



State of New Jersey
COUNCIL ON LOCAL MANDATES
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Hon John A. Sweeney, AJSC (ret.)
Chair

December 31, 2015

The Honorable Christopher Christie,
Governor
The Honorable Stephen M. Sweeney,
Senate President
The Honorable Thomas H. Kean, Jr.,
Senate Minority Leader
The Honorable Vincent Prieto,
Speaker of the General Assembly
The Honorable Jon Bramnick,
Assembly Minority Leader

Pursuant to N.J.S.A. 52:13H-19, the Council on Local Mandates submits its Report to the Governor and the Legislature, enclosed with this letter.

Copies of this letter are being provided to the Secretary of the Senate, the Clerk of the General Assembly, the Office of Public Information, and the Office of State Librarian. Please do not hesitate to contact me if you have any questions regarding the Report.

Respectfully,

A handwritten signature in black ink, appearing to read "John A. Sweeney".

John A. Sweeney, A.J.S.C. (ret.)
Council Chairman

E-mail/Interoffice Mail
Enclosure – 2015 Report of the Council on Local Mandates
cc w/enc.: Jennifer A. McQuaid, Secretary of the Senate
Dana M. Burley, Clerk of the General Assembly
Office of Public Information
Office of State Librarian

December 31, 2015

REPORT OF THE COUNCIL ON LOCAL MANDATES
TO HON. CHRISTOPHER CHRISTIE, GOVERNOR,
AND TO THE LEGISLATURE OF THE STATE OF NEW JERSEY

The Council statute provides, in pertinent part:

The council shall submit a report to the Governor and the Legislature prior to December 31 of each year setting forth the names and salaries of: the professional employees of council members, individuals employed by the council on a temporary or permanent basis, and personnel and consultants for whose service the council has contracted.

[N.J.S.A. 52:13H-19]

Accordingly, the Council reports the following information (as of December 31, 2015):

1. Professional employees of Council members: none.
2. Individual(s) employed by the Council on a temporary or permanent basis:

Shawn D. Slaughter
Executive Administrator & Coordinator (full time position)
Salary: \$50,000.00 per annum
3. Personnel and consultants for whose service the Council has contracted: none
4. Cases before the Council (as of December 31, 2015): Three matters came before the Council on Local Mandates in 2015. Two were filed by the Rockaway Township B.O.E. in March 2015 and a third by Deptford Township in May 2015. No written decisions or opinions have been issued in any of the three matters as of December 31, 2015.

COUNCIL SUMMARY OF 2015 CASES

In 2015 the Council received three complaints before them. Two were filed by the Township of Rockaway Board of Education (Docket#: COLM-0001-15 & COLM-0002-15), and the third was filed by Deptford Township (Docket#: COLM-0003-15).

In the first Rockaway Township BOE (Docket#: COLM-0001-15) complaint it was alleged that N.J.A.C. 6A:8-3.1, requires district boards of education “to ensure that appropriate instructional adaptations are designed and delivered...for students who are gifted and talented.” N.J.A.C. 6A:8-3.1(a). “Gifted and talented students’ means students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.” N.J.A.C. 6A:8-1.3. School boards must identify gifted and talented students and provide them with appropriate instructional adaptations and services. N.J.A.C. 6A:8-3.1(a)(5). The identification process must be ongoing between kindergarten and 12th grade and be based on multiple measures. N.J.A.C. 6A:8-3.1(a)(5)(ii). This regulatory mandate requires the Board to implement a specialized program for the education of certain students without authorizing any resources to offset the additional direct expenditures to implement the program.

In the second Rockaway Township BOE (Docket#: COLM-0002-15) complaint it was alleged that N.J.A.C. 18A:46-55 (L. 2013, c. 131), requires the State Board of Education to promulgate regulations incorporating the International Dyslexia Association’s definition of dyslexia into chapter 14 of Title 6A of the New Jersey Administrative Code. The State Board amended N.J.A.C. 6A:14-1.3 to define dyslexia as “a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. See N.J.R. 1996(a); 47 N.J.R. 419(a). A student must be determined eligible and classified “eligible for special education and related services” when a student has a “specific learning disability” including conditions such as dyslexia[.]” N.J.A.C. 6A:14-3.5(c). This statutory mandate expanded the number of students receiving special education services in the District without authorizing any resources to offset the additional direct expenditures to provide those services.

N.J.S.A. 18A:6-130 to 131 (L. 2013, c. 105) requires a minimum of two professional development hours each year for various teaching staff members on “the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dyslexia.” N.J.S.A. 18A:6-131. This statutory mandate imposed additional professional development training requirements on the Board without authorizing any resources to offset the additional direct expenditures for providing that training.

18A:40-5.1 to -5.4 (L. 2013, c. 210) requires school boards to ensure that students who exhibit one or more “potential indicators of dyslexia” are screened no later than the completion of the first semester of second grade and to implement certain screening instruments. N.J.S.A. 18A:40-5.2, -5.3. This statutory mandate imposed additional training and screening costs on the Board

without authorizing any resources to offset the additional direct expenditures for implementing such screening.

In the Deptford Township (Docket#: COLM-0003-15) complaint it was alleged that N.J.S.A. 40A:14-118.1, imposes an unfunded mandate in violation of NJ Const. Art. VIII, Sec. 2, Para. 5(a) and N.J.S.A. 52:13H-2, which states that every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the effective date of P.L. 2014, c. 54 (C.40A:14-118.1 et al.) which is primarily used for traffic stops shall be equipped with a mobile video recording system is an unfunded mandate.