

# SENATE, No. 731

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

The “New Jersey Parental Rights and Property Tax Reduction Act.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the “New Jersey Parental Rights and Property  
2 Tax Reduction Program” and supplementing Title 18A of the  
3 New Jersey Statutes.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. This act shall be known and may be cited as the “New Jersey  
9 Parental Rights and Property Tax Reduction Act.”  
10

11 2. As used in this act:

12 “Department” means the Department of Education.

13 “Eligible student” means a student eligible to attend grades  
14 kindergarten through 12.

15 “Participating school” means a public school outside of a  
16 student’s resident school district or a nonpublic school that provides  
17 education to students in grades kindergarten through 12, or any  
18 combination thereof, that has notified the Department of Education  
19 of its intention to participate in the program and complies with  
20 program requirements.

21 “Program” means the New Jersey Parental Rights and Property  
22 Tax Reduction Program established pursuant to the provisions of  
23 section 3 of this act.

24 “Saving district” means a school district which has reduced costs  
25 as a result of the program.  
26

27 3. a. The Department of Education shall develop and  
28 administer a New Jersey Parental Rights and Property Tax  
29 Reduction Program. Under the program, a student enrolled in  
30 grades kindergarten through 12 shall be eligible to receive a public  
31 tuition allowance to enroll in a participating school provided that:

32 (1) the parent or guardian has applied to a participating school  
33 for the admission of the eligible student; and

34 (2) the participating school has accepted the eligible student for  
35 admission. A participating school may accept any student whom it  
36 considers best qualified to serve.

37 b. Upon receipt of a request for the public tuition allowance,  
38 the department shall inform the resident school district that the  
39 parent or guardian of an eligible student has requested the public  
40 tuition allowance. The department shall determine the amount of  
41 the public tuition allowance, which shall equal the lesser of the  
42 participating school’s annual tuition or the equivalent of the per  
43 child State educational allocation for K through 12 education,  
44 which shall be determined by dividing the State’s total funding  
45 allocation by the number of K through 12 students in the State  
46 pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.). The public  
47 tuition allowance is the entitlement of the student under the

1 supervision of the student's parent or guardian to apply to the  
2 tuition of the selected participating school.

3 c. The department shall pay the amount of the public tuition  
4 allowance established pursuant to subsection b. of this section  
5 directly to the participating school for each eligible student who  
6 receives a public tuition allowance pursuant to the provisions of this  
7 act on October 16 of the budget year.

8 d. The board of education of each school district shall  
9 determine the amount of savings generated for the resident district  
10 resulting from the program. Any savings generated from the  
11 program, or from additional State funds received over the previous  
12 year's per-child allocations, shall be divided into two equal  
13 portions, with one-half to be applied to reduce property taxes in the  
14 saving district, and the other half to be returned to the department to  
15 be applied to an increase in public tuition allowances for all K  
16 through 12 students for the following school year.

17 e. A student shall remain eligible for a public tuition allowance  
18 until he graduates from high school, or reaches the age of 21,  
19 whichever occurs first.

20 f. The parent or guardian of an eligible student may remove the  
21 student from the participating school and place the student in the  
22 resident school district at any time, or may transfer the student to  
23 another participating school at any time provided that the receiving  
24 school admits the student. In the event that a parent or guardian  
25 transfers the student to another participating school, the public  
26 tuition allowance amount shall be prorated between the  
27 participating schools according to the period of attendance at each  
28 school.

29

30 4. a. A resident school district shall annually notify the parents  
31 or guardians of students enrolled in the district of the program. In  
32 the event that a participating school admits an eligible student, the  
33 resident school district shall provide the participating school with a  
34 copy of the student's records in accordance with section 1 of  
35 P.L.1986, c.160 (C.18A:36-19a).

36 b. The resident school district shall provide transportation for  
37 an eligible student to and from the participating school in  
38 accordance with the provisions of N.J.S.18A:39-1.

39

40 5. a. To be eligible to participate in the program, a nonpublic  
41 school shall be located in the State, and the chief school  
42 administrator of the nonpublic school shall demonstrate to the  
43 department that the nonpublic school:

44 (1) complies with all applicable health and safety codes, and all  
45 other requirements for the operation of a nonpublic school;

46 (2) does not discriminate in admissions on the basis of race,  
47 color, national origin, or religion; and

1       (3) requires criminal background checks on school employees  
2 who have direct contact with students in accordance with the  
3 provisions of section 1 of P.L.1986, c.116 (C.18A:6-7.1).

4       b. To be eligible to participate in the program, the nonpublic  
5 school shall also demonstrate its financial accountability as follows:

6       (1) the nonpublic school shall provide the department with a  
7 financial information report completed by a certified public  
8 accountant that complies with the standards adopted by the State  
9 Board of Education pursuant to section 8 of this act. The scope of  
10 the report shall be limited to those records that the department  
11 determines to be necessary to make public tuition allowance  
12 payments to the school; and

13       (2) the certified public accountant certifies that the report is free  
14 of material misstatements.

15       c. In the event that the nonpublic school receives \$50,000 or  
16 more in public tuition allowance funds during the school year, the  
17 nonpublic school shall demonstrate its financial viability by:

18       (1) filing with the department, prior to the beginning of the  
19 school year, a surety bond payable to the State in an amount equal  
20 to the aggregate amount of public tuition allowance funds expected  
21 to be paid during the school year to the parents or guardians of  
22 eligible students enrolled in the participating nonpublic school  
23 under the program; or

24       (2) filing with the department, prior to the beginning of the  
25 school year, financial information that demonstrates the school has  
26 the ability to pay an aggregate amount equal to the amount of the  
27 public tuition allowance funds expected to be paid during the school  
28 year to the parents or guardians of eligible students enrolled in the  
29 participating nonpublic school under the program.

30       d. Except as otherwise provided pursuant to the provisions of  
31 this act, the department may not regulate the educational programs  
32 of a participating nonpublic school. The establishment of the  
33 program and the participation of nonpublic schools in the program  
34 shall not be construed to impose additional regulatory requirements  
35 on nonpublic schools beyond those reasonably necessary to enforce  
36 the provisions of this act. A participating nonpublic school shall be  
37 provided with maximum flexibility in providing for the educational  
38 needs of participating students provided that the students are taught  
39 and instructed to abide by any State or federal laws.

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41       6. In order to ensure academic accountability, a participating  
42 school shall report on a regular basis to the parent or guardian of an  
43 eligible student on the student's academic progress.

44

45       7. The department may bar a school from participating in the  
46 program if the department determines that the school has failed to  
47 meet the eligibility requirements, or has not met its educational  
48 responsibilities to eligible students or their parents or guardians. In

1 the event that the department determines that a school is no longer  
2 permitted to participate in the program, it shall immediately notify  
3 the parents or guardians of the eligible students enrolled in the  
4 school.

5  
6 8. The State Board of Education shall adopt in accordance with  
7 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
8 et seq.), rules and regulations necessary for the implementation of  
9 the provisions of this act including, but not limited to:

10 a. the eligibility and participation of nonpublic schools,  
11 including timelines that maximize the participation of students and  
12 public and nonpublic schools;

13 b. the calculation and distribution of public tuition allowances  
14 to eligible students; and

15 c. the application and approval procedures for participating  
16 schools and for public tuition allowances for eligible students.

17 The State board shall, at a minimum, hold at least one public  
18 hearing in each of the north, central, and southern regions of the  
19 State within 60 days of the public notice of any regulations  
20 proposed by the State board to be adopted pursuant to this act in  
21 order to receive input from members of the educational community  
22 and from parents and guardians of eligible students.

23  
24 9. This act shall take effect immediately and shall first apply to  
25 the 2018-2019 school year.

## 26 27 28 STATEMENT

29  
30 This bill directs the Department of Education to establish the  
31 New Jersey Parental Rights and Property Tax Reduction Program.  
32 Under the program, a student enrolled in grades kindergarten  
33 through 12 is eligible to receive a public tuition allowance to enroll  
34 in a participating school provided that: (1) the parent or guardian  
35 has applied to a participating school for the admission of the  
36 eligible student; and (2) the participating school has accepted the  
37 eligible student for admission. A participating school may accept  
38 any student whom it considers best qualified to serve.

39 The department will determine the amount of the public tuition  
40 allowance, which will equal the lesser of the participating school's  
41 annual tuition or the equivalent of the per child State educational  
42 allocation for K through 12 education, determined by dividing the  
43 State's total funding allocation by the number of K through 12  
44 students in the State. The public tuition allowance is the  
45 entitlement of the student under the supervision of the student's  
46 parent or guardian to apply to the tuition of the selected  
47 participating school.

1       Under the bill, the department will pay the amount of the public  
2 tuition allowance directly to the participating school for each  
3 eligible student who receives such an allowance. The board of  
4 education of each school district will determine the amount of  
5 savings generated for the resident district resulting from the  
6 program. Any savings generated from the program, or from  
7 additional State funds received over the previous year's per-child  
8 allocations, will be divided into two equal portions, with one-half to  
9 be applied to reduce property taxes in the school district, and the  
10 other half to be returned to the department to be applied to an  
11 increase in public tuition allowances for all K through 12 students  
12 for the following school year.