

ASSEMBLY, No. 4445

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/18/2018)

1 AN ACT concerning the provision of special education programs
2 and amending N.J.S.18A:46-14 and N.J.S.18A:46-21.

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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 pupil with a disability
23 will be 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 pupils with disabilities,
45 that 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, and
20 (b) suitable approved facilities and programs for children under the
21 age of five.

22 (cf: P.L.2017, c.131, s.48)

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24 2. N.J.S.18A:46-21 is amended to read as follows:

25 18A:46-21. Any board of education, jointure commission, or
26 private school for pupils with disabilities which receives pupils
27 from a sending district under this chapter shall determine a tuition
28 rate to be paid by the sending board of education, but in no case
29 shall the tuition rate exceed the actual cost per pupil as determined
30 under rules prescribed by the commissioner and approved by the
31 State Board of Education.

32 In the event that a pupil is placed pursuant to N.J.S.18A:46-14 in
33 privately operated day classes or an accredited nonpublic school,
34 which provides sectarian instruction or services, the receiving
35 school shall provide an itemized invoice to the sending district
36 detailing the educational services provided to the pupil, and the
37 tuition charged pursuant to this section shall only include the costs
38 associated with the nonsectarian component of the pupil's
39 educational program and services. Tuition funds received from the
40 sending district shall not be used for the purpose of sectarian
41 instruction, the construction or maintenance of sectarian facilities,
42 or for any other sectarian purpose or activity.

43 (cf: P.L.2017, c.131, s.51)

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45 3. This act shall take effect immediately.

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10 public school student is placed in privately-operated day classes or

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