

SENATE, No. 1069

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senator EWING

1 AN ACT concerning education in State facilities and amending
2 P.L.1979, c.207.

3

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

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7 1. Section 6 of P.L.1979, c.207 (C.18A:7B-2) is amended to read
8 as follows:

9 6. a. For each child who is resident in a district and in a State
10 facility on the last school day prior to October 16 of the prebudget
11 year, the Commissioner of Education shall deduct from the State aid
12 payable to such district an amount equal to the State foundation
13 amount plus the appropriate special education aid.

14 b. If, for any district, the amount to be deducted pursuant to
15 subsection a. of this section is greater than State aid payable to the
16 district, the district shall pay to the Department of Education the
17 difference between the amount to be deducted and the State aid
18 payable to the district.

19 c. The amount deducted pursuant to subsection a. of this section
20 and the amount paid to the Department of Education pursuant to
21 subsection b. of this section shall be forwarded to the Department of
22 Human Services if the facility is operated by or under contract with
23 that department, or to the Department of Corrections if the facility is
24 operated by that department, or to the Juvenile Justice Commission
25 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
26 if the facility is operated by that commission, and shall serve as
27 payment by the district of tuition for the child. This amount shall be
28 used solely for the support of educational programs and shall not be
29 subject to administrative discretion relative to their use for other than
30 educational purposes nor shall such funds be subject to
31 administratively implemented budgetary mechanisms designed to
32 address noneducational budgetary shortfalls or to offset departmental
33 or State budget deficits. These funds shall be maintained in a separate
34 account [for that purpose] and no funds shall be transferred from nor

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 carried forward to any other account without the approval of the Joint
2 Budget Oversight Committee except when such transfers are being
3 used to return funds to local school districts. No district shall be
4 responsible for the tuition of any child admitted to a State facility after
5 the last school day prior to October 16 of the prebudget year.
6 (cf: P.L. 1995, c.280, s.24)

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8 2. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to read
9 as follows:

10 8. Funds received pursuant to this act by the Department of Human
11 Services, by the Department of Corrections or by the Juvenile Justice
12 Commission established pursuant to section 2 of P.L.1995, c.284
13 (C.52:17B-170) shall be used only for the salaries of teachers,
14 educational administrators at the program level, child study team
15 personnel, clerical staff assigned to child study teams or to educational
16 day programs, paraprofessionals assigned to educational programs in
17 State facilities, and for diagnostic services required as part of the child
18 study team evaluations and related educational services personnel
19 whose function requires an educational certificate issued by the State
20 Department of Education, and for the costs of educational materials,
21 supplies and equipment for these programs. No such funds shall be
22 used for the renovation or construction of capital facilities, for the
23 maintenance and operation of educational facilities, or for custodial,
24 habilitation or other noneducational costs; nor shall such funds be
25 subject to administrative actions designed to address noneducational
26 departmental budgetary constraints or to offset either departmental or
27 State budget deficits. These funds shall be used solely for the
28 education of eligible juveniles being educated in State facilities.

29 There are hereby authorized to be appropriated to the Departments
30 of Human Services and Corrections such funds as may be necessary to
31 provide for adult, post-secondary and college programs.

32 (cf: P.L.1995, c.280, s.25)

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34 3. This act shall take effect immediately.

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STATEMENT

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39 This bill requires that payments from local school boards, whether
40 deducted from a district's State aid or paid directly to the State from
41 a district's local school tax levies, and appropriated to State facilities
42 for the education of juveniles, be used for the educational purposes for
43 which they were intended, and prohibits such funds from being used
44 for noneducational purposes within a departmental budget or a State
45 budget.

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3 Prohibits local educational funds appropriated to State facilities from

4 being used for non-educational purposes.