

New Jersey School Boards Association Legislative Update May 23, 2023

On May 18, the Assembly Appropriations Committee approved legislation, A-5060, which would expand the scope of allowable uses of sick leave for school district employees, such as to care for an ill family member. The New Jersey School Boards Association testified in opposition to the bill, arguing that it legislatively mandates benefits that are currently, and should remain, subject to collective negotiations. Despite opposition from the NJSBA and several other education organizations, this is the second Assembly committee to advance the bill in recent weeks, and the legislation is now scheduled for a floor vote Thursday, May 25.

Under current law (*N.J.S.A.18A:30-2*), all steadily employed school staff annually receive at least 10 days of sick leave. This leave may be used for personal illness or injury. A-5060 would drastically expand the permissible uses of this statutory paid sick leave. More specifically, the bill would allow employees to use their sick leave for the following reasons:

- Personal illness or injury. (Note: This is already permitted under existing law.)
- Diagnosis, care, or treatment of, or recovery from, a mental or physical illness, injury or other adverse health condition, or for preventive medical care.
- To aid or care for a family member during diagnosis, care, or treatment of, or recovery from, mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member.
- Absence necessary due to the employee or family member being a victim of domestic or sexual violence, if the leave is to allow the employee or family member to obtain medical or other related services, or to prepare for or participate in related legal proceedings.
- Death of a family member for up to seven days.
- To attend a school-related conference, meeting, function, or other event for a child.
- If the school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the governor, due to an epidemic or other public health emergency.

In addition, the bill would make it more difficult for a district to verify that an employee is using paid sick leave for a legitimate purpose. Under current law, districts may (but are not required to) request supporting documentation after a first absence due to illness. This bill would prohibit a district from requesting such documentation until an employee is absent for three consecutive days. The legislation also includes

provisions concerning when a board may require advance notice of an absence and the types of reasonable documentation a board may require for use of sick leave.

In its testimony, the NJSBA stressed that it does not necessarily oppose allowing school staff to receive paid leave to care for an ill family member, or for the other reasons set forth in the bill. Rather, the NJSBA argued that these matters should be addressed at the bargaining table – as they have been for decades – and not dictated by law. In addition, many collective bargaining agreements already include provisions providing paid leave for the purposes listed in A-5060.

Disruption to education continuity and the potential financial impact associated with hiring more substitute teachers – already in short supply, which has driven up their costs – were additional concerns cited by NJSBA.

Other organizations joining the NJSBA in opposition include the New Jersey Association of School Administrators, the New Jersey Association of School Business Officials and the Garden State Coalition of Schools.

In many ways, A-5060 mirrors the New Jersey Earned Sick Law. Enacted in 2018, that law requires employers of all sizes to provide workers with up to 40 hours of paid sick time per year to care for themselves or a family member. NJSBA successfully advocated for an exemption for boards of education from that legislation. NJSBA has used a similar argument on A-5060 – that school employees have long been afforded paid sick leave for personal use pursuant to statute, while boards of education and unions have mutually agreed to other forms of paid time off through the traditional collective bargaining process. If enacted, A-5060 would disrupt the status quo that strikes an appropriate balance between the interests of boards of education and employees, as well as parents, students and taxpayers.

A copy of NJSBA’s position statement on the bill [can be found here](#).

If approved by the full Assembly, the bill will head to the Senate for further consideration. Its Senate counterpart, S-3440, has yet to be scheduled for a hearing.

The Association urges members to contact their representatives in the General Assembly and respectfully request them to vote “No” when A-5060 comes up for a vote this week. Contact information for each member of the Assembly can be found on the [New Jersey Legislature’s website](#) and in the [NJSBA Legislative Directory](#).

[Assembly Appropriations Committee](#)

In addition to A-5060, the committee also approved the following bills:

A-1168 would establish a five-year “Community Schools Pilot Program.” A community school is defined as “a public school that participates in a community based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships, providing access to these services to students, families, and the community year-round.

The purpose of the pilot program would be to facilitate an establishment of community that demonstrates a commitment to the four pillars of: integrated student supports; expanded learning time and opportunities; family and community engagement; and collaborative leadership and practice. The commissioner of education will identify an institution of higher education or a qualified nonprofit organization that has demonstrated a commitment to facilitating high-quality community schools in New Jersey to manage the pilot program. Under the program, any school district, renaissance school, or charter school would be able to receive training and ongoing support regarding the establishment and operation of a community school, and one public school in each county would be assigned a site coordinator to assist in the establishment and operations of a community school.

NJSBA supports the bill, which was earlier approved by the Assembly Education Committee and the Assembly Community Development and Affairs Committee. It now heads to the full Assembly for a possible floor vote.

Tax Deduction for Classroom Supplies: A-2227 would allow educators to deduct from their gross income for the taxable year up to \$250 in unreimbursed expenses for the purchase of classroom supplies. K-12 teachers, counselors, speech language specialists, principals, and aides that provide at least 900 hours of service in a public or private schools would be eligible. The bill was approved by the Assembly Education Committee earlier this month, and next heads to the Assembly floor, where it is scheduled for a vote on May 25. Its Senate counterpart, S-1980, has not yet moved. NJSBA supports the bill.

Teacher Certification Reimbursement Fund: A-5418 would establish the “Teacher Certification Reimbursement Fund” in the NJDOE. The fund would reimburse costs associated with certification for new teachers and teachers seeking an additional endorsement. Costs eligible for reimbursement would include, but not be limited to, those associated with fingerprinting requirements, testing requirements, and certification fees. The bill was approved earlier by the Assembly Education

Committee, and next heads to the Assembly floor, where it is scheduled for a vote on May 25.

Student Teacher Educator Stipend Program A-5420 would establish the New Jersey Student Educator Stipend Program in the Higher Education Student Assistance Authority. Under the program, HESAA, in coordination with the NJDOE, would award stipends of up to \$7,200, which may be increased to include a cost-of-living adjustment, to eligible students for each semester of full-time clinical practice completed by the student at a New Jersey school, for up to two semesters. The bill was previously approved by the Assembly Education Committee, and next heads to the Assembly floor, where it is scheduled for a vote on May 25.

Extending Flexibility to Hire Retirees A-5422 would extend, to teachers hired in the 2023-2024 school year, the flexibilities signed into law in January 2022 (*P.L.2021, c.408*) allowing districts to temporarily hire teachers and professional staff members who retired from TPAF without reenrollment in the TPAF. The bill was approved by the Assembly Education Committee on May 11, and next heads to the Assembly floor, where it is scheduled for a vote on May 25. Its Senate counterpart, S-3798, was approved by the full Senate on May 22. The bill is in position to receive final approval by the Legislature and to be sent to the governor's desk later this week.

Extend Service Life of School Buses A-5329 would extend the service life of school buses from 15 years to 20 years, while specifying that it does not "allow the use of any school bus for pupil transportation purposes if that school bus is determined to be unsafe or unfit for pupil transportation." The bill was approved by the Assembly Transportation and Independent Authorities Committee earlier this month and is scheduled for a vote before the full Assembly on Thursday, May 25. Its Senate counterpart, S-3734, has not moved to date. NJSBA supports the bill.

Senate State Government, Wagering Tourism & Historic Preservation Committee

The committee approved:

Electronic Public Meetings S-2603 would allow a public body to conduct a meeting and public business by electronic means. Under current law, such flexibility is permitted only during a state of emergency, public health emergency, or state of local disaster emergency; the bill would make the flexibility permanent. Any meeting conducted electronically would have to be made open to the public consistent with *N.J.S.A. 10:4-12*. While NJSBA supports the bill, the Association also sought an amendment to clarify the applicability of S-2603 to other similar meetings provisions currently in [statute](#). The bill may now be posted for a Senate floor vote.

Senate Voting Session

In addition to S-3798, the retired school employee legislation mentioned above, the Senate approved the following school-related measure at its May 22 voting session:

Grief Instruction S-3330 would require the State Board of Education to adopt, and districts to implement, New Jersey Student Learning Standards pertaining to grief in the Comprehensive Health and Physical Education content area at its next required update of the standards. The standards would be included in grades 8 to 12 and would address the physical, emotional, and behavioral symptoms of grief; coping mechanisms; and resources available to students. The New Jersey Department of Education would be required to provide districts with age-appropriate resources to support implementation of the standards. The NJSBA supports the bill, which was approved by the Senate Education Committee Feb 23 and next heads to the Assembly for further consideration.