

118 A: 46-14

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:46-14

(Handicapped pupils--allow placement in private schools)

LAWS OF: 1989

CHAPTER: 152

Bill No: A3122

Sponsor(s): Naples and others

Date Introduced: May 9, 1988

Committee: Assembly: Education

Senate: Education

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: March 20, 1989

Senate: June 19, 1989

Date of Approval: August 9, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"New law lets disabled attend schools not approved by State," 8-10-89  
Star Ledger

"Special children to get 'Freedom of Choice' Trenton Times, 8-28-89

P.L.1989, CHAPTER 152, approved August 9, 1989  
1988 Assembly No. 3122 (First Reprint)

1 AN ACT concerning the educational placement of special  
education pupils and amending N.J.S.18A:46-14.

3

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

1. N.J.S.18A:46-14 is amended to read as follows:

7 18A:46-14. The facilities and programs of education required  
under this chapter shall be provided by one or more of the  
9 following:

11 a. A special class or classes in the district, including a class or  
classes in hospitals, convalescent homes, or other institutions;

13 b. A special class in the public schools of another district in  
this State or any other state in the United States;

15 c. Joint facilities including a class or classes in hospitals,  
convalescent homes or other institutions to be provided by  
agreement between one or more school districts;

17 d. A jointure commission program;

e. A State of New Jersey operated program;

19 f. Instruction at school supplementary to the other programs in  
the school, whenever, in the judgment of the board of education  
with the consent of the commissioner, the handicapped pupil will  
21 be best served thereby;

23 g. Sending children capable of benefiting from a day school  
instructional program to privately operated day classes, in New  
25 Jersey or, with the approval of the commissioner to meet  
particular circumstances, in any other state in the United States,  
27 the services of which are nonsectarian whenever in the judgment  
of the board of education with the consent of the commissioner it  
29 is impractical to provide services pursuant to subsections a., b.,  
c., d., e. or f. otherwise;

31 h. Individual instruction at home or in school whenever in the  
judgment of the board of education with the consent of the

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
Assembly AED committee amendments adopted February 16, 1989.

1 commissioner it is impracticable to provide a suitable special  
 2 education program for a child pursuant to subsections a., b., c.,  
 3 d., e., f. or g., otherwise.

4 Whenever a child study team determines that a suitable special  
 5 education program for a child cannot be provided pursuant to  
 6 subsection a., b., c., d., e., f., g. or h. of this section, and that the  
 7 most appropriate placement for that child is in an academic  
 8 program in an accredited nonpublic school within the State or, to  
 9 meet particular circumstances, in any other state in the United  
 10 States, the services of which are nonsectarian, and which is not  
 11 specifically approved for the education of handicapped pupils,  
 12 that child may be placed in that academic program by the board  
 13 of education, with the consent of the commissioner, or by order  
 14 of a court of competent jurisdiction. An academic program  
 15 which meets the requirements of the child's Individual Education  
 16 Plan as determined by the child study team<sup>1</sup> and which provides  
 17 the child with a thorough and efficient education<sup>1</sup>, shall be  
 18 considered an approved placement for the purposes of Chapter 46  
 19 of this Title, and the board of education shall be entitled to  
 20 receive State aid for that child as provided pursuant to P.L.1975,  
 21 c.212 (C.18A:7A-1 et seq.), and all other pertinent statutes.

22 Whenever any child shall be confined to a hospital,  
 23 convalescent home, or other institution in New Jersey or in any  
 24 other state in the United States and is enrolled in an education  
 25 program approved under this article, or shall be placed in any  
 26 other State facility as defined in section three of P.L.1975, c.212  
 27 (C.18A:7A-3), the board of education of the district in which the  
 28 child resides shall pay the tuition of said child.

29 The board of education may also furnish (a) the facilities or  
 30 programs provided in this article to any person over the age of 20  
 31 who does not hold a diploma of a high school approved in this  
 32 State or in any other state in the United States. (b) suitable  
 33 approved facilities and programs for children under the age of 5.  
 34 (cf: P.L.1979, c.207, s.2)

35 2. This act shall take effect immediately.

## 37 EDUCATION

### Handicapped

39

40 Permits the placement of handicapped pupils in private schools  
 41 under certain circumstances.

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16 an approved placement for the purposes of Chapter 46 of this  
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(cf: P.L. 1979, c. 207, s. 2)

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34 STATEMENT

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36  
37 This bill would amend N.J.S. 18A:46-14 to permit the  
38 placement of a student, who has been classified as handicapped,  
39 in an academic program in an accredited, nonsectarian, nonpublic  
school.

1 Existing law provides for the placement of a handicapped  
student in a nonpublic school only in an approved special  
3 education program. These programs may be residential or day  
programs and may be within New Jersey or out-of-State.

5 This bill would permit the placement of these students in an  
academic program, rather than approved special education  
7 program, of a non-public school if, based upon the determination  
of the child study team, the local board of education, with the  
9 consent of the Commissioner of Education, determines that this  
is the most appropriate placement for the student. This  
11 placement could also be made by order of a court of competent  
jurisdiction.

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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3122**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 16, 1989

The Assembly Education Committee favorably reports Assembly Bill No. 3122 as amended.

As amended, this bill would amend N.J.S.18A:46-14 to permit the placement of a student, who has been classified as handicapped, in an academic program in an accredited, nonsectarian, nonpublic school.

Existing law provides for the placement of a handicapped student in a nonpublic school only in an approved special education program. These programs may be residential or day programs and may be within New Jersey or out-of-State.

This bill would permit the placement of these students in an academic program, rather than approved special education program, of a non-public school if, based upon the determination of the child study team, the local board of education, with the consent of the Commissioner of Education, determines that this is the most appropriate placement for the student. This placement could also be made by order of a court of competent jurisdiction.

The committee amendments clarify the sponsor's intent that the placement must provide the student with a thorough and efficient education.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3122

STATE OF NEW JERSEY

DATED: MAY 22, 1989

The Senate Education Committee favorably reports this bill without committee amendments.

This bill would amend N.J.S.18A:46-14 to permit the placement of a student, who has been classified as handicapped, in an academic program in an accredited, nonsectarian, nonpublic school.

Existing law provides for the placement of a handicapped student in a nonpublic school only in an approved special education program. These programs may be residential or day programs and may be within New Jersey or out-of-State.

This bill would permit the placement of these students in an academic program, rather than approved special education program, of a non-public school if, based upon the determination of the child study team, the local board of education, with the consent of the Commissioner of Education, determines that this is the most appropriate placement for the student. This placement could also be made by order of a court of competent jurisdiction.

[FIRST REPRINT]  
ASSEMBLY, No. 3122

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1988

By Assemblyman NAPLES, Assemblywoman Smith, Assemblymen  
Pascrell, Doria, Palaia, Assemblywoman Kalik, Assemblymen  
Marsella and Girgenti

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