

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2300

STATE OF NEW JERSEY

DATED: JUNE 17, 2010

The Assembly Appropriations Committee reports favorably on Assembly Bill No. 2300.

The bill 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. Federal law requires that a school district provide such services to pupils enrolled in a nonpublic school located in the district, even if the pupils' permanent residence is in another state. However, the Department of Education interprets current State law in a manner that renders a nonpublic school pupil who resides in another state ineligible for State aid for evaluation services. Consequently, a school district must pay for such costs using local property taxes or federal special education funding intended to support the services provided to public school pupils. This bill ensures that districts will receive financial assistance to provide the federally required services to these nonpublic school pupils.

FISCAL IMPACT:

This bill would lead to an increase in State expenditures and a corresponding increase in revenue in school districts; however, the Office of Legislative Services (OLS) is not able to estimate the cost, as the OLS does not have data on the number of nonpublic school students who are not residents of the State and require an evaluation or annual review. It should be noted that section 14 of P.L.1977, c.193 (C.18A:46-19.8) provides \$990.73 per pupil for an initial evaluation or reevaluation and \$297.06 per pupil for an annual review. To the extent that the statute does not provide for an inflationary increase of these aid amounts, the annual appropriations acts generally include language providing higher pupil amounts. The FY 2010 Appropriations Act provided \$1,326.17 per pupil for initial evaluations and reevaluations and \$380 per pupil for annual reviews.