

# 18A:46-19.10

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                    **CHAPTER:** 230  
**NJSA:** 18A:46-19.10 (Funding of special education in non-public schools)  
**BILL NO:** S2167 (Substituted for A3111)

**SPONSOR(S):** Kyrillos and Kenny

**DATE INTRODUCED:** February 26, 2001

**COMMITTEE:**                    **ASSEMBLY:** ----  
**SENATE:** Education

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** June 28, 2001  
**SENATE:** June 21, 2001

**DATE OF APPROVAL:** August 27, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** Original version of bill enacted)

#### S2167

**SPONSORS STATEMENT:** (Begins on page 2 of original bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A3111

**SPONSORS STATEMENT:** (Begins on page 2 of original bill) Yes

Bill and Sponsors Statement identical to S2167

<b>COMMITTEE STATEMENT:</b> 2001(Appropr.)	<b>ASSEMBLY:</b>	Yes 6-4-  5-7-2001(Education)
	<b>SENATE:</b>	No
<b>FLOOR AMENDMENT STATEMENTS:</b>		No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>		No
<b>VETO MESSAGE:</b>		No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>		No

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<b>NEWSPAPER ARTICLES:</b>	No

**SENATE, No. 2167**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED FEBRUARY 26, 2001

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**  
**District 13 (Middlesex and Monmouth)**  
**Senator BERNARD F. KENNY, JR.**  
**District 33 (Hudson)**

**Co-Sponsored by:**

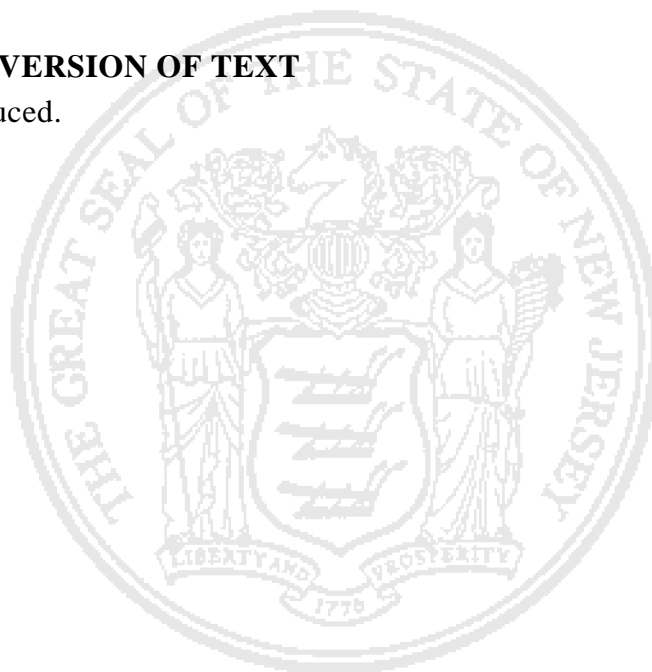
**Senator Lesniak, Assemblymen Talarico, Azzolina, Assemblywoman Farragher, Assemblymen Gibson, Kelly, Merkt, Felice, Pennacchio, Assemblywoman Heck and Assemblyman Thompson**

**SYNOPSIS**

Excludes certain State education funds from the calculation of proportionate share under the Individuals with Disabilities Education Act.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning the funding of special education services for  
2 nonpublic school students and supplementing P.L.1977, c.193  
3 (C.18A:46-19.1 et seq.).

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

7  
8 1. State funds appropriated pursuant to P.L.1977, c.193  
9 (C.18A:46-19.1 et seq.) to provide special education and related  
10 services to students enrolled in nonpublic schools shall not be included  
11 by a school district in the calculation of the minimum funding  
12 requirement for nonpublic school students under the "Individuals with  
13 Disabilities Education Act," 20 U.S.C. s. 1400 et seq.

14  
15 2. This act shall take effect immediately.

16  
17

18 STATEMENT

19

20 Under amendments adopted in 1997 to the "Individuals with  
21 Disabilities Education Act," 20 U.S.C. s. 1400 et seq., a requirement  
22 was imposed that the amount of funds expended by a school district  
23 for the provision of special education and related services on behalf of  
24 nonpublic school students equal a proportionate amount of federal  
25 funds received by the district under the act. A subsequent clarification  
26 of federal rules issued to implement that requirement indicated that if  
27 State or local funds are being used to provide special education or  
28 remedial services to nonpublic school students, then these funds may  
29 be included in the calculation of the proportionate amount.

30 This bill provides that State funds appropriated under P.L.1977,  
31 c.193 (C.18A:46-19.1 et seq.) to provide special education and related  
32 services to students enrolled in nonpublic schools may not be included  
33 by a school district in the calculation of the minimum funding  
34 requirement for nonpublic school students under the IDEA, and that  
35 nonpublic school students must receive their proportionate share of  
36 federal funds made available under that act. The State made a  
37 commitment in 1977 to provide funding to address the needs of special  
38 education students enrolled in nonpublic schools. It would be  
39 inherently unfair to use a commitment made 23 years ago as a  
40 justification for not allocating to nonpublic school students their fair  
41 share of the federal dollars made available for special education  
42 services. In the 1998-99 and 1999-2000 school years, a proportionate  
43 share of federal funds was in fact allocated to nonpublic school  
44 students but this will change for the 2000-2001 school year. This  
45 most recent change means that these students will lose the federal  
46 dollars which had been available to meet their need for remedial

**S2167 KYRILLOS, KENNY**

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1 services. Given the fact that the education of these special needs  
2 students in a nonpublic as opposed to a public school saves State and  
3 local governments a substantial amount of money, it would appear to  
4 be in the interest of those entities to ensure that nonpublic school  
5 students receive their fair share of federal dollars.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2167

# STATE OF NEW JERSEY

DATED: JUNE 14, 2001

The Senate Education Committee reports favorably Senate Bill No. 2167.

Under amendments adopted in 1997 to the federal "Individuals with Disabilities Education Act," (IDEA) 20 U.S.C. s. 1400 et seq., a requirement was imposed that the amount of funds expended by a school district for the provision of special education and related services on behalf of nonpublic school students equal an amount of federal funds received by the district under the IDEA that is proportionate to the number of nonpublic school students with disabilities residing within the district. A subsequent clarification of federal rules issued to implement that requirement indicated that if State or local funds are being used to provide special education or remedial services to nonpublic school students, then these funds may be included in the calculation of the proportionate amount.

This bill provides that State funds appropriated under P.L.1977, c.193 (chapter 193 funds) to provide special education and related services to students enrolled in nonpublic schools may not be included by a school district in the calculation of the minimum funding requirement for nonpublic school students under the IDEA, and that nonpublic school students must receive their proportionate share of federal funds made available under that act.

The provision of chapter 193 funds was approved by the Legislature in 1977. The funds under this State program finance evaluation, speech correction, and supplemental services for nonpublic school special education students. In the 1998-99 and 1999-2000 school years, nonpublic school students received chapter 193 funds as well as a proportionate share of IDEA funds. In the 2000-2001 school year this changed in accordance with a directive from the State Department of Education that local school districts could use chapter 193 funds to satisfy the IDEA proportionate share requirement.

# ASSEMBLY, No. 3111

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JANUARY 9, 2001

**Sponsored by:**

**Assemblyman GUY F. TALARICO**

**District 38 (Bergen)**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Farragher, Assemblymen Gibson, Kelly, Merkt, Felice,  
Pennacchio, Assemblywoman Heck and Assemblyman Thompson**

**SYNOPSIS**

Excludes certain State education funds from the calculation of proportionate share under the Individuals with Disabilities Education Act.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning the funding of special education services for  
2 nonpublic school students and supplementing P.L.1977, c.193  
3 (C.18A:46-19.1 et seq.).

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

7  
8 1. State funds appropriated pursuant to P.L.1977, c.193  
9 (C.18A:46-19.1 et seq.) to provide special education and related  
10 services to students enrolled in nonpublic schools shall not be included  
11 by a school district in the calculation of the minimum funding  
12 requirement for nonpublic school students under the "Individuals with  
13 Disabilities Education Act," 20 U.S.C. s. 1400 et seq.

14  
15 2. This act shall take effect immediately.

16  
17  
18 STATEMENT

19  
20 Under amendments adopted in 1997 to the "Individuals with  
21 Disabilities Education Act," 20 U.S.C. s. 1400 et seq., a requirement  
22 was imposed that the amount of funds expended by a school district  
23 for the provision of special education and related services on behalf of  
24 nonpublic school students equal a proportionate amount of federal  
25 funds received by the district under the act. A subsequent clarification  
26 of federal rules issued to implement that requirement indicated that if  
27 State or local funds are being used to provide special education or  
28 remedial services to nonpublic school students, then these funds may  
29 be included in the calculation of the proportionate amount.

30 This bill provides that State funds appropriated under P.L.1977,  
31 c.193 (C.18A:46-19.1 et seq.) to provide special education and related  
32 services to students enrolled in nonpublic schools may not be included  
33 by a school district in the calculation of the minimum funding  
34 requirement for nonpublic school students under the IDEA, and that  
35 nonpublic school students must receive their proportionate share of  
36 federal funds made available under that act. The State made a  
37 commitment in 1977 to provide funding to address the needs of special  
38 education students enrolled in nonpublic schools. It would be  
39 inherently unfair to use a commitment made 23 years ago as a  
40 justification for not allocating to nonpublic school students their fair  
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42 services. In the 1998-99 and 1999-2000 school years, a proportionate  
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45 most recent change means that these students will lose the federal  
46 dollars which had been available to meet their need for remedial



**A3111 TALARICO, AZZOLINA**

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1 services. Given the fact that the education of these special needs  
2 students in a nonpublic as opposed to a public school saves State and  
3 local governments a substantial amount of money, it would appear to  
4 be in the interest of those entities to ensure that nonpublic school  
5 students receive their fair share of federal dollars.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3111**

**STATE OF NEW JERSEY**

DATED: MAY 7, 2001

The Assembly Education Committee favorably reports Assembly Bill No. 3111.

Under amendments adopted in 1997 to the federal "Individuals with Disabilities Education Act," (IDEA) 20 U.S.C. s. 1400 et seq., a requirement was imposed that the amount of funds expended by a school district for the provision of special education and related services on behalf of nonpublic school students equal an amount of federal funds received by the district under the IDEA that is proportionate to the number of nonpublic school students with disabilities residing within the district. A subsequent clarification of federal rules issued to implement that requirement indicated that if State or local funds are being used to provide special education or remedial services to nonpublic school students, then these funds may be included in the calculation of the proportionate amount.

This bill provides that State funds appropriated under P.L.1977, c.193 (chapter 193 funds) to provide special education and related services to students enrolled in nonpublic schools may not be included by a school district in the calculation of the minimum funding requirement for nonpublic school students under the IDEA, and that nonpublic school students must receive their proportionate share of federal funds made available under that act.

The provision of chapter 193 funds was approved by the Legislature in 1977. The funds under this State program finance evaluation, speech correction, and supplemental services for nonpublic school special education students. In the 1998-99 and 1999-2000 school years, nonpublic school students received chapter 193 funds as well as a proportionate share of IDEA funds. In the 2000-2001 school year this changed in accordance with a directive from the State Department of Education that local school districts could use chapter 193 funds to satisfy the IDEA proportionate share requirement.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3111

# STATE OF NEW JERSEY

DATED: JUNE 4, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3111.

Assembly Bill No. 3111 excludes certain State provided special education funds from consideration in calculating the proportionate distribution of certain federal special education funds.

Under amendments adopted in 1997 to the federal "Individuals with Disabilities Education Act," (IDEA) 20 U.S.C. s.1400 et seq., the amount of funds expended by a school district for the provision of special education and related services on behalf of nonpublic school students must be equal to the amount of federal funds received by the district under the IDEA that is proportionate to the number of nonpublic school students with disabilities residing within the district.

A subsequent federal clarification of the federal rules issued to implement that requirement indicated that if State or local funds are being used to provide special education or remedial services to nonpublic school students, then these funds may be included in the calculation of that proportionate amount.

This bill provides that State funds appropriated under P.L.1977, c.193 (chapter 193 funds) to provide special education and related services to students enrolled in nonpublic schools may *not* be included by a school district in the calculation of the minimum funding requirement for nonpublic school students under the IDEA, and that nonpublic school students must receive their proportionate share of federal funds made available under that act.

The provision of chapter 193 funds was approved by the Legislature in 1977. The funds under this State program finance evaluation, speech correction, and supplemental services for nonpublic school special education students. In the 1998-99 and 1999-2000 school years, nonpublic school students received chapter 193 funds as well as a proportionate share of IDEA funds. In the 2000-2001 school year this changed in accordance with a directive from the State Department of Education that local school districts could use chapter 193 funds to satisfy the IDEA proportionate share requirement.

**FISCAL IMPACT:**

This bill was not certified for a fiscal note; it has no impact on State revenues or expenditures. To the extent that the bill requires school districts to provide an increased share of federal funds to nonpublic schools, it would reduce the federal funds available for public schools.

P.L. 2001, CHAPTER 230, *approved August 27, 2001*  
Senate, No. 2167

1 **AN ACT** concerning the funding of special education services for  
2 nonpublic school students and supplementing P.L.1977, c.193  
3 (C.18A:46-19.1 et seq.).

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

7  
8 1. State funds appropriated pursuant to P.L.1977, c.193  
9 (C.18A:46-19.1 et seq.) to provide special education and related  
10 services to students enrolled in nonpublic schools shall not be included  
11 by a school district in the calculation of the minimum funding  
12 requirement for nonpublic school students under the "Individuals with  
13 Disabilities Education Act," 20 U.S.C. s. 1400 et seq.

14  
15 2. This act shall take effect immediately.

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18  
19

STATEMENT

20 Under amendments adopted in 1997 to the "Individuals with  
21 Disabilities Education Act," 20 U.S.C. s. 1400 et seq., a requirement  
22 was imposed that the amount of funds expended by a school district  
23 for the provision of special education and related services on behalf of  
24 nonpublic school students equal a proportionate amount of federal  
25 funds received by the district under the act. A subsequent clarification  
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34 requirement for nonpublic school students under the IDEA, and that  
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1 most recent change means that these students will lose the federal  
2 dollars which had been available to meet their need for remedial  
3 services. Given the fact that the education of these special needs  
4 students in a nonpublic as opposed to a public school saves State and  
5 local governments a substantial amount of money, it would appear to  
6 be in the interest of those entities to ensure that nonpublic school  
7 students receive their fair share of federal dollars.

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12 Excludes certain State education funds from the calculation of  
13 proportionate share under the Individuals with Disabilities Education  
14 Act.

## CHAPTER 230

**AN ACT** concerning the funding of special education services for nonpublic school students and supplementing P.L.1977, c.193 (C.18A:46-19.1 et seq.).

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

C.18A:46-19.10 Certain state funds excluded from minimum funding requirement calculation under IDEA.

1. State funds appropriated pursuant to P.L.1977, c.193 (C.18A:46-19.1 et seq.) to provide special education and related services to students enrolled in nonpublic schools shall not be included by a school district in the calculation of the minimum funding requirement for nonpublic school students under the "Individuals with Disabilities Education Act," 20 U.S.C. s. 1400 et seq.

2. This act shall take effect immediately.

Approved August 27, 2001.