

SENATE, No. 1762

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MARCH 15, 2010

Sponsored by:
Senator ROBERT M. GORDON
District 38 (Bergen)

SYNOPSIS

Clarifies school district eligibility to receive State funding for special education evaluation services for children enrolled in New Jersey nonpublic school and living out-of-State.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning State funding for certain children enrolled in
2 nonpublic schools and amending P.L.1977, c.193.

3

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

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7 1. Section 14 of P.L.1977, c.193 (C.18A:46-19.8) is amended
8 to read as follows:

9 14. a. On November 5 of each year, each board of education
10 shall report the number of nonpublic school children who attended a
11 nonpublic school located within the district who were identified as
12 eligible to receive examination, classification, and speech
13 correction services pursuant to this act during the previous school
14 year. The number of these pupils requiring an initial evaluation or
15 reevaluation for examination and classification shall be multiplied
16 by \$990.73. The number of these pupils requiring an annual review
17 for examination and classification shall be multiplied by \$297.06.
18 The number requiring speech correction shall be multiplied by
19 \$786.70. These products shall be added to determine the estimated
20 cost for providing examination, classification, and speech
21 corrections services to nonpublic school children during the next
22 school year. Each board of education shall report the number of
23 nonpublic school children who attended a nonpublic school located
24 within the district, who were identified as eligible for
25 supplementary instruction services during the preceding school
26 year. The number of these pupils shall be multiplied by \$752.41.
27 This product shall be added to the estimated cost for providing
28 examination, classification and speech correction services.

29 In preparing its annual budget, each board of education shall
30 include as an expenditure the estimated cost of providing services to
31 nonpublic school children pursuant to P.L.1977, c.193 (C.18A:46-
32 19.1 et al.).

33 In preparing its annual budget, each board of education shall
34 include as a revenue State aid in an amount equal to the estimated
35 cost of providing services to nonpublic school children pursuant to
36 P.L.1977, c.193 (C.18A:46-19.1 et al.).

37 During each school year, each district shall receive an amount of
38 State aid equal to 10% of the estimated cost on the first day in
39 September and on the first day of each month during the remainder
40 of the school year. If a board of education requires funds prior to
41 September, the board shall file a written request with the
42 Commissioner of Education stating the need for the funds. The
43 commissioner shall review each request and forward those for
44 which need has been demonstrated to the appropriate officials for
45 payment. In the event the expenditures incurred by any district are

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 less than the amount of State aid received, the district shall refund
2 the unexpended State aid after completion of the school year. The
3 refunds shall be paid no later than December 1. In any year, a
4 district may submit a request for additional aid pursuant to
5 P.L.1977, c.193 (C.18A:46-19.1 et al.). If the request is approved
6 and funds are available from refunds of the prior year, payment
7 shall be made in the current school year.

8 b. For the purposes of the report provided pursuant to
9 subsection a. of this section, a board of education shall include a
10 pupil enrolled in a nonpublic school located within the district who
11 does not reside in the State in the number of pupils requiring an
12 initial evaluation or reevaluation for examination and classification
13 or requiring an annual review for examination and classification.

14 Notwithstanding the provisions of N.J.S.18A:46-6,
15 N.J.S.18A:46-8, or any other section of law to the contrary, a school
16 district may use State aid received pursuant to the provisions of
17 P.L.1977, c.193 (C.18A:46-19.1 et al.) for the initial evaluation or
18 reevaluation for examination and classification or annual review for
19 examination and classification of a nonpublic school pupil who is
20 not a resident of the State.

21 (cf: P.L.1996, c.138, s.75)

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23 2. This act shall take effect immediately.

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STATEMENT

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28 This bill clarifies that a school district is eligible to receive and
29 use chapter 193 State funding to provide special education
30 evaluation services to nonpublic school pupils who are not residents
31 of the State. Federal law requires that a school district provide such
32 services to pupils enrolled in a nonpublic school located in the
33 district, even if the pupils' permanent residence is in another state.
34 However, the Department of Education interprets current State law
35 in a manner that renders a nonpublic school pupil who resides in
36 another state ineligible for State aid for evaluation services.
37 Consequently, a school district must pay for such costs using local
38 property taxes or federal special education funding intended to
39 support the services provided to public school pupils. This bill
40 ensures that districts will receive financial assistance to provide the
41 federally required services to these nonpublic school pupils.