

ASSEMBLY, No. 2356

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Assemblyman DALTON

1 AN ACT concerning the transportation of nonpublic school students,  
2 amending N.J.S.18A:39-1 and repealing section 2 of P.L.1981, c.57  
3 (C.18A:39-1a).

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

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8 1. N.J.S.18A:39-1 is amended to read as follows:

9 18A:39-1 Whenever in any district there are elementary school  
10 pupils who live more than two miles from their public school of  
11 attendance or secondary school pupils who live more than 2 1/2 miles  
12 from their public school of attendance, the district shall provide  
13 transportation to and from school for these pupils.

14 When any school district provides any transportation for public  
15 school pupils to and from school pursuant to this section,  
16 transportation shall be supplied to school pupils residing in such  
17 school district in going to and from any remote school other than a  
18 public school, not operated for profit in whole or in part, located  
19 within the State not more than 20 miles from the residence of the  
20 pupil; except that if the district is located in a county of the third class  
21 with a population of not less than 80,000 and not more than 120,000  
22 transportation shall be provided to a nonpublic school located outside  
23 the State not more than 20 miles from the residence of the pupil, if  
24 there is no appropriate nonpublic school within the State located  
25 closer to the residence of the pupil [; provided the per pupil cost of the  
26 lowest bid received does not exceed \$675 for the 1992-93 school year  
27 or the amount determined for subsequent years pursuant to section 2  
28 of P.L.1981, c.57 (C.18A:39-1a), and if such bid shall exceed that cost  
29 then the parent, guardian or other person having legal custody of the  
30 pupil shall be eligible to receive \$675 for the 1992-93 school year or  
31 the amount determined pursuant to section 2 of P.L.1981, c.57  
32 (C.18A:39-1a) for subsequent years toward the cost of his  
33 transportation to a qualified school other than a public school,  
34 regardless of whether such transportation is along established public

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 school routes]. It shall be the obligation of the parent, guardian or  
2 other person having legal custody of the pupil attending a remote  
3 school, other than a public school, not operating for profit in whole or  
4 in part, to register said pupil with the office of the secretary of the  
5 board of education at the time and in the manner specified by rules and  
6 regulations of the State board in order to be eligible for the  
7 transportation provided by this section. [If the registration of any such  
8 pupil is not completed by September 1 of the school year and if it is  
9 necessary for the board of education to enter into a contract  
10 establishing a new route in order to provide such transportation, then  
11 the board shall not be required to provide it, but in lieu thereof the  
12 parent, guardian or other person having legal custody of the pupil shall  
13 be eligible to receive \$675 or the amount determined pursuant to  
14 section 2 of P.L.1981, c.57 (18A:39-1a), or an amount computed by  
15 multiplying 1/180 times the number of school days remaining in the  
16 school year at the time of registration, times \$675 for the 1992-93  
17 school year or the amount determined pursuant to section 2 of  
18 P.L.1981, c.57 (C.18A:39-1a) for subsequent years, whichever is the  
19 smaller amount.] Whenever any regional school district provides any  
20 transportation for pupils attending schools other than public schools  
21 pursuant to this section, said regional district shall assume  
22 responsibility for the transportation of all such pupils, and the cost of  
23 such transportation for pupils below the grade level for which the  
24 regional district was organized shall be prorated by the regional  
25 district among the constituent districts on a per pupil basis, after  
26 approval of such costs by the county superintendent. This section  
27 shall not require school districts to provide any transportation for  
28 pupils attending a school other than a public school, where the only  
29 transportation presently provided by said district is for school children  
30 transported pursuant to chapter 46 of Title 18A of the New Jersey  
31 Statutes or for pupils transported to a vocational, technical or other  
32 public school offering a specialized program. Any transportation to a  
33 school, other than a public school, shall be pursuant to the same rules  
34 and regulations promulgated by the State board as governs  
35 transportation to any public school.

36 The board of education may make rules and contracts for the pupil  
37 transportation provided pursuant to this section.

38 Nothing in this section shall be so construed as to prohibit a board  
39 of education from making contracts for the transportation of pupils to  
40 a school in an adjoining district, when such pupils are transferred to  
41 the district by order of the county superintendent, or when any pupils  
42 shall attend school in a district other than that in which they shall  
43 reside by virtue of an agreement made by the respective boards of  
44 education.

45 Nothing herein contained shall limit or diminish in any way any of

1 the provisions for transportation for children pursuant to chapter 46  
2 of this Title.

3 (cf: P.L.1992, c.33, s.1)

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5 2. Section 2 of P.L.1981, c. 57 (C.18A:39-1a) is repealed.

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7 3. This act shall take effect immediately and shall first apply to the  
8 1997-98 school year.

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STATEMENT

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13 This bill amends the statute requiring the transportation of  
14 nonpublic school students by eliminating the option for the resident  
15 district to offer monetary payments to the parents or guardians of the  
16 students in lieu of transportation. Under the current statutes, when  
17 the per pupil cost of the lowest bid for the transportation exceeds a  
18 certain amount, currently \$675, the district may pay that amount to the  
19 parents or guardians of a student in lieu of providing transportation.  
20 In addition, the bill repeals the statute which provided for an annual  
21 adjustment in the threshold amount of the per pupil cost of the lowest  
22 bid.

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27 Eliminates option for school district to make monetary payment in lieu  
28 of providing transportation for nonpublic school students.