received from the
Egg Harbor Township Board of Education (Atlantic):**

WHEREAS, Payment In Lieu of Taxes (PILOT) agreements and long-term tax exemptions affect the ratable base of municipalities and may indirectly impact the fiscal capacity of local school districts to fund instructional programs, student services, transportation, and facilities; and

WHEREAS, The Egg Harbor Township Board of Education's primary responsibility is to ensure that students receive a high-quality, equitable education supported by sustainable, transparent, and predictable funding mechanisms; and

WHEREAS, Pending legislation, including Senate Bill S-1807 and Senate Bill S-3915, seeks to improve transparency, reporting requirements, and accountability related to municipal tax exemptions and PILOT agreements; 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, including File Code 3210 - Local Funds (NJSBA Local Funds Policy); now, therefore, be it

RESOLVED, That the Egg Harbor Township Board of Education proposes the following additional policy language for adoption by the Delegate Assembly and inclusion in the NJSBA Manual of Positions and Policies 011 Education:

The NJSBA believes that:

1. Transparency, fiscal accountability, and intergovernmental collaboration are essential when municipalities enter into PILOT agreements or grant long-term tax exemptions that may affect local school districts.
2. School districts should receive timely notice, relevant financial information, and projected enrollment impact data related to proposed tax exemption agreements.
3. The State of New Jersey should enact legislation that ensures clear reporting requirements and improved fiscal transparency regarding tax abatements and PILOT agreements, consistent with the intent of S-1807 and S-3915.
4. When municipal actions materially affect school district finances or enrollment, mechanisms should exist to promote equitable consideration of educational impact in municipal planning and redevelopment decisions.
5. In circumstances where direct allocation of PILOT revenues to school districts is not provided, municipalities and school districts should consider shared service agreements, impact fees, negotiated community benefit agreements, or other legally permissible fiscal arrangements to offset educational costs attributable to development.
6. Public policy concerning tax exemptions must balance economic development objectives with the long-term educational needs of students and the fiscal sustainability of local school districts; now, therefore, be it

RESOLVED, That this resolution be placed on the agenda for consideration at the May 16, 2026, Delegate Assembly.

Adopted at a board meeting of the
Egg Harbor Township Board of Education
on February 17, 2026



Daniel Smith
Business Administrator/Board Secretary

RESOLUTION NO. 03

SYNOPSIS

Resolution No. 03 from the Egg Harbor Township Board of Education (Atlantic) proposes **new** policy language supporting the belief that school districts should be involved in discussions pertaining to Payment In Lieu of Taxes (PILOT) agreements and be able to share the funds in an effort to offset the expenses related to potential increases in student enrollment and potential increases in various services needed to support the additional students.

BACKGROUND

The Egg Harbor Township Board of Education has presented a resolution designed to increase the input and influence of school districts when PILOT agreements are being considered in municipalities.

Historically, there has been a structural disconnect in the relationship between New Jersey's school districts and PILOT agreements offered in municipalities. Traditionally, school districts rely heavily on property taxes while PILOT agreements bypass property taxes. This has resulted in tensions between Boards of Education and municipal governments due to how PILOT revenues are distributed compared to conventional property taxes. Under a conventional property tax distribution structure, the property tax revenue is split with the school district receiving generally the largest share about 50-60%, the municipality receives about 25-30%, and the county receives the smallest share about 10-15%. However, with PILOT revenues, about 95% of the payment goes to the municipality, about 5% to the county, and 0% to the school district.

As PILOT programs have shifted from industrial/commercial to residential projects, so have the concerns raised by school districts increased. School districts are concerned that new residential complexes will bring new students to the school system, but not the corresponding tax revenue from the building where the students live.

PILOTS provide a tax incentive for developers to develop properties that generate revenue for the town. In a recent case in Parsippany-Troy Hills Township School district, the district raised concerns about a residential PILOT which would potentially bring additional students into the district that would need to be educated and would result in additional costs to educate those students without any of the revenue from the PILOT being allocated to the School District to fund those costs or being provided additional local tax revenue (<https://www.pthsd.k12.nj.us/page/pilotfaq>). The district was concerned the additional residential housing might lead to larger class sizes, reduced extracurricular activities, and delays in necessary capital improvements. The district's concerns led them to commission a study to prove that the marginal cost of new students outweighs any trickle-down benefit from the municipality's 95% share. This is an example of efforts districts have undertaken since they do not have a seat at the table.

Some towns are cognizant of the optics of shortchanging schools, so some towns have begun creating voluntary side agreements which may include building shared recreational facilities or contributing to specific school capital projects to offset the impact of new residential developments. However, these voluntary efforts, while laudable, are only effective locally.

RELEVANT NJSBA POLICY

NJSBA is already advocating on behalf of pending legislation pertaining to PILOT programs. Furthermore, the existing NJSBA Policies identified below address several areas put forth in the Egg Harbor Township Board of Education resolution.

- Policy 3210 Local Funds – Tax Exempt Properties addresses intergovernmental collaboration and receipt of relevant financial information.
- Policy 7110 Long-Range Facilities Planning and Policy 7110 Long-Range Facilities Planning – Developers’ Responsibility for Impact Studies addresses receiving projected enrollment impact data and promoting equitable consideration of educational impact.
- Policy 1410 Local Units – District Cooperation with Local Government Units addresses shared services agreements.
- Policy 7300 Financing – Developers’ Impact Fees addresses impact fees.

DISCUSSION

There have been new legislative pushes to provide school district involvement in the PILOT agreement discussions. S-1907 (The Singleton Bill) is a recent piece of legislation proposing to mandate that towns share a portion of PILOT revenue with school districts.¹¹ The New Jersey League of Municipalities has proposed that school Superintendents be notified of PILOT applications within five days and allow the Board to negotiate for special projects or a direct percentage of the annual service charge¹².

In addition to the above legislative efforts, some school districts have successfully secured revenue sharing or project-specific funding from their municipalities.

¹¹ <https://www.roi-nj.com/2026/02/05/politics/bill-advances-that-require-towns-to-share-pilot-revenue-with-school-districts/#:~:text=The%20bill%2C%20S%2D1807%2C,projects%20for%20the%20school%20district.>

¹²

<https://www.njlm.org/m/newsflash/Home/Detail/3693#:~:text=The%20Mayor%20or%20the%20municipality's,desire%20to%20enter%20into%20good.>

- Princeton Avalon Thanet Circle development resulted in the town agreeing to direct 100% of the surplus PILOT funds specifically to the Princeton School district¹³.
- In Hoboken’s 770 Jackson PILOT agreement, the city council earmarked a portion of the annual service charges for the Hoboken Public Schools¹⁴. This case has created controversy with the town’s charter schools who were not included in getting a portion of the funds.
- In Hopewell Township, the township committed PILOT revenue for the Hopewell Parc development to fund the expansion of Bear Tavern Elementary School.¹⁵

In addition to the above considerations, it is important to keep in mind specific concerns as raised by Egg Harbor Township, which include the belief that public policy must balance economic policy development objectives against the long-term educational needs of students and the fiscal sustainability of local school districts. While it is understood that municipalities must encourage development in a fiscally prudent manner, that development should not negatively impact schools that partner with municipalities in providing essential services to residents.

Egg Harbor has also pointed out that transparency and fiscal accountability are essential elements of consideration when municipalities enter into PILOT agreements or grant long-term tax exemptions to developers that may impact local school districts. Absent a statutory mandate, a practice that recognizes the shared benefits and burdens of local development serves both the municipality and the school district by allowing for reasoned and advance planning of the expenditure of limited resources. These practices should also allow the district to receive timely notice of proposed tax exemption agreements so that appropriate planning may take place.

STATEMENT OF REASONS

The above policies notwithstanding, language exists in the proposed resolution that is not currently addressed in existing policy or pending legislation.

¹³ <https://patch.com/new-jersey/princeton/princeton-council-approves-school-district-pilot-sharing-agreement>)

¹⁴ <https://patch.com/new-jersey/hoboken/hoboken-says-its-charter-schools-wont-get-some-pilot-money>.

- ¹⁵ <https://mercerme.com/hopewell-borough-officials-explain-pilot-agreement-for-hopewell-57-during-council-meeting/#:~:text=He%20cited%20Hopewell%20Township's%20recent,borough%20project.%E2%80%9D%20Peters%20said>.

RECOMMENDATION

The Resolutions Subcommittee recommends adoption of the proposed resolution with substitute language, which would create new policy language to be included in NJSBA's *Manual of Positions and Policies on Education* File Code 3210 – Local Funds:

The NJSBA believes that in circumstances where direct allocation of PILOT revenues to school districts is not provided, municipalities and school districts should consider negotiated community benefit agreements, or other legally permissible fiscal arrangements to offset educational costs attributable to development.



NEW JERSEY SCHOOL BOARDS ASSOCIATION

STATE SCHOOL FUNDING FORMULA POLICY

RESOLUTION NO. 04

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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SEMIANNUAL DELEGATE ASSEMBLY

May 16, 2026

**The following resolution was received from the
West Milford Board of Education (Passaic):**

WHEREAS, Municipalities located within the jurisdiction of the Highlands Water Protection and Planning Act are subject to significant land-use restrictions that limit residential, commercial, and industrial development; and

WHEREAS, These development limitations constrain local ratable growth, reduce municipal property tax capacity, and increase the financial burden on existing taxpayers; and

WHEREAS, Public schools in Highlands municipalities rely heavily on local property taxes to support educational programs and services; and

WHEREAS, The current State school funding formula does not adequately account for the reduced fiscal capacity and structural tax limitations imposed by environmental land-use mandates such as those established under the Highlands Act; and

WHEREAS, School districts in Highlands municipalities may therefore experience inequitable funding pressures compared to districts with similar student populations but greater opportunities for ratable growth; 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 West Milford Board of Education proposes the following new policy language for adoption by the Delegate Assembly and inclusion in NJSBA 1 s Manual of Positions and Policies on Education:

The NJSBA believes that the State of New Jersey's school funding formula should recognize and account for structural limitations on local revenue capacity caused by state-imposed land-use and environmental regulations, including those established under the Highlands water Protection and Planning Act.

The NJSBA further believes that school districts located in municipalities subject to such restrictions should receive equitable consideration within state aid calculations to ensure that environmental protection policies do not create unintended disparities in educational funding or place disproportionate property tax burdens on local residents; now, therefore, be it further

RESOLVED, That this resolution be placed on the agenda for consideration at the May 16, 2026 Delegate Assembly.

Adopted at a board meeting of the
West Milford Board of Education
on February 17, 2026


Melissa Bertagno
Board Secretary/Business Administrator

RESOLUTON NO. 04

SYNOPSIS

Resolution No. 04 from the West Milford Public School District Board of Education proposes **new** policy language supporting the belief that New Jersey’s school funding system should recognize structural limitations on local revenue capacity caused by state-imposed land-use and environmental restrictions and should ensure equitable consideration for affected school districts in state aid calculations.

BACKGROUND

School Funding Reform Act:

The “School Funding Reform Act of 2008,” *N.J.S.A.* 18A:7F-43, *et seq.* (“SFRA”) “establishe[d] a new system for the funding of public school districts” with the goal of “creat[ing] a fair, equitable, and predictable funding formula based on student characteristics, regardless of the community in which a student resides.” *See Assembly Budget Committee Statement to A500* (January 3, 2008)¹⁶. Under the SFRA, a local share is calculated for each school district’s adequacy budget, which “represents the ability of the district to support its adequacy budget based upon the district’s property and personal income wealth.” *Id.* As explained by the legislature at the time of the SFRA’s passage, for the portion of the adequacy budget that cannot be supported locally in accordance with the local share calculation, the district will receive “State equalization aid.” *See Id.*

Highlands Water Protection and Planning Act:

The “Highlands Water Protection and Planning Act,” *N.J.S.A.* 13:20-1, *et seq.* (the “Highlands Act”), went into effect on August 10, 2004 and established “a comprehensive approach to the protection and preservation of the drinking water and natural resources of the New Jersey Highlands Region, which is the source of the drinking water of over half of the residents of New Jersey.” *See Senate Environment Committee Statement to S1* (June 7, 2004)¹⁷. As part of this “comprehensive approach” to protect the watershed and other natural resources in the area, “development in the Highlands Region is restricted and strictly regulated under the Highlands Act.” *See ACR 126* (introduced February 24, 2026)¹⁸.

The legislature also included a 10-year state aid program in the Highlands Act to provide the affected municipalities with funds for the vacant land that was subject to development

¹⁶ See https://pub.njleg.state.nj.us/Bills/2006/A0500/500_S1.PDF

¹⁷ See https://pub.njleg.state.nj.us/Bills/2004/S0500/1_S1.PDF

¹⁸ See https://pub.njleg.state.nj.us/Bills/2026/ACR/126_I1.PDF

restrictions. *See* A3217 (introduced January 13, 2026)¹⁹. However, this aid has not been provided since the FY 2010 State budget, despite the fact that the development restrictions in the Highlands Region are permanent. *See Id.*

The district is the only K-12 district in the State that is located 100% within the Highlands Region. *See* “School districts continue to face funding challenges,” West Milford Messenger (March 10, 2026). Because of this location, the district explained that the Highlands Act’s development restrictions constrain local ratable growth, reduce municipal property tax capacity, and increase the financial burden on existing taxpayers. By way of further explanation, as costs, including, but not limited to, health care, continue to increase, the district is forced to rely heavily on local property taxes to support educational programs and services.

Specifically, according to the district’s superintendent, the district funds 84% of its budget through local tax levy, ranking near the very top of the State in local burden. *See* “School districts continue to face funding challenges,” West Milford Messenger (March 10, 2026). However, because the district’s ratable tax base remains stagnant, the increased taxes are distributed among a limited pool. Therefore, the district experiences inequitable funding pressures compared to districts with similar student populations, but with greater opportunities for ratable growth. Based on the above, it is the district’s position that the SFRA does not adequately account for the reduced fiscal capacity and structural tax limitations imposed by the Highlands Act.

NJSBA’s Advocacy Agenda:

Despite the intention of the SFRA for a “fair, equitable, and predictable funding formula,” the New Jersey Supreme Court cautioned in 2009 that “we do not have the ability to see ahead and to know with certainty that SFRA will work as well as it is designed to work.” *Abbott v. Burke*, 199 N.J. 140, 172 (2009). Accordingly, the NJSBA has long supported the ongoing review of the State’s school funding system, as well as the consideration of school districts’ unique circumstances with respect to same, as evidenced by many of the belief statements in Policy 3220, State Funds (quoted in further detail, as relevant to the district’s resolution, in the below section).

NJSBA continues to recognize the need for the legislature to revisit and modernize the funding formula for public school districts, and NJSBA’s 2026-2027 Legislative Advocacy Agenda in the “School Funding & Finance” specifically supports the following:

- Advocate for continuous full funding of the SFRA to meet the needs of all students in a manner that is consistent, equitable, reliable and sustainable.

¹⁹ *See* https://pub.njleg.state.nj.us/Bills/2026/A3500/3217_I1.PDF

- Mitigate the adverse impact on school districts experiencing reductions in state aid due to ensure all students continue to receive a thorough and efficient education.
- Push for ongoing and comprehensive review and study of the funding formula that facilitates public input and will result in the modernization of and improvement to the state’s system of financing public education.
- Promote property tax levy cap flexibility to enable school districts to reach their local fair share, as determined by the funding formula, particularly for districts experiencing reductions in state aid, raising less than their local fair, and/or spending below adequacy.
- Increase state financial support for costs that are largely outside the control of boards of education, such as special education, pupil transportation, and health care.
- Advocate for reform to payment in lieu of taxes (PILOT) arrangements to provide boards of education with more input into such agreements as well as share in the revenue generated by PILOTs.

Proposed Legislation:

The issues raised by the district are also the subject of several recently proposed bills, which are listed below:

- [A4860](https://www.njleg.state.nj.us/bill-search/2026/A4860): “Fairness for School Districts in Development Restricted Areas Act” – provides additional school aid to certain school districts located in municipalities that are part of Highlands or Pinelands preservation areas²⁰.
- [ACR126](https://www.njleg.state.nj.us/bill-search/2026/ACR126): Expresses the intent that the SFRA “be revised to eliminate significant reductions in state aid to school districts, especially those districts located in the Highlands Region and other areas of the State in which development is restricted²¹.”

²⁰ See <https://www.njleg.state.nj.us/bill-search/2026/A4860>

²¹ See <https://www.njleg.state.nj.us/bill-search/2026/ACR126>

- [A3217](#): Creates a special, non-lapsing fund, the “Highlands Protection Fund,” in the Department of Treasury for the purpose of providing state aid to qualified municipalities that are located in the Highlands preservation area²².

RELEVANT NJSBA POLICY

Although NJSBA’s current “Positions and Policies on Education” (“P&P”) do not reference the district’s *specific* school funding concern, there are several sections of the P&P with broad language that promote fair and equitable school funding and that also address similar situations.

P&P File Code No. 3210, Local Funds:

Tax Replacement Funds

The NJSBA believes that a municipality’s ratable base has a direct impact on the local school tax rate and that the local school district should receive a proportionate share of tax replacement monies paid for tax-exempt properties that would otherwise be collected by property taxes. [Authority: DA 5/61-8, DA 6/77-CR Property Tax, DA 11/98-3, DA 5/97-1, DA 11/98-3, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

P&P File Code No. 3220, State Funds, in pertinent part:

State School Finance System

- A. The NJSBA believes that New Jersey’s system of financing public schools should enable all local school districts to provide an equal opportunity for all children in New Jersey to receive a thorough and efficient education.

- B. The NJSBA believes that New Jersey’s school finance system should²³:

²² See <https://www.njleg.state.nj.us/bill-search/2026/A3217>

²³ Section B of P&P File Code No. 3220 has 17 subsections (1-17). The relevant subsections are listed above with their corresponding numbers for ease of the reader when referring back to the policy in its entirety.

2. Provide funds to support and guarantee a thorough and efficient level of education to all public school students;
 5. Recognize the diversity, unique circumstances and community composition of each local school district;
 6. Provide for equalized aid for capital expenditures and debt service, based on individual districts' ability to pay as defined by the School Funding Reform Act or its successor;
 13. Be modified, as needed, through a comprehensive approach with input from NJSBA members;
 16. Be sensitive to legitimate variations in school districts' capabilities to meet student needs, including, but not limited to, proficiency levels, demographics, socioeconomic status, geographical location and physical abilities.
- 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 socio-economic 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

- 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 government 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

NJSBA policies are clear that the system of financing public schools should recognize the “unique circumstances” of all districts and enable them to provide a thorough and efficient education to their students. *See* P&P File Code No. 3220. To that end, NJSBA’s current legislative agenda pushes for a comprehensive review of the SFRA to modernize the formula, and to fully fund it so that the needs of all students will be met in a manner that is consistent, equitable, reliable, and sustainable.

The district's "unique circumstances" are not referenced in NJSBA's P&P, but a comparable situation is addressed. Specifically, in the context of "tax-exempt properties" (not land that is subject to development restrictions like in the district), current NJSBA policy clearly acknowledges that "a municipality's ratable base has a direct impact on the local school tax rate." See P&P File Code No. 3210. Although this statement encapsulates the district's issue (and the implication that the lack of a ratable base negatively affects the local school tax rate), the solution offered in this section of P&P Code No. 3210 is only geared towards "tax-exempt" properties, advocating for the affected districts to "receive a proportionate share of tax replacement monies paid for tax-exempt properties that would otherwise be collected by property taxes." See *Id.* Because the district's development-restricted property is not tax-exempt, this policy language does not apply, nor is it clear whether "tax replacement monies" would be an adequate solution if this language was expanded to include environmentally protected/development-restricted property.

Therefore, in an effort to capture the district's circumstances (in addition to school districts with the same issue, even if caused by different circumstances), and while also ensuring flexibility for NJSBA if faced with a variety of proposed solutions and/or an unanticipated approach by the legislature, we are recommending the below revisions to P&P File Code No. 3220 in the "State Aid to School Districts" section.

STATEMENT OF REASONS

1. NJSBA Policy 3220 addresses, among other things, the "State School Finance System" and "State Aid to School Districts."
2. The "State School Finance System" section of Policy 3220 promotes the recognition of the unique circumstances of each school district and the goal of enabling all school districts to provide a thorough and efficient education to its students.
3. The "State Aid to School Districts" section of Policy 3220 supports the belief that there should be an "equitable distribution of education and related support payments."
4. To highlight the district's circumstances, while not excluding the circumstances of other districts, and for consistency with the "State School Finance System" section of Policy 3220, the below amendments to the "State Aid to School Districts" section in Policy 3220 are proposed.

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* in File Code 3220 – State Funds:

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 government financial assistance, and which considers a school district's unique circumstances, including, but not limited to, circumstances that impact a school district's capacity to raise revenue locally.

PROCUREMENT FOR INSTRUCTIONAL MATERIALS RESOLUTION NO. 05

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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

1-888-886-5722

SEMIANNUAL DELEGATE ASSEMBLY

May 16, 2026

**The following resolution was received from the
Glen Rock Board of Education (Bergen):**

WHEREAS, New Jersey public school districts collectively educate approximately 1.37 million students across nearly 600 operating district, each independently procuring instructional materials, digital curriculum, software platforms, and related educational services; and

WHEREAS, Instructional materials represent a substantial and recurring statewide expenditure borne largely by local property taxpayers, conservatively estimated between \$360 million and \$500 million annually; and

WHEREAS, Even modest cost reductions achieved through enhanced transparency and coordinated purchasing strategies could generate significant recurring savings for New Jersey taxpayers while preserving classroom resources; and

WHEREAS, The decentralized procurement structure of New Jersey's school system may limit collective bargaining leverage, reduce pricing transparency, and create potential disparities among districts of varying size and capacity; and

WHEREAS, The Association has historically supported cooperative purchasing, shared services, and other cost-containment strategies that promote efficiency while maintaining local control; and

WHEREAS, The Association has consistently affirmed that local boards of education retain primary authority over curriculum, instructional materials, and educational programming decisions; and

WHEREAS, Responsible stewardship of public funds requires policies that promote transparency, equitable pricing, voluntary collaboration, and efficient use of taxpayer resources; and

WHEREAS, The Delegate Assembly of the New Jersey School Boards Association is the policymaking body authorized to establish positions guiding the Association's legislative advocacy efforts; now, therefore, be it

RESOLVED, That the Glen Rock Board of Education respectfully requests that the Delegate Assembly of the New Jersey School Boards Association adopt the following policy position:

The NJSBA believes that statewide procurement policies for instructional materials and digital educational resources should promote equitable pricing, transparency, cooperative purchasing opportunities, and responsible fiscal stewardship, while fully preserving local board authority over curriculum decisions and voluntary participation in any statewide purchasing arrangements; and, be it further

RESOLVED, That in furtherance of this policy position, the Association shall advocate for legislative and administrative measures that:

1. Promotes pricing transparency and equitable treatment of New Jersey public school districts in the acquisition of instructional materials and digital educational products;
2. Encourage mechanisms that strengthen statewide negotiating leverage, including voluntary cooperative purchasing structures or consortium-based contracting models administered through appropriate state-authorized entities;
3. Support disclosure practices that improve clarity regarding bundled materials, digital access rights, professional development services, and related supports associated with instructional resource purchases;
4. Direct appropriate state agencies to analyze and report aggregate instructional materials expenditures to improve fiscal transparency and inform policy

development;

5. Ensure that no such legislation or procurement reform shall:
 - Mandate the adoption of specific instructional materials or vendors;
 - Transfer curriculum decision-making authority from local boards of education;
 - Require district participation in statewide contracts;
 - Restrict a district's ability to negotiate independently or secure pricing below any statewide agreement.

RESOLVED, That this resolution was duly adopted by the Glen Rock Board of Education on March 2, 2026 and the Board respectfully requests its placement on the agenda for consideration at the May 16, 2026 Annual Delegate Assembly.

Adopted at a regular meeting of the
Glen Rock Board of Education
on March 2, 2026



James Canellas
Business Administrator/Board Secretary

RESOLUTION NO. 05

SYNOPSIS

Resolution No. 5 from the Glen Rock Board of Education (Bergen) proposes **additional** policy language to NJSBA's *Manual of Positions and Policies on Education (P&P)* that supports equitable pricing, transparency, and cooperative purchasing opportunities for instructional materials and digital educational resources, while preserving local board authority over curriculum decisions.

BACKGROUND

The Glen Rock Board of Education believes that instructional materials represent a substantial and recurring statewide expenditure borne largely by local property taxpayers, which Glen Rock estimates between \$360 million and \$500 million annually across the state. Even modest cost reductions achieved through enhanced transparency and coordinated purchasing strategies could generate significant recurring savings for New Jersey taxpayers while preserving classroom resources.

In its resolution, Glen Rock also sought to specify the precise ways in which the NJSBA would advocate for its proposed policy changes. Specifically, the resolution seeks to have NJSBA advocate for five specific legislative and administrative measures in support of the proposed resolution. However, such restrictive directives unnecessarily hinder NJSBA Governmental Relations staff as these staff members are best situated to exercise professional judgment in determining the best method of achieving the goals stated in the resolution. Because of NJSBA's practice of ensuring that the belief statements codified in the *Manual of Positions and Policies in Education* are broad and enduring, these five specific measures will not be considered part of this resolution.

RELEVANT NJSBA POLICIES

Although current NJSBA policy clearly encourages the use of shared services arrangements, there is no existing policy that specifically addresses such arrangements concerning curricular materials.

P&P File Code No. 6000, Concepts and Roles in Instruction:

Shared Services

The NJSBA believes that districts should be encouraged to share or consolidate personnel and related services. This would include, but not be limited to, alternative school programs, gifted and talented services at all grade levels, prekindergarten programs, and shared classes to provide programs and expand curricular offerings. [Authority: DA 11/95-CR Shared Services, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

P&P File Code No. 1410, Local Units:

District Cooperation with Local Government Units

A. The NJSBA believes that school districts' sharing of services and cooperation with municipal and county governments can benefit all parties and should be encouraged and facilitated, including but not limited to, joint purchasing, joint insurance funds, and insurance pools.

B. The NJSBA believes that the State departments and agencies should encourage sharing of services by providing technical assistance, and the paying of financial incentives directly to the participating school districts, and municipal and county governments. [Authority: DA 12/91-CR QEA, DA 11/95 CR Shared Services, DA 5/01-SR, DA 11/02-4 DA 5/06-SR, DA- 5/11-SR, DA 5/16-SR, DA 5/21-SR]

P&P File Code No. 6160, Instructional Services and Resources:

Curricular Materials

The NJSBA believes that purchasers of curricular materials should be provided with a wide array of consumer information on available programs and products to assist them in making informed selections. [Authority: DA 12/82-CR Urban Education, DA 12/93-1, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

P&P File Code No. 6161.1 Guidelines for Evaluation and Selection of Instructional Materials:

High Quality Curricular Materials

The NJSBA believes that instructional materials should be rigorous in content and should be updated and upgraded often to reflect advances in technology in appropriate curriculum areas, the best scholarship in each discipline, and the latest research in learning and teaching. Funds should also be available to encourage developers of curricular materials to address the unique needs of diverse student populations. [Authority: DA 12/83-1, DA 11/97-CR Special Education, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR, DA 11/17-SR, DA 11/22-SR]

DISCUSSION

Textbooks shall be selected by the recorded roll call majority vote of the full membership of the board of education of the district and they and other school supplies shall be furnished free of cost for use by all pupils in the public schools and money therefor shall be appropriated and raised annually in each school district in the same manner as other school moneys are appropriated and raised in the district. *N.J.S.A.* 18A:34-1. NJ statutes and regulations promote cost efficiencies in a variety of ways when it comes to the purchase of textbooks and other curricular materials. For instance, *N.J.S.A.* 18A:34-3 creates a statewide textbook bank from which districts may utilize textbooks that are no longer needed by other districts. In another example, *N.J.A.C.* 6A:23A-2.3 requires the executive county superintendent to study ways to promote cooperative purchasing of textbooks and other instructional materials with the expectation that school districts, educational services commissions, county special services school districts, and jointure commissions shall be the primary entities for procuring such materials for the operation of school districts. *N.J.S.A.* 18A:18A-10 creates the opportunity for districts to purchase textbooks and other supplies through a state procurement contract. *N.J.S.A.* 18A:18A-11 provides, in part, that the boards of education of two or more districts may provide jointly by agreement for the provision and performance of goods and services for their respective districts, or one or more boards of education may provide for such provision or performance of goods or services by joint agreement with the governing body of any municipality or county. This statute even permits non-public schools to be part of these agreements.

The belief statements in the NJSBA *Manual of Positions and Policies on Education* speak to the importance of joint purchasing and the sharing of resources among districts and other governmental units when it's possible to achieve savings for school districts and taxpayers. The Glen Rock board highlights the importance of savings when purchasing curricular materials.

This resolution gives NJSBA the opportunity to revise its policies in this area to ensure clarity in its beliefs that textbooks and other curricular materials should be included in its joint purchasing beliefs. Therefore, NJSBA proposes revising File Code 6160, Instructional Services and Resources, to amplify that districts should be encouraged to employ joint purchasing agreements and other strategies to achieve savings in the purchase of curricular and related materials, where it is prudent and practical to do so.

STATEMENT OF REASONS

1. Districts collectively spend millions of dollars each year purchasing textbooks and other curricular supplies.
2. There are many statutes and regulations that encourage joint purchasing and other strategies to achieve savings when purchasing textbooks and other curricular materials.
3. NJSBA's policies encourage joint purchasing and the sharing of resources among districts and other governmental units.
4. NJSBA's policies should amplify these purchasing opportunities, specifically with respect to curricular materials, to promote savings for districts and the families that they serve.

RECOMMENDATION

The Resolutions Subcommittee recommends approval of the proposed resolution, with substitute language, which would create additional policy language in File Code 6160 - Instructional Services and Resources:

The NJSBA believes that purchasers of textbooks and other curricular materials should be provided with a wide array of consumer information on available programs and products to assist them in making informed selections. When purchasing such materials, districts should employ strategies that promote the efficient use of taxpayer resources, where it is practical to do so.

MODERNIZING GOVERNANCE OF NJ TECH SCHOOLS RESOLUTION NO. 06

NEW JERSEY SCHOOL BOARDS ASSOCIATION

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

1-888-886-5722

SEMIANNUAL DELEGATE ASSEMBLY

May 16, 2026

**The following resolution was received from the
Secaucus Board of Education (Hudson):**

WHEREAS, County Vocational-Technical School Districts in New Jersey provide critical career and technical education opportunities that support workforce development, college readiness, and regional economic growth; and

WHEREAS, Students attending county vocational-technical schools are frequently enrolled from multiple local sending districts whose boards of education are responsible for paying tuition costs for those students; and

WHEREAS, Under current statutory governance structures, county vocational-technical school boards are primarily appointed by County Commissioners and do not include formal representation from sending school districts that contribute tuition funding; and

WHEREAS, Local boards of education that pay tuition for resident students attending county vocational-technical schools currently have limited opportunity to participate in governance decisions affecting tuition rates, capital planning, enrollment capacity, and long-term fiscal obligations; and

WHEREAS, Tuition increases charged to sending districts are not subject to the same fiscal constraints as those imposed upon local school districts under the 2% tax levy

cap, which may create financial pressures on local districts and their taxpayers;
and

WHEREAS, Greater collaboration, transparency, and representation between county vocational-technical school districts and local sending districts would strengthen fiscal accountability and promote regional alignment with workforce needs; 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's Manual of Positions and Policies on Education; now, therefore, be it

RESOLVED, That the Secaucus Board of Education proposes the following new policy language for adoption by the Delegate Assembly and inclusion in NJSBA's Manual of Positions and Policies on Education:

The NJSBA believes that governance structures for County Vocational-Technical School Districts should reflect the shared financial and educational responsibility between counties and local sending school districts. The Association supports statutory and regulatory changes that promote greater transparency, fiscal accountability, and collaboration in decisions related to tuition rates, capital planning, enrollment capacity, and program expansion.

The NJSBA further believes that governance models for county vocational-technical schools should provide meaningful representation for sending school districts that contribute tuition funding, preserve appropriate county oversight, and encourage the creation of advisory structures that allow local district officials to review tuition methodologies, long-term capital plans, and fiscal impacts prior to adoption.

The NJSBA also believes that policies governing tuition increases for county vocational-technical schools should include mechanisms that promote fiscal predictability and public transparency consistent with the principles of responsible budgeting applied to other public school districts in New Jersey.

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

Adopted at a regular meeting of the
Secaucus Board of Education
on March 3, 2026



Grace Yeo
Business Administrator/Board Secretary

RESOLUTION NO. 06

SYNOPSIS

Resolution No. 06 from the Secaucus School District Board of Education (Hudson) proposes **new** language to NJSBA’s *Manual of Positions and Policies on Education* (P&P) expressing the belief that county vocational school district boards of school estimate “should provide meaningful representation for sending school districts that contribute tuition funding” while preserving appropriate county oversight. More broadly, the resolution advocates generally for “statutory and regulatory changes that promote greater transparency, fiscal accountability, and collaboration” between county vocational school districts and their sending districts, citing shared interests in tuition rates, capital planning, enrollment, and program expansion. Focused particularly on county vocational school district tuition, the resolution goes on to state that “policies governing tuition increases...should include mechanisms to promote fiscal predictability and public transparency consistent with the principles of responsible budgeting applied to other public school districts in New Jersey.” These proposals are rooted in Secaucus’ belief that greater collaboration, representation, and transparency between vocational schools and their sending districts “would strengthen fiscal accountability and promote regional alignment with workforce needs.”

BACKGROUND

County Vocational School District (CVSD) Governance

- Per New Jersey law, CVSDs operate under a two-tiered governance structure consisting of a board of education and a board of school estimate.
- The board of education includes the Executive County Superintendent and members appointed by county government leadership. The specific rules governing appointments, including number of appointments, methodology, and qualification requirements, depend on the county (*N.J.S.A.* 18A:54-16).
- The board of education is generally responsible for program and administrative oversight, including, among other duties (*N.J.S.A.* 18A:54-20):
 - Prescribing the course of study;
 - Purchasing, selling, and improving school grounds;
 - Employing and dismissing staff;
 - Suspending and expelling students; and
 - Adopting business rules
- Each CVSD also has a board of school estimate composed of five members: two members of the CVSD board of education, appointed by that board; two

members of the county’s board of chosen freeholders, appointed by that board; and, depending on the county, either the county supervisor or the director of the board of chosen freeholders (*N.J.S.A.* 18A:54-27)

- The board of school estimate is responsible for adopting the CVSD’s budget and certifying the county’s contribution. *N.J.S.A.* 18A:54-29

CVSD Funding Sources

Under NJ law and NJ Department of Education regulations, a CVSD board of education may receive, but need not be limited to, the following general fund revenues:

- SFRA aid and other state aid to school districts;
- Funds as may be appropriated by the county;
- Tuition from sending districts; and
- Under certain circumstances, a nonresident student fee for students from sending districts outside of the county

N.J.A.C. 6A:23A-17.4; *N.J.S.A.* 18A:7F-43 et seq.; *N.J.S.A.* 18A:54-29.2

CVSD Tuition Payments

Rate Methodology

- The maximum tuition rate a CVSD may charge sending districts is calculated separately for each of three program categories: one rate for programs for general education students; one rate for programs for special education students during the regular school year; and one rate for extended school year special education programs. *N.J.A.C.* 6A:23A-17.4.
- The tuition rate may not exceed net actual cost per student, where “net actual cost” is calculated by reducing the CVSD’s audited general fund expenditures by the following:
 - SFRA aid and other unrestricted state aid received;
 - All other revenue sources other than tuition that are available to fund the CVSD’s education programs for sending school districts (e.g. the county contribution; nonresident fees; Medicaid reimbursements; miscellaneous revenue; extraordinary special education aid)
 - All expenditures that are not associated with the education program for sending school districts (e.g. expenditures for postsecondary vocational technical education programs or TPAF and social security contributions)
 - Refunds for prior-year tuition adjustments made to sending public school districts.

- CVSDs must adjust the “actual cost per student” to reflect net costs plus a reasonable surplus. Maximum tuition rates must be sufficient to enable the CVSD to cover the net cost of the applicable programs.

N.J.S.A. 18A:46-21; N.J.S.A. 18A:54-20.1; and N.J.A.C. 6A:23A-17.4(a)-(d).

Sending District Obligations

- Each resident district board of education must ensure that resident students may apply to county vocational schools. This includes an obligation to provide a CVSD with reasonable opportunities to present to students.
N.J.S.A. 18A:54-20.1; N.J.A.C. 6A:19-2.3.
- Resident district board of education must pay tuition and transportation costs for any resident student attending a county vocational school district, *unless*:
 - The student attends a vocational school in a non-resident county and the CVSD of the resident county offers the same program.
 - The student attends the Marine Academy of Science and Technology (MAST) (Monmouth County) but lives outside of Monmouth County and more than 40 miles from MAST. In this case, the student’s district of residence need only provide the student’s parents the same aid-in-lieu amount applicable to nonpublic school students.

N.J.S.A. 18A:54-20.1; N.J.A.C. 6A:19-2.3; N.J.S.A. 18A:54C-7

State Aid

- Students attending a CVSD on a shared-time basis are partially reported in the ASSA resident enrollment of both the district of residence and the CVSD. Students attending a CVSD on a full-time basis are reported in ASSA resident enrollment of only the CVSD.

N.J.S.A. 18A:7F-45

Representation Rights in Contracted Send-Receive Relationships

In the case of contracted send/receive arrangements pursuant to *N.J.S.A. 18A:38-8 et seq.*, the sending district is provided certain representation on the board of education of the receiving district pursuant to

N.J.S.A. 18A:38-8.1 and 8.2.

Specifically, regarding number of seats on the receiving district board, *N.J.S.A.* 18A:38-8.2 provides that:

- if the sending district's student comprise less than 10 percent of the total enrollment of the students in the grades of the receiving district in which the students of the sending district will be enrolled, the sending district shall have no representation on the receiving district board of education.
- if the sending district's students comprise at least 10 percent of the total enrollment of the students in the grades of the receiving district in which the students of the sending district will be enrolled, the sending district shall have one representative on the receiving district board of education
- If the total number of students of two or more sending districts, which do not qualify for representation per above, comprise at least 15 percent of the total enrollment of the students in the grades of the receiving district in which the students of the sending districts will be enrolled, they shall have collectively two representatives on the receiving district board of education. The annual designation of the representatives, in the event more than two districts collectively qualify, shall be rotated among the boards of education of the sending districts according to a schedule determined by the joint agreement of the boards.
- the number of representatives designated by the sending districts to be additional members shall not exceed three additional members on a receiving board with originally nine or more members, two additional members on a receiving board with originally seven or eight members, and one additional member on a receiving board with originally less than seven members.

And *N.J.S.A.* 18A:38-8.1 limits the voting rights of those individuals on a receiving district board of education representing the sending district(s) to certain matters:

- Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district;
- New capital construction to be utilized by sending district pupils;

- Appointment, transfer or removal of teaching staff members providing services to pupils of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff;
- Addition or deletion of curricular and extracurricular programs involving pupils of the sending district;
- Any matter directly involving the sending district pupils or programs and services utilized by those pupils;
- Approval of the annual receiving district budget;
- Any collectively negotiated agreement involving employees who provide services utilized by sending district pupils;
- Any individual employee contracts not covered by a collectively negotiated agreement, if those employees provide or oversee programs or services utilized by sending district pupils; and
- Any matter concerning governance of the receiving district board of education including, but not limited to, the selection of the board president or vice-president, approval of board bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district board of education.

Code of Ethics for School Board Members

N.J.S.A. 18A:12-24.1:

RELEVANT NJSBA POLICY

P&P File Code No. 6142.12, provides in relevant part, the following beliefs:

the state should fully fund all approved local vocational education, magnet and academy programs, including transportation costs.
[Authority: DA 6/81-CR Vocational Education, DA 11/97-SR]

that students should have access to a wide array of programs that promote career awareness and develop workplace readiness skills as well as trade and technical skills for specific career paths. Local boards of education, county vocational school boards of education and representatives from business and industry should work collaboratively to plan and develop and deliver programs that meet the needs of students in the most effective and efficient manner. Local districts should not be required to pay tuition to county vocational and technical high schools for programs which are duplicative and redundant to the programs at the local district. *[Authority: DA 11/97-5, DA 11/02-SR, DA 11/07- SR]*

P&P File Code No. 3240, provides, in relevant part, the following belief “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]*

P&P File Code No. 9271, provides the belief “that it is necessary and desirable to set forth a guide to conflict-of-interest situations and unethical activity for board members,” and suggests a Code of Ethics largely substantively identical to the statutory code of ethics.

P&P File Code 9300, provides, in relevant part the following beliefs:

“in sending-receiving circumstances that involve the use of discretion on the part of either board of education, decisions should be based on the best interests of students -- both in the sending district and in the receiving district. To this end, each community needs to be involved in discussions between the sending and receiving boards at all levels. *[Authority: DA 11/98-CR (School Finance), DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR]*“

that a sending-receiving best practices handbook can assist both sending and receiving districts in their joint effort to provide an effective, articulated educational program based on the Student Learning Standards adopted by the State Board of Education. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR, DA 5/18-SR]*

sending receiving districts should establish meaningful communication,

which would include but not be limited to: periodic reevaluation of the sending receiving relationship by a neutral party; full utilization of NJSBA resources; and regularly scheduled meetings between the boards and administrative staff of the districts involved in the relationship.

all information pertaining to the operation of the receiving district should be readily available to a sending district, including, but not limited to: a copy of the budget submitted to the county superintendent; board minutes; curriculum guides; district goals and objectives; audits; the master plan; and Middle States and monitoring reports. *[Authority: DA 6/84-CR*

Sending-Receiving, DA 6/89-CR Sending to Level III Districts, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-S), DA 5/13-SR, DA 5/18-SR]

that there should be effective procedures and practices for addressing tuition and budget development in sending-receiving relationships to include:

- Allowing sending and receiving boards of education to make budgetary provisions for abrupt shifts in tuition costs so that programmatic cuts do not have to be made in order to accommodate tuition increases;
- A tuition reserve account outside the district's spending cap;
- Permitting districts to restrict fund balance for anticipated adjustments in tuition outside the excess fund balance calculation;
- Instituting budgetary procedures so that large tuition increases are spread over several years;
- Adjusting the tuition notification calendar to more closely reflect the current budget process so that tuition can be more accurately estimated: move the January 15 tuition notification date (to sending district) to February 15; move the December 15 enrollment notification date (to receiving district) to January 15; allow more time between the time of notification of state aid figures and budget adoption. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR]*

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.

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]*

that sending boards of education should have proportional representation, including voting privileges, on receiving districts' boards of education. Representation should be determined by the percent of enrollment that students from the sending district(s) comprise among the student population in the grades for which a sending/receiving relationship exists. Representation and voting privileges of a sending board of education or combination of sending boards should be limited to ensure that a receiving district board of education always retains the majority voting privilege. Such limits should never preclude any individual sending boards from participating on the receiving board.

[Authority: DA 6/89-CR (Sending to Level III Districts), DA 11/98-CR (School Finance), DA 11/02-CR (Sending/Receiving- 2002, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR, DA 5/18-SR; DA 6/20-1]

the statutory language of *N.J.S.A.* 18A:38-8.1 should be revised to expand the voting rights of sending district representatives on matters before the receiving district board of education to include the ability to vote on all matters that impact the students of the sending district in the receiving district; all district-wide issues, all board governance issues and all matters related to the grade levels to which the sending district sends its students. *[Authority: DA 5/14-4, DA 5/18-SR]*

DISCUSSION

P&P File Codes 6142.12 and 9300 together represent several principles relevant to this resolution:

- Career readiness and education programs benefit from collaboration

between local boards of education, county vocational school boards of education, and representatives from business and industry. Such collaboration helps ensure efficiency and alignment to workforce need.

- In circumstances where a student attends a public school district outside their district of residence – such as under contractual send/receive relationships – both the district of residence and the district of attendance share an interest in the educational programs available to that student.
- When a district has a direct financial interest in the operations of a separate district – such as in contractual send/receive relationships under which the sending district pays tuition to the receiving district – measures should be taken to improve transparency and collaborative decision-making between all districts involved, and to shield districts from any financial harm that may result from circumstances outside their direct control.

These principles are consistent with the resolution’s proposed adoption of additional policy language promoting greater collaboration between resident districts and the CVSDs to which they pay tuition.

This interest in collaboration, however, must be balanced against the need to promote ethical board governance free of real or perceived conflicts of interest. And the prospect of placing a voting representative of sending districts on a CVSD’s board of school estimate raises such conflict-of-interest concerns. Broadly speaking, the resolution, as filed, proposes that the governance of county- vocational schools should include “meaningful representation” for sending school districts that make tuition payments to support students attending receiving districts. However, such representation is at odds with conflict-of-interest rules. In essence, a member of a CVSD board could be placed in the position of holding one view on a CVSD’s budget in their sending school district capacity, but a separate view of the CVSD’s budget in their CVSD board member capacity. While we may generally assume that such board members would hold the same views in every capacity, conflict of interest rules prohibit placing board members in such positions

Because sending districts’ tuition requirements undoubtedly give them a financial stake in the quality and efficiency of a CVSD’s educational programming, which may be perceived as in conflict with the interests of the CVSD and its staff and students. Indeed, the tuition rules laid out above create a knotty web of real or perceived conflicting interests: enhancing the CVSD’s educational programs to attract more students may be seen as costly to sending districts for potentially increasing their tuition obligations; lowering CVSD program costs may serve the

financial interests of sending districts as much as the CVSD's interests, since tuition rates are tied to actual costs; and modifying the county contribution to the CVSD's budget has a direct impact on sending districts' tuition since those county payments are deducted from the CVSD's costs before certifying tuition rates. These potential conflicts preclude support of a formal voting seat for sending districts on CVSD boards.

A comparison to contracted send/receive relationships is useful here. Since CVSDs may enroll students from any number of school districts within or outside their county, subsection b of *N.J.S.A. 18A:38-8.2* is the most appropriate comparison. That statute provides that, if no individual sending district comprises 10% or more of the enrollment of the receiving district – but two or more sending districts together comprise at least 15% of the enrollment of the receiving district – then those sending districts collectively get two representatives on the receiving district board. If more than two sending districts qualify, those representatives annually rotate among the sending districts according to a schedule determined by joint agreement of the boards.

These rules highlight several dynamics of the sending district/CVSD relationship that would render similar board representation less appropriate:

- While tuition obligations certainly give contracted sending districts a financial stake in their receiving districts' operations, the contract relationship is less likely to be perceived as competitive compared to the sending district/CVSD relationship. The resident students of a sending district do not “choose” whether to attend the sending district or the receiving district; rather, the district they are eligible to attend is determined according to the terms of the contract. The same cannot be said of the sending district/CVSD relationship, under which students and their families may determine which program is in the best interests of the student. It is also ultimately up to the discretion of the sending district whether to maintain its contractual relationship with its receiving district (or to sever that relationship and pursue a sending relationship with a different district). This discretion, which does not exist in the sending district/CVSD arrangement, lends contracted sending districts greater interest in representation on their receiving districts' boards.
- A CVSD may enroll students from any number of sending districts. The number of school districts in each county, excluding charter schools and CVSDs, ranges from approximately 10 in Mercer to approximately 75 in Bergen. This range in the number of sending districts that might have to be represented on a CVSD's board makes it less likely that any seat apportionment methodology can fairly balance the interests of the CVSD and the interests of sending districts.

It is also worth noting that State law requires the Executive County Superintendent to serve on that county's CVSD board of education. As a resource for all school districts in their county, empowered by law to provide a variety of support and technical assistance services, the Executive County Superintendent is in a suitable position to bring balanced, countywide perspective to CVSD board deliberations.

STATEMENT OF REASONS

It is consistent with existing NJSBA policy to promote greater collaboration and transparency between CVSDs and their sending districts, so long as that policy cannot be read to imply that sending districts should have formal voting power on CVSD boards of school estimate or boards of education.

RECOMMENDATION

The Resolutions Subcommittee recommends approval of the proposed resolution, with substitute language, which would create **additional** policy language to be included in NJSBA's *Manual of Positions and Policies on Education* in File Code 9300 - Governance.

The NJSBA believes that governance and advisory structures for County Vocational-Technical School Districts should reflect the shared financial and educational responsibility between counties and local sending school districts. The Association supports statutory and regulatory changes that promote greater transparency, fiscal accountability, and collaboration in decisions related to tuition rates, capital planning, enrollment capacity, and program expansion.

The NJSBA believes that governance models for county vocational-technical schools should encourage the creation of advisory structures that allow local district officials to review tuition methodologies, long-term capital plans, and fiscal impacts prior to adoption.

The NJSBA believes that policies governing tuition increases for county vocational- technical schools should include mechanisms that promote fiscal predictability and public transparency consistent with the principles of responsible budgeting applied to other public school districts in New Jersey.