

ASSEMBLY, No. 4033

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 19, 2011

Sponsored by:

Assemblyman ANTHONY M. BUCCO

District 25 (Morris)

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Assemblyman ALEX DECROCE

District 26 (Morris and Passaic)

Co-Sponsored by:

Assemblyman DiCicco

SYNOPSIS

The “New Jersey Parental Rights Program Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2011)

1 AN ACT establishing the “New Jersey Parental Rights Program” and
2 supplementing Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “New Jersey
8 Parental Rights Program Act.”

9

10 2. As used in this act:

11 “Department” means the Department of Education.

12 “Eligible student” means a student eligible to attend grades
13 kindergarten through 12.

14 “Participating school” means a public school outside of a
15 student’s resident school district or a nonpublic school that provides
16 education to students in grades kindergarten through 12, or any
17 combination thereof, that has notified the Department of Education
18 of its intention to participate in the program and complies with
19 program requirements.

20 “Program” means the New Jersey Parental Rights Program
21 established pursuant to the provisions of section 3 of this act.

22

23 3. a. The Department of Education shall develop and
24 administer a New Jersey Parental Rights Program. Under the
25 program, an eligible student shall qualify for a scholarship to enroll
26 in a participating school provided that:

27 (1) the parent or guardian has applied to a participating school
28 for the admission of the eligible student;

29 (2) the participating school has accepted the eligible student for
30 admission. A participating school may accept any student who it
31 feels best qualified to serve; and

32 (3) the parent or guardian applies to the department for a
33 scholarship for the eligible student to attend the participating school
34 by the annual deadline established by the department.

35 b. Upon receipt of a request for a scholarship, the department
36 shall inform the resident school district that the parent or guardian
37 of an eligible student has requested a scholarship. The department
38 shall determine the amount of the scholarship, which shall equal the
39 lesser of the participating school’s annual tuition or the amount the
40 resident school district would have received for the eligible student
41 from federal, State, and local funding sources.

42 The department shall provide the student’s parent or guardian
43 with a timely written explanation of its determination of the
44 scholarship amount. The scholarship is the entitlement of the
45 student under the supervision of the student’s parent or guardian. A
46 participating school shall not refund, rebate, or share a student’s
47 scholarship with the student’s parent or guardian in any manner. A
48 student’s scholarship shall only be used for educational purposes.

1 c. The resident school district shall pay the amount of the
2 scholarship established by the department pursuant to subsection b.
3 of this section directly to the participating school for each eligible
4 student who is receiving a scholarship pursuant to the provisions of
5 this act on October 16 of the budget year.

6 A scholarship student shall be counted in the resident enrollment
7 of the resident school district for the purposes of calculating all
8 State aid.

9 d. The department shall determine the amount of savings
10 generated for the resident district from the scholarship program.
11 Any savings generated from the scholarship program shall be
12 returned to the taxpayers of the district in an amount equal to the
13 total savings multiplied by the school tax levy as a percentage of the
14 total district revenue.

15 e. A student shall remain eligible for a scholarship until the
16 student returns to his resident school district, graduates from high
17 school, or reaches the age of 21, whichever occurs first.

18 f. The parent or guardian of an eligible student may remove the
19 student from the participating school and place the student in the
20 resident school district at any time, or may apply to place the
21 student in another participating school at any time. In the event that
22 a parent or guardian transfers the student to another participating
23 school, the scholarship amount shall be prorated between the
24 participating schools according to the period of attendance at each
25 school.

26

27 4. a. A resident school district shall annually notify the parents
28 or guardians of students enrolled in the district of the scholarship
29 program. In the event that a participating school admits an eligible
30 student, the resident school district shall provide the participating
31 school with a copy of the student's records in accordance with
32 section 1 of P.L.1986, c.160 (C.18A:36-19a).

33 b. The resident school district shall provide transportation for
34 an eligible student to and from the participating school in
35 accordance with the provisions of N.J.S.18A:39-1.

36

37 5. a. To be eligible to participate in the program, a nonpublic
38 school shall be located in the State, and the chief school
39 administrator of the nonpublic school shall demonstrate to the
40 department that the nonpublic school:

41 (1) complies with all applicable health and safety codes;

42 (2) does not discriminate in admissions on the basis of race,
43 color, national origin, or religion; and,

44 (3) requires criminal background checks on school employees
45 who have direct contact with students in accordance with the
46 provisions of section 1 of P.L.1986, c.116 (C.18A:6-7.1).

47 b. To be eligible to participate in the program, the nonpublic
48 school shall also demonstrate its financial accountability as follows:

1 (1) the nonpublic school shall provide the department with a
2 financial information report completed by a certified public
3 accountant that complies with the standards adopted by the State
4 Board of Education pursuant to section 9 of this act. The scope of
5 the report shall be limited to those records that the department
6 determines to be necessary to make scholarship payments to the
7 school; and,

8 (2) the certified public accountant certifies that the report is free
9 of material misstatements.

10 c. In the event that the nonpublic school receives \$50,000 or
11 more in scholarship funds during the school year, the nonpublic
12 school shall demonstrate its financial viability by:

13 (1) filing with the department, prior to the beginning of the
14 school year, a surety bond payable to the State in an amount equal
15 to the aggregate amount of scholarship funds expected to be paid
16 during the school year to the parents or guardians of eligible
17 students enrolled in the participating nonpublic school under the
18 program; or,

19 (2) filing with the department, prior to the beginning of the
20 school year, financial information that demonstrates the school has
21 the ability to pay an aggregate amount equal to the amount of the
22 scholarships expected to be paid during the school year to the
23 parents or guardians of eligible students enrolled in the participating
24 nonpublic school under the program.

25 d. Except as otherwise provided pursuant to the provisions of
26 this act, the department may not regulate the educational programs
27 of a participating nonpublic school. The establishment of the
28 program and the participation of nonpublic schools in the program
29 shall not be construed to impose additional regulatory requirements
30 on nonpublic schools beyond those reasonably necessary to enforce
31 the provisions of this act. A participating nonpublic school shall be
32 provided with maximum flexibility in providing for the educational
33 needs of participating students.

34
35 6. In order to ensure academic accountability, a participating
36 school shall report on a regular basis to the parent or guardian of an
37 eligible student on the student's academic progress.

38
39 7. a. The department may contract with one or more qualified
40 researchers who have experience in evaluating school choice
41 programs to conduct a study of the program. The department may
42 accept grants to assist in the funding of the study. The study shall
43 assess:

44 (1) the level of participation in the program;

45 (2) the level of student and parental satisfaction with the
46 program;

1 (3) the class size experienced by eligible students while enrolled
2 in the resident school district compared to class size while enrolled
3 in a participating school; and

4 (4) the fiscal impact of the program on the State, resident school
5 districts, and participating schools.

6 Each participating school shall cooperate with the study by
7 providing data necessary to complete the study.

8 b. The department shall forward the study to the Governor, and
9 to the Legislature pursuant to section 2 of P.L. 1991, c.164
10 (C.52:14-19.1).

11
12 8. The department may bar a school from participating in the
13 program if the department determines that the school has failed to
14 meet the eligibility requirements, or has not met its educational
15 responsibilities to eligible students or their parents or guardians. In
16 the event that the department determines that a school is no longer
17 permitted to participate in the program, it shall immediately notify
18 the parents or guardians of the eligible students enrolled in the
19 school.

20
21 9. The State Board of Education shall adopt in accordance with
22 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
23 et seq.), rules and regulations necessary for the implementation of
24 the provisions of this act including, but not limited to:

25 a. the eligibility and participation of nonpublic schools,
26 including timelines that maximize the participation of students and
27 public and nonpublic schools;

28 b. the calculation and distribution of scholarships to eligible
29 students; and

30 c. the application and approval procedures for participating
31 schools and for scholarships for eligible students.

32 The State board shall, at a minimum, hold at least one public
33 hearing in each of the north, central, and southern regions of the
34 State within 60 days of the public notice of any regulations
35 proposed by the State board to be adopted pursuant to this act in
36 order to receive input from members of the educational community
37 and from parents and guardians of eligible students.

38
39 10. This act shall take effect immediately and shall first apply to
40 the 2011-2012 school year.

41

42

43

STATEMENT

44

45 This bill directs the New Jersey Department of Education to
46 establish the New Jersey Parental Rights Program. Under the
47 program, a student eligible to attend grades kindergarten through 12
48 will qualify for a scholarship to enroll in a participating school

1 provided that: (1) the parent or guardian has applied to a
2 participating school for the admission of the eligible student; (2) the
3 participating school has accepted the eligible student for admission;
4 and (3) the parent or guardian applies to the department for a
5 scholarship for the eligible student to attend the participating school
6 by the annual deadline established by the department.

7 Upon receipt of a request for a scholarship, the department will
8 inform the resident school district of the request and determine the
9 amount of the scholarship, which will be equal to the lesser of the
10 participating school's annual tuition or the amount the resident
11 school district would have received for the eligible student from
12 federal, State, and local funding sources.

13 The bill provides that the resident school district will pay the
14 amount of the scholarship directly to the participating school for
15 each eligible student who receives a scholarship. A scholarship
16 student will be counted in the resident enrollment of his resident
17 school district. A student will remain eligible for the scholarship
18 until he returns to his resident district, graduates from high school,
19 or reaches the age of 21, whichever occurs first.

20 Under the bill, the department will determine the amount of
21 savings generated for a resident school district from the scholarship
22 program. Any savings generated from the scholarship program will
23 be returned to the taxpayers of the district in an amount that reflects
24 the percentage of the school district's budget that is supported by
25 local tax levy.

26 The bill establishes criteria for the participation of nonpublic
27 schools in the program. To be eligible to participate, the nonpublic
28 school must demonstrate to the department that the school (1)
29 complies with all applicable health and safety codes; (2) does not
30 discriminate in admissions on the basis of race, color, national
31 origin, or religion; and (3) requires criminal background checks on
32 school employees who have direct contact with students.

33 A nonpublic school must also provide the department with
34 certain financial information. The school must provide a financial
35 information report completed by a certified public accountant that
36 complies with standards adopted by the State Board of Education.
37 In addition, a nonpublic school that receives \$50,000 or more in
38 scholarship funds during the school year must demonstrate its
39 capacity to refund any scholarship overpayments either through the
40 filing of a surety bond or by providing specific financial
41 information that demonstrates that capacity.