

SENATE, No. 1204

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senator ZANE

1 AN ACT concerning education and amending N.J.S.18A:39-1.

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

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

7 18A:39-1. Whenever in any district there are elementary school
8 pupils who live more than two miles from their public school of
9 attendance or secondary school pupils who live more than 2 1/2 miles
10 from their public school of attendance, the district shall provide
11 transportation to and from school for these pupils.

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

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

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

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

43 Nothing herein contained shall limit or diminish in any way any of
44 the provisions for transportation for children pursuant to chapter 46
45 of this Title.

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

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill modifies the law concerning transportation for nonpublic
7 school students. The bill provides that nonpublic school students
8 residing in school districts which bus public school students are
9 entitled to transportation to a school located in New Jersey within 30
10 miles the student's residence and to a school outside of New Jersey if
11 the school is within 20 miles of the student's residence. Under current
12 law transportation is required within New Jersey if the residence is
13 not more than 20 miles from the school, and the out of State
14 transportation is limited to pupils residing in Warren, Sussex and
15 Hunterdon counties.

16 The bill does not alter the portion of current law which provides
17 that if the cost of providing transportation to the nonpublic school
18 students exceeds the statutory maximum cost per pupil, the parents of
19 the nonpublic school pupil may be reimbursed directly for the cost of
20 transportation up to a maximum which is adjusted annually pursuant
21 to N.J.S.A.18A:39-1a. For the 1994-95 school year the per
22 pupil amount will be \$675. The bill also retains the current restriction
23 on out of State transportation to instances in which there is no
24 appropriate nonpublic school within the State located closer the pupil's
25 home.

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30 Modifies the law providing for transportation of certain nonpublic
31 school pupils by increasing the allowable distance and reducing
32 restrictions on transportation to out-of-State schools.