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

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

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

14. a. On November 5 of each year, each board of education shall report the number of nonpublic school children who attended a nonpublic school located within the district who were identified as eligible to receive examination, classification, and speech correction services pursuant to this act during the previous school year. The number of these pupils requiring an initial evaluation or reevaluation for examination and classification shall be multiplied by $990.73. The number of these pupils requiring an annual review for examination and classification shall be multiplied by $297.06. The number requiring speech correction shall be multiplied by $786.70. These products shall be added to determine the estimated cost for providing examination, classification, and speech corrections services to nonpublic school children during the next school year. Each board of education shall report the number of nonpublic school children who attended a nonpublic school located within the district, who were identified as eligible for supplementary instruction services during the preceding school year. The number of these pupils shall be multiplied by $752.41. This product shall be added to the estimated cost for providing examination, classification and speech correction services.

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

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

During each school year, each district shall receive an amount of State aid equal to 10% of the estimated cost on the first day in September and on the first day of each month during the remainder of the school year. If a board of education requires funds prior to September, the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review each request and forward those for which need has been demonstrated to the appropriate officials for 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.
less than the amount of State aid received, the district shall refund
the unexpended State aid after completion of the school year. The
refunds shall be paid no later than December 1. In any year, a
district may submit a request for additional aid pursuant to
P.L.1977, c.193 (C.18A:46-19.1 et al.). If the request is approved
and funds are available from refunds of the prior year, payment
shall be made in the current school year.

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

Notwithstanding the provisions of N.J.S.18A:46-6,
N.J.S.18A:46-8, or any other section of law to the contrary, a school
district may use State aid received pursuant to the provisions of
P.L.1977, c.193 (C.18A:46-19.1 et al.) for the initial evaluation or
reevaluation for examination and classification or annual review for
examination and classification of a nonpublic school pupil who is
not a resident of the State.
(cf: P.L.1996, c.138, s.75)

2. This act shall take effect immediately.

STATEMENT

This 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.