

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 966 (Second Reprint) without my approval.

This bill establishes procedures for the closure of a public school building that necessitates the reassignment of students. Under the bill, a local board of education or State district superintendent must obtain approval from the Commissioner of Education prior to implementing a school closure. Moreover, an application for approval of a school closure must demonstrate that the proposed closure is consistent with the district's long range facilities plan, will not lead to an increased use of temporary facilities, will not contribute to unlawful segregation of student populations, and will not impose unreasonably burdensome transportation requirements for students.

As noted by the sponsors, the requirements set forth in this bill are similar to regulations already adopted by the State Board of Education. Under the State Board's long-standing rules, before a public school building can be closed, the local board of education must request and obtain approval from the Department of Education. Likewise, the Department may approve such a request only when a district satisfies numerous requirements - requirements that are nearly identical to those set forth in the bill - including obtaining the recommendation of the executive county superintendent. This procedure is designed to ensure that the Department is equipped and well-informed to determine whether or not the proposed school closure adequately protects the interests of the impacted students, parents, and educators.

The bill's main difference from existing State regulations is to prevent a State district superintendent from submitting a request for approval to the Commissioner of Education unless and until the superintendent first presents the application to the local school board at a public meeting and the board records the application in its meeting minutes. That will not further the goal of equipping the Department with sufficient information before a decision is made, but instead could impede a superintendent from properly managing resources and school facilities in their district as required by State law. While I appreciate the sponsors' efforts in this regard, I believe that existing law adequately and appropriately sets forth the proper procedures for closing a school.

Accordingly, I am returning Senate Bill No. 966 (Second Reprint) without my approval.

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Paul B. Matey

Deputy Chief Counsel to the Governor