

# SENATE, No. 1929

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 14, 2012

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator JENNIFER BECK**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senators Singer, Codey, Gordon, Kyrillos and Sarlo**

**SYNOPSIS**

Eliminates restriction on placement of special education students in sectarian schools.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2013)**

1 AN ACT concerning the provision of special education programs  
2 and amending N.J.S.18A:46-14.

3

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

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7 1. N.J.S.18A:46-14 is amended to read as follows:

8 18A:46-14. The facilities and programs of education required  
9 under this chapter shall be provided by one or more of the  
10 following:

11 a. A special class or classes in the district, including a class or  
12 classes in hospitals, convalescent homes, or other institutions;

13 b. A special class in the public schools of another district in  
14 this State or any other state in the United States;

15 c. Joint facilities including a class or classes in hospitals,  
16 convalescent homes or other institutions to be provided by  
17 agreement between one or more school districts;

18 d. A jointure commission program;

19 e. A State of New Jersey operated program;

20 f. Instruction at school supplementary to the other programs in  
21 the school, whenever, in the judgment of the board of education  
22 with the consent of the commissioner, the handicapped pupil will be  
23 best served thereby;

24 g. Sending children capable of benefiting from a day school  
25 instructional program to privately operated day classes, in New  
26 Jersey or, with the approval of the commissioner to meet particular  
27 circumstances, in any other state in the United States, **[the services**  
28 **of which are nonsectarian]** whenever in the judgment of the board  
29 of education with the consent of the commissioner it is impractical  
30 to provide services pursuant to subsection a., b., c., d., e. or f.  
31 otherwise;

32 h. Individual instruction at home or in school whenever in the  
33 judgment of the board of education with the consent of the  
34 commissioner it is impracticable to provide a suitable special  
35 education program for a child pursuant to subsection a., b., c., d., e.,  
36 f. or g. otherwise.

37 Whenever a child study team determines that a suitable special  
38 education program for a child cannot be provided pursuant to  
39 subsection a., b., c., d., e., f., g. or h. of this section, and that the  
40 most appropriate placement for that child is in an academic program  
41 in an accredited nonpublic school within the State or, to meet  
42 particular circumstances, in any other state in the United States,  
43 **[the services of which are nonsectarian,]** and which is not  
44 specifically approved for the education of handicapped pupils, that  
45 child may be placed in that academic program by the board of

**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 education, with the consent of the commissioner, or by order of a  
2 court of competent jurisdiction. An academic program which meets  
3 the requirements of the child's Individual Education Plan as  
4 determined by the child study team and which provides the child  
5 with a thorough and efficient education, shall be considered an  
6 approved placement for the purposes of chapter 46 of this Title, and  
7 the board of education shall be entitled to receive State aid for that  
8 child as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.),  
9 and all other pertinent statutes.

10 Whenever any child shall be confined to a hospital, convalescent  
11 home, or other institution in New Jersey or in any other state in the  
12 United States and is enrolled in an education program approved  
13 under this article, or shall be placed in any other State facility as  
14 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45), the board of  
15 education of the district in which the child resides shall pay the  
16 tuition of that child. The board of education may also furnish (a)  
17 the facilities or programs provided in this article to any person over  
18 the age of 20 who does not hold a diploma of a high school  
19 approved in this State or in any other state in the United States, (b)  
20 suitable approved facilities and programs for children under the age  
21 of five.

22 (cf: P.L.2007, c.260, s.71)

23

24 2. This act shall take effect immediately.

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#### STATEMENT

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29 State law at N.J.S.18A:46-13 provides that each board of  
30 education is required to provide suitable facilities and programs for  
31 students classified as in need of special education programs and  
32 services; and that the unavailability of a special class facility in any  
33 district does not relieve the board from the responsibility of  
34 providing those services. State law at N.J.S.18A:46-14 provides a  
35 list of the types of facilities in which a school district may place a  
36 special education student. This bill amends that section of law to  
37 eliminate the restriction on the placement of special education  
38 students in instructional programs in sectarian or religiously-  
39 oriented schools.