

2010 New Laws Impacting Students, Staff, and Schools

★ Attendance

P.L. 2010, 69 (A-2137)

Sponsor: Conners (D7)

Synopsis: Provides for educational stability of children placed in resource family homes and that school district of residence for the child shall be present district of residence of parent or guardian.

Date Signed: 9/9/2010

Effective Date: 9/9/2010

Impact on Schools:

- Provides that in the case of a child placed in resource family care, the child's district of residence is the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home, pending a best interest determination.
- The child's school district of residence shall be responsible for paying, as applicable, transportation costs for that child from the resource family home to the child's school.

★ Education Generally

P.L. 2010, 87 (A-2851)

Sponsor: Burzichelli (D3)

Synopsis: Eliminates various inactive boards, commissions, committees, councils, and task forces.

Date Signed: 11/3/2010

Effective Date: 11/3/2010

Impact on Schools:

- Eliminates, among others, the following boards, commissions, committees, councils, and task forces related to education:
 - o Commission on Early Childhood Education (Section 1 of P.L.2000, c.138);
 - o Ergonomics in Education Study Commission (P.L.2003, c.58);
 - o Parents' Education Program Advisory Committee (Section 4 of P.L.1999, c.111);
 - o Police Paperwork Reduction Task Force (Section 43 of P.L.2000, c.126);
 - o School Construction Review Commission (P.L.2005, c.117);
 - o Task Force to Study Attendance in Public Schools (P.L.2004, J.R.1);
 - o The Trustees of the New Jersey School of the Arts (Section 3 of P.L.1969, c.95); and
 - o World Language Instruction Committee (Sections 1 through 7 of P.L.200

★ Facilities

P.L. 2010, 96 (S-95)

Sponsor: Rice (D28)

Synopsis: Requires the New Jersey Schools Development Authority to biannually compile information on school facilities project contracts awarded to minority and female contractors.

Date Signed: 12/8/2010

Effective Date: 12/8/2010

Impact on Schools:

- Requires the NJ Schools Development Authority to biannually compile information on the number of school facilities project construction contracts entered into between the authority and minority and women contractors during the prior six-month period.
- The information must include the total value of the contracts and the percentage that those contracts represent of all school facilities project construction contracts entered into by the development authority.

P.L. 2010, 66 (A-1600)

Sponsor: Scalera (D36)

Synopsis: Allows certain entities to submit emergency plans electronically.

Date Signed: 9/9/2010

Effective Date: 9/9/2010

Impact on Schools:

- Allows any school district to transmit emergency operations or evacuation plans, as well as any comprehensive safety plan, procedure or mechanism to transmit those items in a secure electronic format to the State Office of Emergency Management by way of any electronic means capable of sending, submitting or presenting confidential information.

★ Human Resources

P.L. 2010, 100 (S-2071)

Sponsor: Ruiz (D29)

Synopsis: Limits amount of time a vacant teaching position can be filled by certain teachers employed in a temporary capacity.

Date Signed: 12/8/2010

Effective Date: 12/8/2010

Impact on Schools:

- Provides that a vacant teaching position cannot be filled in any school year by one or more individuals employed as

- substitute teachers and holding a certificate of eligibility or a certificate of eligibility with advanced standing issued by the State Board of Examiners and working in an area authorized by their credentials for a total amount of time exceeding 60 school days.
- An executive county superintendent of schools may grant an extension upon written application from the school district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original 60-day time limit, however.
 - In the event an individual is approved by the executive county superintendent to remain in the position beyond 60 school days, the individual must be compensated by the school district on a pro-rata basis consistent with the salary provided to a teacher with similar credentials in the employing district.
 - An individual holding a certificate of eligibility or a certificate of eligibility with advanced standing can serve as a substitute teacher and fill a vacant teaching position outside of his subject area for 20 school days and may serve in that position for an additional 20 school days upon approval from the executive county superintendent.
 - An individual holding a standard instructional certificate can serve as a substitute teacher and fill a vacant teaching position outside of his subject area for a maximum of 40 school days.

P.L. 2010, 97 (S-435)

Sponsor: Turner (D15)

Synopsis: Limits amount of time vacant teaching position can be filled by substitute teacher.

Date Signed: 12/8/2010

Effective Date: 12/8/2010

Impact on Schools:

- Provides that a vacant teaching position cannot be filled by one or more individuals holding a substitute credential for a total amount of time exceeding 20 school days in any school year.
- The Commissioner may grant an extension of up to an additional 20 school days upon written application from the school district demonstrating the district's inability to hire an appropriately certified teacher within the original 20-day limit, however.

P.L. 2010, 13 (S-826)

Sponsor: Codey (D27)

Synopsis: Requires certain conditions be met in order for school districts to provide their employees with tuition assistance for coursework or additional compensation upon acquisition of academic credits or completion of a degree program.

Date Signed: 5/6/2010

Effective Date: 7/1/2010 or the beginning of the next collective bargaining agreement

Impact on Schools:

- Requires that in order for a board of education to provide its employees tuition assistance for academic coursework at an institution of higher education or additional compensation upon the acquisition of additional academic credits or completion of a degree program at an institution of higher education:
 1. The institution of higher education must be a "duly authorized institution of higher education," which

is defined in State law at section 3 of P.L.1986, c.87 (C.18A:3-15.3);

2. The employee must obtain approval from the superintendent of schools prior to enrollment in any course for which tuition assistance is sought. In the event that the superintendent denies the approval, the employee may appeal the denial to the board of education. In the case of a superintendent of schools, the approval must be obtained from the board of education; and,
 3. The course or degree must be related to the employee's current or future job responsibilities.
- A board of education may establish more stringent requirements for the provision of tuition assistance or additional compensation than are set forth in the legislation.

Mandates

P.L. 2010, 106 (S-2208)

Sponsor: Sarlo (D36)

Synopsis: Allows certain organizations to file complaints with Council on Local Mandates in certain circumstances.

Date Signed: 12/23/2010

Effective Date: 12/23/2010

Impact on Schools:

- Allows the NJ School Boards Association, among others, to file a complaint with the Council on Local Mandates concerning a potential unfunded mandate.
- Complaints filed must be on behalf of at least two constituent members of the organization, which constituent members shall be identified in the complaint.

Pension and Benefits

P.L. 2010, 3 (S-4)

Sponsor: O'Toole (R40)

Synopsis: Makes various changes concerning payments to public employees for unused sick leave, sick leave injury in State service, and PERS and TPAF disability retirement.

Date Signed: 3/22/2010

Effective Date: 5/21/2010

Impact on Schools:

- Caps supplemental compensation for accumulated unused sick leave at \$15,000 or the amount which an employee has accumulated as of May 21, 2010 or the end of the current collective bargaining agreement, whichever is later. Such compensation is restricted to payout only upon retirement.
- Limits the carryover of vacation leave for new board of education employees to one year after the leave is accrued with exceptions for leave not used due to the declarations of a state emergency.
- Replaces the ordinary and accidental disability program under TPAF and PERS with purchased private disability insurance for NEW employees. The law also adds a six month waiting period for benefits to begin.

P.L. 2010, 2 (S-3)

Sponsor: Doherty (R23)

Synopsis: Makes various changes to SHBP and SEHBP concerning eligibility, cost sharing, plan choice, benefit change application, coverage waiver, multiple coverage; requires contributions toward health care benefits by public employees and certain retirees.

Date Signed: 3/22/2010

Effective Date: 5/21/2010

Impact on Schools:

- Requires ACTIVE employees in the School Employees Health Benefit Plan (SEHBP) and local plans to begin contributing at least 1.5% of their salary “toward their benefits” upon the expiration of their current collective bargaining contract or May 21, 2010 (whichever is later). These costs would be “on top” of any contributions employees make to their health benefits today.
- New members of the pension system (those enrolled after the effective date of the enacted bill) would be required to pay 1.5% of their pensions, upon retirement, including cost of living adjustments, toward the cost of their health insurance. Effectively, this eliminates the option of premium-free medical benefits for future employees upon 25 years of service.
- Eligibility criteria for SEHBP health benefits will be limited to full time employees, defined as employees working a minimum of 25 hours a week.
- Eliminates dual coverage and the coordination of benefits between insurance plans under the SEHBP and the State Health Benefits Plan (SHBP) for those members who are entitled to coverage under more than one state plan.
- Mandates that any changes negotiated by state unions in the State Health Benefits Plan is imposed on school employees.

P.L. 2010, 1 (S-2)

Sponsor: Scutari (D22)

Synopsis: Makes various pension system changes concerning eligibility, retirement allowance formula, compensation definition, position eligible for service credit, non-forfeitable rights, prosecutors part, PFRS special retirement, employer contributions.

Date Signed: 3/22/2010

Effective Date: 5/21/2010

Impact on Schools:

- **Current Employees:**
 - o Eliminates employees “non-forfeitable right” to receive benefits once they accumulated five (5) years of service.
 - o Requires that all new employees must be full time employees to become members of the TPAF and/or Public Employees Retirement System (PERS). Full time is defined as 32 hours per week for school employees and 35 hours per week for state employees. Part time employees working less than those mandatory thresholds ARE eligible for enrollment in the Defined Contribution Retirement Program, a 401(K) type program, IF their annual salary exceeds \$5,000. NO pension is available for employees who do not meet these eligibility criteria. Current employees who leave the pension system and return after a break in service of more than two (2) years will be impacted by these changes. Please note that a board approved maternity leave is not considered a break in service.

- **New Employees** (school employees hired and enrolled in the Teachers Pension and Annuity Fund (TPAF) or Public Employees Retirement System (PERS) after May 21, 2010):
 - o Reduces the benefits formula for NEW members of TPAF and PERS from n/55 to n/60, an 8.3% decrease in their pensions from the current formula.
 - o Changes the calculation of Final Average Salary (FAS) for new members from an average of a member’s three highest years to an average of the member’s five highest years of salary.
 - o Provides that NEW members of the TPAF and PERS must select one position to base their pension on.
 - o Requires that the State, beginning July 1, 2011, make its full annual employer contributions to the TPAF and PERS systems. In light of current fiscal difficulties, the State is given a phase-in option to pay this obligation over 7 years.

School Administration

P.L. 2010, 75 (A-559)

Sponsor: Cryan (D20)

Synopsis: Decreases certain public document copy fees; amount of fee dependent upon whether letter size page or legal size page.

Date Signed: 9/10/2010

Effective Date: 11/9/2010

Impact on Schools:

- Decreases the fees set for copies of documents in various parts of the New Jersey statutes relating to government entities, including schools, pursuant to the open public records act (OPRA).
- The fees for copies will be up to 10 cents per page for letter size copies and up to 15 cents per page for legal size copies, except that the fees set in the OPRA statute are \$0.05 for letter size and \$0.07 for legal size.
- Also provides that access to electronic records and non-printed materials will be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

P.L. 2010, 49 (A-415)

Sponsor: Rumana (R40)

Synopsis: Provides an additional month for the completion of a school district’s annual audit.

Date Signed: 7/29/2010

Effective Date: 7/29/2010

Impact on Schools:

- Extends the period by which a school district must complete their annual financial audit of the district’s accounts and financial transactions by one month to July 31 of each year.

P.L. 2010, 39 (S-1287)

Sponsor: Van Drew (D1)

Synopsis: Makes position of treasurer of school moneys optional.

Date Signed: 7/2/2010

Effective Date: 7/2/2010

Impact on Schools:

- Makes the position of treasurer of school moneys optional for a school district.
- If the district determines not to have a treasurer of school moneys, the duties would be carried out by the board secretary, since many of the secretary's functions already overlap those of the treasurer.
- Provision is made in the bill for checks to be co-signed by the chief school administrator or a board appointee if the district does not have a treasurer of school moneys.

School Choice

P.L. 2010, 65 (A-355)

Sponsor: Jasey (D27)

Synopsis: Establishes a permanent Interdistrict Public School Choice Program.

Date Signed: 9/9/2010

Effective Date: 9/9/2010

Impact on Schools:

- Makes permanent the current Interdistrict Public School Choice program. The program allows parents to move their kids to schools located across district lines if both districts agree. The program would replace a pilot program that expired in 2005, though many participating districts continued to informally honor previously agreed-to student arrangements.
- Districts seeking to participate must apply to the Commissioner of Education, detailing the services available to students and providing an accounting of the fiscal impacts of being a choice district.
- If an approved district has available space, pupils who wish to transfer to that school submit an application. Though a receiving district cannot discriminate against a prospective student, the district is able to review the application based on the student's interests in the school's offerings. Schools are also permitted to start a lottery should demand outpace the supply of available seats.
- Sending districts are responsible for providing or paying for transportation for any elementary school pupil who lives more than two miles from the receiving district and any secondary school student who lives more than two and one-half miles from their new school. Sending districts do not have to pay if the student's new school is more than 20 miles from their home.

School Funding and Budgets

P.L. 2010, 73 (A-2794)

Sponsor: Prieto (D32)

Synopsis: Permits school boards to charge certain students for remedial or advanced courses provided during summer school.

Date Signed: 9/9/2010

Effective Date: 9/9/2010

Impact on Schools:

- Allows a school district to charge full tuition for a remedial or advanced course to a student from a household whose income exceeds the household income limit for the reduced price lunch program.

o If the student is from a household that is at or below the most recent federal poverty guidelines, the district may not charge any tuition.

o For a student from a household with a household income that exceeds the most recent federal poverty guidelines multiplied by 1.30 (the limit for the free lunch program), but is at or below the federal poverty guidelines multiplied by 1.85 (the limit for the reduced price lunch program), the district may charge 75% of the full tuition.

o For a student from a household with a household income that exceeds the most recent federal poverty guidelines, but is at or below the limit for the free lunch program, the district may charge 50% of the full tuition.

- Also provides that a board of education may charge tuition for a remedial, advanced, or enrichment course provided to a student who does not reside in the school district, at an amount to be determined by the board.
- Defines an "advanced course," an "enrichment course," and a "remedial course," as those terms are defined in State board regulations at N.J.A.C. 6A:32-2.1.

P.L. 2010, 71 (A-2300)

Sponsor: Wagner (D38)

Synopsis: Clarifies school district eligibility to receive State funding for special education evaluation services for children enrolled in New Jersey nonpublic school and living out-of-State.

Date Signed: 9/9/2010

Effective Date: 9/9/2010

Impact on Schools:

- Clarifies that a school district is eligible to receive and use chapter 193 State funding to provide special education evaluation services to nonpublic school pupils who are not residents of the State.

P.L. 2010, 44 (S-29)

Sponsor: Sweeney (D3)

Synopsis: Reduces school district, county, and municipal property tax levy cap from 4% to 2.0% and permits unused school district, county, and municipal increases to be banked for three succeeding years.

Date Signed: 7/13/2010

Effective Date: 2011-2012 Budget Year

Impact on Schools:

- Reduces the tax levy cap for school districts, among other public entities from the currently permitted 4 percent annual increase to a 2.0 percent annual increase. The bill also eliminates many of the categories permitted for cap exclusion, leaving only debt service and certain pension and health benefit costs. The bill also establishes the tax levy cap as the permanent mechanism for the calculation of the maximum allowable increase in property taxes that may occur between budget years. Under existing law, the 2007 tax levy cap is scheduled to expire June 30, 2012. Senate Bill No. 29 (1R) requires local units and school districts to submit a public question to the voters if the local unit or school district seeks to exceed the allowable tax levy cap. The public question must be approved by more than 50 percent of the people voting on the question.
- Eliminates the ability of certain local units to apply to the Local Finance Board for any waiver to authorize exceeding the tax levy cap and the ability of school districts to request

levy waivers from the Commissioner of Education. The bill also deletes language in current law in order to eliminate a tax levy cap penalty that occurs when a county or municipality acts responsibly to reduce its debt servicing expenditures.

- Narrows the exclusions that may be added to the calculation of the adjusted tax levy to the following:
 - o capital expenditures, including debt service, (for local units);
 - o increases in pension contributions and accrued liability for pension contributions in excess of 2.0 percent;
 - o certain increases in health care costs greater than 2.0 percent; and
 - o extraordinary costs incurred by a local unit directly related to a declared emergency as defined by regulation.
- In the case of school districts, also narrows the adjustments that may be applied to a school district's tax levy by the elimination of the allowable adjustment for a reduction in State aid. A school district's tax levy may continue to be adjusted to reflect increases in enrollment, and may also be adjusted to reflect increases in health care costs and certain pension contributions greater than 2 percent. As under current law, tax levy raised for school district debt service payments is not included in the calculation of a school district's adjusted tax levy.
- Allows cap banking of any portion of the permitted 2.0 percent increase plus applicable adjustments not used by the school district in a budget year. Cap banking was also authorized under the statutes which establish the formula for the calculation of a school district's spending growth limitation, which was last operative in the 2006-2007 school year.
- The reduction in the property tax levy cap would be applicable to the local budget year next following the enactment of the bill, and the opportunity to bank any unused portion of the allowable increase would commence in that local budget year so that any unused portion of the current 4 percent levy cap would not be available to be banked.

guardians of student-athletes and must obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete and his parent or guardian.

- Each school district must develop a written policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes. The policy must include the procedure to be followed when it is suspected that a student-athlete has sustained a concussion or other head injury.
 - o To assist school districts in developing these policies, the Commissioner of Education must develop a model policy applicable to grades kindergarten through 12. The model policy must be issued no later than March 31, 2011.
- Any student who participates in an interscholastic sports program and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a sports competition or practice must be immediately removed from the sports competition or practice.
 - o A student-athlete who is removed from competition or practice cannot participate in further sports activity until he is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions, and receives written clearance from a physician trained in the evaluation and management of concussions to return to competition or practice.
- Also provides that a school district or nonpublic school will not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the organization provides proof of insurance and a statement of compliance with the school district or nonpublic school's policies for the management of concussions and other head injuries.
- Requires each person licensed as an athletic trainer, as a condition for biennial license renewal, to complete 24 hours of continuing education credits, including a specific number of credits of instruction on topics related to concussions and head injuries.

Student Health and Safety

P.L. 2010, 94 (A-2743)

Sponsor: Diegnan (D18)

Synopsis: Requires development of interscholastic athletic head injury safety training program; requires certain measures to protect student athletes with concussions; and requires continuing education for athletic trainers.

Date Signed: 12/7/2010

Effective Date: 12/7/2010 & 12/7/2011

Impact on Schools:

- Requires the Department of Education to develop an interscholastic athletic head injury safety training program.
 - o The program must be completed by a school physician, a person who coaches a public school district or nonpublic school interscholastic sport, and an athletic trainer involved in a public or nonpublic school interscholastic sports program.
- Also directs the department to develop an educational fact sheet that provides information about sports-related concussions and other head injuries.
 - o A school district or a nonpublic school that participates in an interscholastic sports program must distribute the educational fact sheet annually to the parents or

P.L. 2010, 122 (A-3466)

Sponsor: Vainieri Huttle (D37)

Synopsis: The "Anti-Bullying Bill of Rights Act."

Date Signed: 1/5/2011

Effective Date: 2011-2012 School Year

Impact on Schools:

- Amends the definition of "harassment, intimidation or bullying": to provide that an incident must either substantially disrupt or interfere with the orderly operation of the school or the rights of other students; and to add additional criteria to the definition—the creation of a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student;
- Adds a conviction of "bias intimidation" to the list of crimes for which a person may be disqualified for employment in a school;
- Provides that training on harassment, intimidation, and bullying be part of the training required for public school teaching staff members in suicide prevention. The instruction is also required to include information on reducing the risk of suicide for students who are members of communities identified as having members at high risk of suicide;

- Provides that by the 2012-2013 school year all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation, or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals;
- Includes training regarding harassment, intimidation and bullying in schools as a part of the training program provided to all school board members;
- Provides that the training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation, and bullying;
- Includes harassment, intimidation, and bullying in the types of conduct that under current statute may constitute good cause for suspension or expulsion;
- Includes members of the school board in the list of individuals who may not engage in reprisals against victims or witnesses of acts of harassment, intimidation, or bullying and also in the list of those who are required to report acts of harassment, intimidation, or bullying to appropriate officials in the school district;
- Requires school districts to establish bullying prevention programs or approaches. Under current law, school districts are only “encouraged” to establish such programs;
- Provides that a school district’s policy on harassment, intimidation, and bullying must include appropriate responses to such actions that occur off school grounds;
- Provides that the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding harassment, intimidation, or bullying behaviors and concerning the implementation by school districts of statutory requirements in this area;
- Provides that the Department of Education must establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing harassment, intimidation, or bullying in the schools;
- Provides that each school district must form a school safety team in each school in the district to foster and maintain a positive school climate within the schools;
- Creates the “Bullying Prevention Fund” in the Department of Education to be used to fund grants to school districts to provide training on harassment, intimidation, and bullying prevention and on effective means to create a positive school climate;
- Designates the week beginning with the first Monday in October of each year as a “Week of Respect” and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying;
- Provides a detailed procedure that must be included in each district’s policy concerning the investigation of incidents of harassment, intimidation, or bullying;
- Provides that a school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, is subject to discipline;
- Provides that a school employee or contracted service provider must file a written report with the school principal within two days of observing or being made aware of an act of harassment, intimidation, or bullying;
- Provides that the principal in each public school must appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The bill also sets forth the responsibilities of school anti-bullying specialists;
- Provides that the superintendent of schools in each school district must appoint a district anti-bullying coordinator and sets forth the responsibilities of that individual;
- Provides that the superintendent of schools must report to the board of education twice a year, rather than annually, at a public hearing all acts of violence, vandalism and harassment, intimidation, or bullying which occurred during the previous period. The report will be used to grade schools and districts in their efforts to implement policies and programs consistent with the “Anti-Bullying Bill of Rights Act”; and
- Includes in the School Report Card data identifying the number and nature of all reports of harassment, intimidation or bullying.
- Also includes a provision that requires all public institutions of higher education to include a policy on harassment, intimidation, or bullying as part of its student code of conduct.

Transportation

P.L. 2010, 121 (A-1637)

Sponsor: Wagner (D38)

Synopsis: Permits advertising on exterior of school buses.

Date Signed: 1/5/2011

Effective Date: 1/5/2011

Impact on Schools:

- Permits Boards of Education to enter into a contract for the sale of advertising space on the exterior sides of school buses owned or leased by the school district.
 - o Advertisements for tobacco or alcohol products or for political advocacy are prohibited, in addition to any other advertisements that the Commissioner of Education deems inappropriate.
- Fifty (50) percent of any revenue generated by the sale must be used by the board to offset the fuel costs of providing pupil transportation services, and the remaining fifty (50) percent of the revenue will be used to support programs and services the board deems appropriate.