

18A:38-7.1 to 18A:38-7.6

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:38-7.1 to 18A:38-7.6 (Students - residing on Federal property--
tuition charges - procedure)

LAWS 1982 CHAPTER 155

Bill No. A364

Sponsor(s) Doria and others

Date Introduced Pre-filed

Committee: Assembly Education

Senate Education

Amended during passage Yes ~~No~~ Amendments denoted by asterisks

according to Governor's recommendations

Date of Passage: Assembly June 21, 1982

Re-enacted 9-30-82

Senate June 28, 1982

Re-enacted 10-25-82

Date of approval Oct. 27, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

Sponsors' statement:

This bill requires the Department of Education to negotiate a contract with the appropriate federal agencies for children who live on federal property and attend the local public schools.

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 364

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen DORIA, JANISZEWSKI, ROCCO, T. GALLO,
SCHWARTZ, COWAN and LESNIAK

AN ACT concerning the payment of tuition for persons attending public schools while residing on federal property and supplementing Chapter 38 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The State Department of Education shall be responsible for
2 negotiating a contract with the appropriate federal agencies for
3 the payment of tuition for those persons of school age who reside
4 on federal property located wholly or partly within the geograph-
5 ical boundaries of a school district in the event the per pupil amount
6 of federal funds provided for under Pub. L. 81-874, 20 U. S. C.
7 § 236 et seq. for the receiving school district in any one year is less
8 than the average cost per pupil in the receiving district ****less any*
8A *State aid received and less the aid provided under Pub. L. 81-874*
8B *(20 U.S.C. § 236 et seq.)***.*

9 ***This section shall not apply to children living on federal prop-*
10 *erty where such federal property is exempt from taxes levied on*
11 *real property because such property is used for either nonmilitary*
12 *housing or for charitable, educational or religious purposes.***

1 2. Where a school district receives persons of school age who
2 reside on federal property not covered by a contract negotiated
3 under section 1 of this act, the board of education may charge the
4 appropriate federal agencies tuition for those persons if the per
5 pupil amount of federal funds provided under Pub. L. 81-874, 20
6 U. S. C. § 236 et seq. for the receiving school district in any year is

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted June 14, 1982.

**—Senate committee amendments adopted June 28, 1982.

***—Assembly amendments adopted in accordance with Governor's recommendations September 20, 1982.

7 less than the average cost per pupil in the receiving district ***less
 8 any State aid received and less the aid provided under Pub. L.
 9 81-874 (20 U.S.C. § 236 et seq.)***.

1 3. In no case shall the tuition charged pursuant to sections 1
 2 and 2 of this act be greater than the actual cost per pupil as deter-
 3 mined under rules prescribed by the commissioner and approved
 4 by the State board less **any State aid received and less** the aid
 5 provided under Pub. L. 81-874, 20 U. S. C. § 236 et seq.

1 4. Where a contract provided for under section 1 of this act has
 2 not been entered into or tuition authorized under section 2 of this
 3 act has not been received, and after written notification as pre-
 4 scribed by the commissioner and State board, and the opportunity
 5 to request a hearing has been given to the appropriate federal
 6 agencies, ***[a student shall be excluded from attending school until**
 7 **such time as the contract has been completed or the district receives**
 8 **tuition payment]*** **a daily fine equal to .011787 multiplied by the*
 9 *Statewide average net current expense budget per pupil shall be*
 10 *levied for **each pupil for** each day after September 1 of each*
 11 *school year for which tuition payments have not been received.*
 12 *Such fines and tuition shall be collected by the Department of Edu-*
 13 *cation under the provisions of "the penalty enforcement law"*
 14 *(N. J. S. 2A:58-1 et seq.)*.*

1 ****5.** *The commissioner shall designate the school district which*
 2 *shall receive the tuition or financial aid payments pursuant to this*
 3 *act. The school district so designated shall count such children as*
 4 *residents of the district for school funding purposes.*

1 6. *The commissioner shall notify each school district of the*
 2 *amount of tuition or other financial aid payable to the district pur-*
 3 *suant to this act.***

1 ****[5.]** **7.**** This act shall take effect immediately and be ap-
 2 plicable to the 1982-83 school year ****[and each year thereafter]****.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 364

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 1982

PROVISIONS:

Assembly Bill No. 364 with Assembly committee amendments proposes to replace federal "impact aid" provided under Pub. L. 81-874, 20 U. S. C. § 236 et seq., with tuition payments from the Federal Government. Assembly Bill No. 364 requires the Department of Education to negotiate a tuition contract with the appropriate federal agencies and authorizes tuition to be charged in the event that (1) the amount of Impact Aid received by the district is less than an amount equal to the average cost per pupil in the district; or, (2) if for any reason, students are not covered under the contract negotiated by the State. Assembly Bill No. 364 with Assembly committee amendments prescribes tuition to be calculated as the actual cost per student less any federal impact aid and State aid received by the district. In addition, Assembly Bill No. 364 with Assembly committee amendments authorizes the State to levy a fine of \$30.00 per day for every day after September 1st that the local district has not received tuition payments from the federal government.

BACKGROUND:

The Federal Government has proposed additional reductions in federal impact aid for the 1982-83 school year. The number of districts receiving such aid has been reduced from approximately 130 districts to 21 districts. The aid has been reduced from approximately \$11 million to \$6.4 million in the 1981-82 school year. For the 1982-83 school year only \$4.5 million can be anticipated. The purpose of Assembly Bill No. 364 is to empower the Commissioner of Education to negotiate a contract that ensures funding sufficient to cover the costs of educating children of federal employees who reside on tax exempt property. Without such aid certain districts will have to close entire schools.

COMMITTEE AMENDMENTS:

The committee amendments propose that tuition be calculated by subtracting the State aid received for each pupil as well as subtracting any federal impact aid, as the bill currently requires, and that a \$30.00 per

day fine be levied, beginning September 1st, for each day that the district does not receive its tuition from the Federal Government. The committee amendment that institutes a \$30.00 per day fine replaces the authorization to bar students from attending classes when tuition payments are not received. In addition, the \$30.00 per day fine for the current school year will increase in the following years according to the increases that occur in the statewide average net current expense budget per pupil.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 364

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 28, 1982

The Senate Education Committee favorably reports this bill and endorses the committee statement of the Assembly Education Committee which reads as follows:

PROVISIONS:

Assembly Bill No. 364 with Assembly committee amendments proposes to replace federal "impact aid" provided under Pub. L. 81-874, 20 U. S. C. § 236 et seq., with tuition payments from the Federal Government. Assembly Bill No. 364 requires the Department of Education to negotiate a tuition contract with the appropriate federal agencies and authorizes tuition to be charged in the event that (1) the amount of Impact Aid received by the district is less than an amount equal to the average cost per pupil in the district; or, (2) if for any reason, students are not covered under the contract negotiated by the State. Assembly Bill No. 364 with Assembly committee amendments prescribes tuition to be calculated as the actual cost per student less any federal impact aid and State aid received by the district. In addition, Assembly Bill No. 364 with Assembly committee amendments authorizes the State to levy a fine of \$30.00 per day for every day after September 1st that the local district has not received tuition payments from the Federal Government.

BACKGROUND:

The Federal Government has proposed additional reductions in federal impact aid for the 1982-83 school year. The number of districts receiving such aid has been reduced from approximately 130 districts to 21 districts. The aid has been reduced from approximately \$11 million to \$6.4 million in the 1981-82 school year. For the 1982-83 school year only \$4.5 million can be anticipated. The purpose of Assembly Bill No. 364 is to empower the Commissioner of Education to negotiate a contract that ensures funding sufficient to cover the costs of educating children of federal employees who reside on tax exempt property. Without such aid certain districts will have to close entire schools.

COMMITTEE AMENDMENTS:

The committee amendments propose that tuition be calculated by subtracting the State aid received for each pupil as well as subtracting any federal impact aid, as the bill currently requires, and that a \$30.00 per day fine be levied, beginning September 1st, for each day that the district does not receive its tuition from the Federal Government. The committee amendment that institutes a \$30.00 per day fine replaces the authorization to bar students from attending classes when tuition payments are not received. In addition, the \$30.00 per day fine for the current school year will increase in the following years according to the increases that occur in the Statewide average net current expense budget per pupil.

SENATE COMMITTEE AMENDMENTS:

The Senate committee amendments clarify the intent of this bill and limit it to the 1982-83 school year.

September 20, 1982

ASSEMBLY BILL NO. 364 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 364 (2nd OCR) with my objections and recommendations for amendment.

This bill requires the Department of Education to negotiate a contract for tuition with the appropriate federal agencies for children who reside on specified federal property and attend the local public schools.

The State of New Jersey recognizes its obligation to educate children residing on this specified federal property, accordingly, pursuant to our statutory formula contributes to the cost of educating all public school children in the State including those children residing on federal property.

The federal government has also recognized its obligation to educate children residing on federal property by compensating school districts for the cost of educating children whose parents reside on federal property that does not generate property taxes.

This bill allows the State Department of Education to negotiate with the appropriate federal agencies for tuition for these children when the federal contribution is less than the average cost per student. Yet, federal compensation never equalled average cost per pupil as represented in paragraphs 1 and 2 of the bill. Rather, the federal contribution equalled the average cost per pupil less any State aid received and less any aid provided under Pub. L. 81-874, 20 U.S.C. section 23 et seq. as set forth in paragraph 3 of the bill.

Therefore, I herewith return Assembly Bill No. 364 (2nd OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 8: After "district" add "less any State aid received and less the aid provided under Pub. L. 81-874, 20 U.S.C., section 236 et seq."

Page 1, Section 2, Line 7: After "district" add "less any State aid received and less the aid provided under Pub. L. 81-874, 20 U.S.C., section 236 et seq."

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel to the Governor

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

WEDNESDAY, OCTOBER 27, 1982

Governor Thomas H. Kean has signed the following bills:

A-636, sponsored by Assembly Speaker Alan Karcher and Minority Leader Dean Gallo, which creates a Motor Vehicle Franchise Committee to consider protests from automobile dealers over a new franchise being established within an eight mile radius of an existing franchise.

A-364, sponsored by Assemblyman Joseph V. Doria, D-Hudson, which requires the Department of Education to negotiate a contract with appropriate Federal agencies for children who live on federal property and attend local public schools. The bill was promoted by cutbacks in Federal aid to school districts which teach the children of military personnel.

A-940/S-887, sponsored by Assemblyman Eugene H. Thompson, D-Essex and State Senator Wynona M. Lipman, D-Essex, which allows special policemen in Newark to carry firearms while off-duty within the municipality, so long as they are residents of the municipality, work at least 35 hours a week as special policemen, hold a high school diploma and pass a course on firearms, power of arrest and criminal law and procedure.

All three of these bills were conditionally vetoed by the Governor and subsequently signed after legislative concurrence with the conditions of the veto.

S-1646, sponsored by State Senator Leonard T. Connors Jr., R-Ocean validates a bond proceeding for the borough of Beachwood, Ocean County.

#####