

ASSEMBLY, No. 5441

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MAY 23, 2019

Sponsored by:

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

SYNOPSIS

Establishes three-year nonpublic school pupil transportation pilot program in Ocean County to provide funding to county consortium of nonpublic schools that will assume responsibility for mandated nonpublic school busing.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing a county-wide nonpublic school pupil
2 transportation pilot program and supplementing chapter 39 of
3 Title 18A of the New Jersey Statutes.

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

7
8 1. a. As used in this section:

9 "County consortium" means a group of nonpublic schools in an
10 eligible county which enroll pupils for whom school districts are
11 required to provide transportation pursuant to N.J.S.18A:39-1 and
12 which enter into an agreement to form a county consortium for the
13 purpose of participating in the pilot program established pursuant to
14 this section.

15 "Eligible county" means a county which in the most recent
16 school year prior to the effective date of this act included a school
17 district which supplied transportation to more than 5,000 pupils
18 residing in the school district in going to and from any remote
19 school other than a public school pursuant to the provisions of
20 N.J.S.18A:39-1.

21 b. The Commissioner of Education shall establish, supervise,
22 and fund a three-year nonpublic school pupil transportation pilot
23 program in the eligible county through the county consortium.
24 Notwithstanding any section of law to the contrary, under the pilot
25 program, the commissioner shall disburse directly to the county
26 consortium an amount equal to the aid in-lieu-of transportation
27 amount for each nonpublic school pupil who is attending a
28 nonpublic school which is a part of the county consortium and who
29 is required to be transported by a school district pursuant to
30 N.J.S.18A:39-1. The county consortium shall assume all of the
31 responsibilities of the school district under N.J.S.18A:39-1 for
32 transporting to and from nonpublic schools the pupils for whom the
33 county consortium received an aid in-lieu-of transportation amount
34 under the pilot program. If the per pupil cost of the lowest bid
35 received exceeds the aid in-lieu-of transportation amount, then the
36 parent or guardian of the nonpublic school pupil shall be eligible to
37 receive the aid in-lieu-of transportation amount from the county
38 consortium for that school year. If after providing the required
39 pupil transportation any of the disbursed funds remain unspent, the
40 county consortium, as it deems appropriate, may provide courtesy
41 busing to nonpublic school pupils who are residents of the eligible
42 county and are attending the nonpublic schools which are part of the
43 county consortium. The county consortium shall refund annually to
44 the Department of Education after the completion of the school year
45 any unexpended funds received pursuant to the pilot program.

46 c. The county consortium shall assume all of the assets and
47 liabilities incurred as of June 30, 2019 by the consortium

1 established to provide transportation to nonpublic school pupils
2 pursuant to section 1 of P.L.2016, c.22 (C.18A:39-1d).

3 d. The commissioner shall notify school districts in the eligible
4 county of the pilot program. The notice shall inform the school
5 districts of:

6 (1) the county consortium's responsibility under the pilot
7 program to provide all of the transportation to the pupils attending a
8 nonpublic school which is part of the county consortium;

9 (2) the requirement that the school district may not provide
10 courtesy busing to a pupil attending a nonpublic school which is
11 part of the county consortium; and

12 (3) the requirement that the school district provide
13 transportation pursuant to N.J.S.18A:39-1 to pupils attending
14 nonpublic schools which are not a part of the county consortium.

15 e. In order to participate in the pilot program, the eligible
16 county consortium shall provide to the commissioner the necessary
17 assurances that the consortium is capable of complying with the
18 consortium's pupil transportation responsibilities under the pilot
19 program.

20 f. The commissioner shall annually enter into a contract with
21 an independent entity to audit the implementation of the pilot
22 program. The audit for the prior school year shall be submitted to
23 the commissioner no later than December 1 of each year and the
24 commissioner shall transmit a copy of the audit to the Governor and
25 to the Legislature pursuant to section 2 of P.L.1991, c.164
26 (C.52:14-19.1).

27 g. The commissioner shall establish an oversight committee to
28 oversee the operations of the county consortium in implementing
29 the pilot program. The oversight committee shall consist of five
30 members: three members appointed by the Governor; one member
31 appointed by the President of the Senate; and one member
32 appointed by the Speaker of the General Assembly.

33 h. Two years following the establishment of the pilot program,
34 the commissioner shall submit a report to the Governor, and to the
35 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).
36 The report shall contain information on the implementation of the
37 pilot program and shall include the commissioner's recommendation
38 on the advisability of continuing the program and expanding the
39 program Statewide.

40 i. The State Board of Education shall promulgate rules
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a
43 manner that comports with the provisions of the State and federal
44 Constitutions.

45
46 2. This act shall take effect immediately and shall first be
47 applicable to the 2019-2020 school year.

STATEMENT

This bill establishes a three-year nonpublic school pupil transportation pilot program to provide funding to a county consortium of nonpublic schools that will assume responsibility for the school districts' mandated nonpublic school busing for those students.

Under the pilot program, the Commissioner of Education will disburse to a county consortium of nonpublic schools located in an eligible county, defined to include only Ocean County, an amount equal to the aid in-lieu-of transportation amount (currently set at \$1,000) for each nonpublic school pupil who is attending a nonpublic school in the county consortium and who is required by law to be transported by a school district to and from school. The county consortium will assume the responsibilities of transporting the pupils for whom it receives the aid in-lieu-of transportation amount. The bill also provides that the county consortium will assume the assets and liabilities incurred as of June 30, 2019 by the consortium of nonpublic schools which was formed pursuant to the three-year pilot program established in the Lakewood Township School District pursuant to section 1 of P.L.2016, c.22 (C.18A:39-1d) and set to expire in 2019.

The bill provides that if the per pupil cost of the lowest bid received exceeds the aid in-lieu-of transportation amount, the parent or guardian of the student will be eligible to receive the aid in-lieu-of transportation amount from the county consortium for that school year. In addition, if after providing the required pupil transportation any of the funds disbursed to the county consortium of nonpublic schools remain unspent, the county consortium is permitted to use the remaining funds to offer courtesy busing to pupils who reside in an eligible county and are attending a nonpublic school in the county consortium. Under the pilot program, school districts located in the eligible county will not be permitted to provide courtesy busing to any pupil attending a nonpublic school in the county consortium. At the end of the school year, the bill requires the county consortium to refund to the Department of Education any unexpended funds it received under the pilot program.

The bill establishes a committee to oversee the operations of the consortium in implementing the pilot program, consisting of five members: three members appointed by the Governor; one member appointed by the Senate President; and one member appointed by the Speaker of the General Assembly. Under the provisions of the bill, the commissioner will submit a report to the Governor and the Legislature two years following the establishment of the pilot program which will include information on the implementation of the pilot program and the commissioner's recommendation on the advisability of continuing the program and expanding it Statewide.

1 The bill requires the county consortium to assume the assets and
2 liabilities incurred as of June 30, 2019 by the consortium of
3 nonpublic schools in the Lakewood Township School District under
4 the three-year pilot program established pursuant to section 1 of
5 P.L.2016, c.22 (C.18A:39-1d).

6 The bill takes effect immediately and provides that the pilot
7 program will first be applicable in the 2019-2020 school year.