

18A:7B-12

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:7B-12

(Institutionalized
children--educational costs
paid by state if residence
cannot be determined)

LAWS OF: 1985

CHAPTER: 244

Bill No: A836

Sponsor(s): Paterniti and Pelly

Date Introduced: January 30, 1984

Committee: **Assembly:** Education; Revenue, Finance and Appropriations

Senate: Revenue, Finance and Appropriations

Amended during passage: Yes Substituted for S1289 (original, 2nd
OCR, and committee statements
attached)

Date of Passage: **Assembly:** October 18, 1984

Senate: May 13, 1985

Date of Approval: July 17, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes 2-23-84 and 9-20-84

Senate Yes

Fiscal Note: Yes

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

240
7-17-85
85

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 836

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1984

By Assemblymen PATERNITI and PELLY

AN ACT ******[to amend "The State Facilities Education Act of 1979,"
approved September 25, 1979 (P. L. 1979, c. 207)]****** ***concern-
ing school funding, and amending and supplementing P. L. 1979,
c. 207.***

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

1 1. Section 19 of P. L. 1979, c. 207 (C. 18A:7B-12) is amended
2 to read as follows:

3 19. For school funding purposes, the Commissioner of Education
4 shall determine district of residence as follows:

5 a. The district of residence for children in foster homes shall be
6 the district in which the foster parents reside. If a child in a
7 foster home is subsequently placed in a State facility or by a State
8 agency, the district of residence of the child shall then be deter-
9 mined as if no such foster placement had occurred.

10 b. The district of residence for children who are in residential
11 State facilities, or who have been placed by State agencies in group
12 homes, private schools or out-of-state facilities, shall be the present
13 district of residence of the parent or guardian with whom the child
14 lived prior to his most recent admission to a State facility or most
15 recent placement by a State agency.

16 If **[this]** **[the district of residence]** **this** cannot be deter-
17 mined **[according to the criteria contained herein]**, the **[district**
18 of residence shall be the district in which the child resided prior
19 to such admission or placement.

20 If neither can be determined, the district of residence shall be

**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 February 23, 1984.**

****—Assembly committee amendments adopted September 20, 1984.**

*****—Senate committee amendments adopted February 25, 1985.**

21 the district in which the child has been placed or the district in
 22 which the State facility is located] **[State shall assume fiscal re-*
 23 *responsibility for the tuition of such children. The tuition shall equal*
 24 *the State average net current expense budget per pupil plus the*
 25 *appropriate categorical program support. Such amount shall be*
 26 *appropriated and paid to the Department of Education in the same*
 27 *manner as other State aid is appropriated under this act]* *dis-**

27A *trict of residence shall be the district in which the child resided*
 27B *prior to ****[the]*** *such*** admission or placement.****

28 [c. The Commissioner of Education shall develop appropriate
 29 criteria for determining the district of residence for those children
 30 whose district cannot be determined according to the criteria con-
 31 tained herein.]

32 **c. If the district of residence cannot be determined according*
 33 *to the criteria contained herein, or if the criteria contained herein*
 34 *identify a district of residence outside of the State, the State shall*
 35 *assume fiscal responsibility for the tuition of the child. The tuition*
 36 *shall equal the State average net current expense budget per pupil*
 37 *plus the appropriate categorical program support. This amount*
 38 *shall be appropriated in the same manner as other State aid under*
 39 *this act. The Department of Education shall pay the amount to the*
 40 *Department of Human Services ****[and]*** *or*** the Depart-***

41 *ment of Corrections.**

1 ***2. (New Section) For the school year 1984-85 the sum of*
 2 *\$785,000.00, appropriated in P. L. 1984, c. 144 from the General*
 3 *Fund to the Department of Education, shall be used to adjust State*
 4 *aid for those districts which are paying for the costs of educating*
 5 *children in 1984-85 who are in residential State facilities and whose*
 6 *district of residence was unknown as of the last school day of Sep-*
 7 *tember 1983 and, therefore, was determined to be the district in*
 8 *which the State facility was located pursuant to the provisions of*
 9 *section 19 of P. L. 1979, c. 207 (C. 18A:7B-12).***

1 ****3. (New section) For each school district subject to the pro-*
 2 *visions of subsection c. of section 19 of P. L. 1979, c. 207 (C.*
 3 *18A:7B-12c.), an amount equal to the sum of a. funds distributed*
 4 *in school year 1984-85 and b. funds appropriated in school year 1985-*
 5 *86 in place of local district tuition payments pursuant to subsection*
 6 *c. of section 19 of P. L. 1979, c. 207 (C. 18A:7B-12c.), shall be*
 7 *credited as a local tax levy adjustment in school year 1986-87.****

1 ***[2.]** ****[3.]*** *4.*** This act shall take effect***

2 ***[commencing with the 1984-85 school year]** *immediately**.**

ASSEMBLY, No. 836

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1984

By Assemblymen PATERNITI and PELLY

AN ACT to amend "The State Facilities Education Act of 1979,"
approved September 25, 1979 (P. L. 1979, c. 207).

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

1 1. Section 19 of P. L. 1979, c. 207 (C. 18A:7B-12) is amended
2 to read as follows:

3 19. For school funding purposes, the Commissioner of Education
4 shall determine district of residence as follows:

5 a. The district of residence for children in foster homes shall be
6 the district in which the foster parents reside. If a child in a
7 foster home is subsequently placed in a State facility or by a State
8 agency, the district of residence of the child shall then be deter-
9 mined as if no such foster placement had occurred.

10 b. The district of residence for children who are in residential
11 State facilities, or who have been placed by State agencies in group
12 homes, private schools or out-of-state facilities, shall be the present
13 district of residence of the parent or guardian with whom the child
14 lived prior to his most recent admission to a State facility or most
15 recent placement by a State agency.

16 If **[this]** *the district of residence* cannot be determined *according*
17 *to the criteria contained herein*, the **[**district of residence shall be
18 the district in which the child resided prior to such admission or
19 placement.

20 If neither can be determined, the district of residence shall be
21 the district in which the child has been placed or the district in
22 which the State facility is located**]** *State shall assume fiscal re-*

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.

23 *sponsibility for the tuition of such children. The tuition shall equal*
24 *the State average net current expense budget per pupil plus the*
25 *appropriate categorical program support. Such amount shall be*
26 *appropriated and paid to the Department of Education in the same*
27 *manner as other State aid is appropriated under this act.*

28 **【c. The Commissioner of Education shall develop appropriate**
29 **criteria for determining the district of residence for those children**
30 **whose district cannot be determined according to the criteria con-**
31 **tained herein.】**

1 2. This act shall take effect commencing with the 1984-85 school
2 year.

STATEMENT

This bill requires the State to pay the educational costs of children whose district of residence cannot be determined by the Commissioner of Education and who receive educational programs as required by Chapter 207 of the Laws of 1979 under the jurisdiction of the Divisions of Mental Retardation, Mental Health and Hospitals and the Division of Youth and Family Services of the Department of Human Services and the Department of Corrections.

A836 (1985)

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 836

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1984

PROVISIONS:

This bill as amended amends the State Facilities Education Act to require the State to assume fiscal responsibility for children whose district of residence is not in the State of New Jersey and for children assigned to State institutions for whom the district of residence cannot be determined.

In addition, for children whose district of residence immediately prior to admission cannot be determined this bill requires the costs to be assigned to the district in which the child resided prior to admission.

BACKGROUND:

Since the State Facilities Education Act was enacted requiring that children assigned to State institutions receive an educational program, local school districts have been responsible for paying the cost of the educational programs provided by the respective institutions. An unintended consequence of the State Facilities Education Act has been that the school district in which the institution is located has been required to pay the cost of the children for whom the district of residence cannot be determined. In addition, the costs of out-of-state children who are arrested in New Jersey are borne by the district in which the institution is located. This often poses a severe financial hardship for several districts.

Even though a district may only be assigned the fiscal responsibility for one child, this additional cost to the local district has been viewed by the local district as an unfair, if not an expensive burden.

FISCAL IMPLICATIONS:

This bill requires the State to pay the costs of these children through the annual appropriations act rather than requiring districts to pay tuition. For 1981-82 there were 102 children assigned to the districts in which the institutions are located. Below is a list of the districts and the number of children for which they were assigned the fiscal responsibility.

North Hunterdon	15
Woodbridge	13
Northern Burlington	11
Monroe	11
Bordentown Regional	9
Trenton	8
Ewing	7
Wall	6
Vineland	5
Freehold Regional	4
Woodbine	3
Maurice River	2
Montgomery	2
Paramus	1
Camden	1
Cedar Grove	1
Morristown	1
Passaic	1
Totowa	1

On September 30th of 1982 there were 82 pupils for whom the district of residence could not be determined, and in 1983 there were 110 pupils without a district of residence.

COMMITTEE AMENDMENTS

The committee amendments require the State to pay the educational costs for out-of-state children. In addition, for children whose district of residence immediately prior to admission cannot be determined, this bill assigns the cost to the district in which the child resided prior to admission.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 836

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

PROVISIONS:

The Official Copy Reprint of Assembly Bill No. 836 amends P. L. 1979, c. 207, the "State Facilities Education Act," to require that the State, rather than a local school district, pay tuition for educating children in State institutions when the child's district of residence cannot be determined or when the child is not a New Jersey resident.

BACKGROUND:

The State Facilities Education Act requires that children placed in State facilities operated or contracted by Departments of Corrections and Human Services receive a thorough and efficient educational program. The financing arrangement established under the act requires the school district of a child's residence to pay a specified tuition amount to the State Department, depending on the type of facility in which the child is placed. The district then receives State aid in the following school year as a partial reimbursement of local costs, as if the child were attending school within the district.

In some cases it is difficult if not impossible to determine the district of residence for an institutionalized child. Under current law the school district in which the State facility is located becomes the district of residence if all other attempts to establish residency have failed. This situation places an undue burden on those school districts containing State facilities since they are not reimbursed for 100% of the costs they have incurred on behalf of children who may never have lived within their boundaries.

The bill provides that in such instances the State Department of Education will be directly responsible for paying for these pupils' educational costs without local district involvement.

COMMITTEE AMENDMENTS:

The committee amended the bill to make it clear that the funds appropriated in P. L. 1984, c. 144 for the 1984-85 fiscal year, can be used by the Department of Education to reimburse local school districts that have already started having tuition payments deducted from their State aid checks. This is necessary because the school year has already begun. Similarly, the bill was made effective on the date of enactment, rather than "commencing with the 1984-85 school year."

FISCAL IMPACT:

Over the past four years, the number of institutionalized pupils for whom residence could not be determined has averaged around 100. For 1984-85 the Department of Education estimates that there are 108 such cases with an average per-pupil cost of \$7,266.00 for a total cost of \$784,750.00. These costs include regular and categorical (special education) support.

The committee notes that Senate Bill No. 2000, enacted as P. L. 1984, c. 144, contains a \$785,000.00 appropriation for this purpose in fiscal year 1984-85. Therefore, no additional funding is required for this bill.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 836

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1984

PROVISIONS:

The Second Official Copy Reprint of Assembly Bill No. 836 amends P. L. 1979, c. 207, the "State Facilities Education Act," to require that the State, rather than a local school district, pay tuition for educating children in State institutions when the child's district of residence cannot be determined or when the child is not a New Jersey resident.

BACKGROUND:

The State Facilities Education Act requires that children placed in State facilities operated or contracted by the Departments of Corrections and Human Services receive a thorough and efficient educational program. The financing arrangement established under the act requires the school district of a child's residence to pay a specified tuition amount to the State Department, depending on the type facility in which the child is placed. The district then receives State aid in the following school year as a partial reimbursement of local costs, as if the child were attending school within the district.

In some cases it is difficult if not impossible to determine the district of residence for an institutionalized child. Under current law the school district in which the State facility is located becomes the district of residence if all other attempts to establish residency have failed. This situation places an undue burden on those school districts containing State facilities since they are not reimbursed for 100% of the costs they have incurred on behalf of children who may never have lived within their boundaries.

FISCAL IMPACT:

Over the past four years, the number of institutionalized pupils for whom residence could not be determined has averaged around 100. For 1984-85 the Department of Education estimates that there are 108 such cases with an average per-pupil cost of \$7,266.00 for a total cost of \$784,750.00. These costs include regular and categorical (special education) support.

Senate Bill No. 2000, enacted as P. L. 1984, c. 144, contains a \$785,000.00 appropriation for this purpose in fiscal year 1984-85. Therefore, no additional funding is required for this bill.

This bill is similar to Senate No. 1289 (OCR) which was released by this committee on July 30, 1984 and is currently before the Senate Revenue, Finance and Appropriations Committee. It also includes the provisions of Senate Bill No. 126 which provides for the State to pay if the district of residence is out of State. Senate Bill No. 126 was reported by this committee on October 22, 1984.

FISCAL NOTE TO
ASSEMBLY, No. 836

STATE OF NEW JERSEY

DATED: DECEMBER 27, 1984

Assembly Bill No. 836 of 1984 requires the State to pay the educational cost of children whose district of residence cannot be determined by the Commissioner of Education, on the basis of specific criteria, and who receive benefit of educational programs as required by Chapter 207 of the Laws of 1979 under the jurisdiction of the Divisions of Mental Health, Mental Retardation, and Youth and Family Services within the Department of Human Services, and also the Department of Corrections.

The Department of Education estimates that there are 108 such pupils and based upon net current expense budget cost factors for 1984-85 the cost to State would be \$784,750.00.

The Office of Legislative Services concurs with this estimate.

This Fiscal Note has been prepared pursuant to P. L. 1980, c. 67.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1289

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Senators GARIBALDI, SAXTON and WEISS

Referred to Committee on Education

AN ACT ***[concerning State aid for the education of children in State facilities and amending P. L. 1979, c. 207]*** ****[*to amend "The State Facilities Education Act of 1979," approved September 25, 1979 (P. L. 1979, c. 207)* and making an appropriation therefor]**** **concerning school funding, and amending and supplementing P. L. 1979, c. 207**.

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

1 1. Section 19 of P. L. 1979, c. 207 (C. 18A:7B-12) is amended
2 to read as follows:

3 19. For school funding purposes, the Commissioner of Education
4 shall determine district of residence as follows:

5 a. The district of residence for children in foster homes shall be
6 the district in which the foster parents reside. If a child in a
7 foster home is subsequently placed in a State facility or by a State
8 agency, the district of residence of the child shall then be deter-
9 mined as if no such foster placement had occurred.

10 b. The district of residence for children who are in residential
11 State facilities, or who have been placed by State agencies in group
12 homes, private schools or out-of-state facilities, shall be the present
13 district of residence of the parent or guardian with whom the child
14 lived prior to his most recent admission to a State facility or most
15 recent placement by a State agency.

16 If this cannot be determined, the district of residence shall be
17 the district in which the child resided prior to such admission or
18 placement.

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:

*—Senate committee amendments adopted July 30, 1984.

**—Senate committee amendments adopted February 25, 1985.

19 **【If neither can be determined, the district of residence shall be**
 20 **the district in which the child has been placed or the district in**
 21 **which the State facility is located.】**

22 c. **【The Commissioner of Education shall develop appropriate**
 23 **criteria for determining the district of residence for those children**
 24 **whose】** *If the district of residence cannot be determined according*
 25 *to the criteria contained herein*,* or if the criteria contained herein*
 26 *identify a district of residence outside of the State, the State shall*
 27 *assume fiscal responsibility for the tuition of *【these children】**
 28 **the child*. The tuition shall equal the State average net current*
 29 *expense budget per pupil plus the appropriate categorical program*
 30 *support. This amount shall be appropriated in the same manner*
 31 *as other State aid under this act. The Department of Education*
 32 *shall pay *【these amounts】* *the amount* to the Department of*
 33 *Human Services **【and】** **or** the Department of Corrections.*

1 ****【2. The sum of *【\$650,000.00】* *\$785,000.00* is appropriated**
 2 **from the General Fund to the Department of Education to reim-**
 3 **burse those districts which are currently paying for the costs of**
 4 **educating *out of State or nonresident* children who are in resi-**
 5 **dential State facilities.】****

1 ****2. (New Section) For the school year 1984-85 the sum of**
 2 **\$785,000.00, appropriated in P. L. 1984, c. 144 from the General**
 3 **Fund to the Department of Education, shall be used to adjust State**
 4 **aid for those districts which are paying for the costs of educating**
 5 **children in 1984-85 who are in residential State facilities and whose**
 6 **district of residence was unknown as of the last school day of Sep-**
 7 **tember 1983 and, therefore, was determined to be the district in**
 8 **which the State facility was located pursuant to the provisions of**
 9 **section 19 of P. L. 1979, c. 207 (C. 18A:7B-12).**

1 **3. (New section) For each school district subject to the provisions**
 2 **of subsection c. of section 19 of P. L. 1979, c. 207 (C. 18A:7B-12c.),**
 3 **an amount equal to the sum of a. funds distributed in school year**
 4 **1984-85 and b. funds appropriated in school year 1985-86 in place**
 5 **of local district tuition payments pursuant to subsection c. of section**
 6 **19 of P. L. 1979, c. 207 (C. 18A:7B-12c.), shall be credited as a local**
 7 **tax levy adjustment in school year 1986-87.****

1 ****【3. Section 2 of this】** **This** act shall take effect im-**
 2 **mediately **【and the rest of this act shall take effect commencing**
 3 **with the 1985-86 school year】**.**

SENATE, No. 1289

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Senators GARIBALDI, SAXTON and WEISS

Referred to Committee on Education

AN ACT concerning State aid for the education of children in State facilities and amending P. L. 1979, c. 207 and making an appropriation therefor.

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

1 1. Section 19 of P. L. 1979, c. 207 (C. 18A:7B-12) is amended
2 to read as follows:

3 19. For school funding purposes, the Commissioner of Education
4 shall determine district of residence as follows:

5 a. The district of residence for children in foster homes shall be
6 the district in which the foster parents reside. If a child in a
7 foster home is subsequently placed in a State facility or by a State
8 agency, the district of residence of the child shall then be deter-
9 mined as if no such foster placement had occurred.

10 b. The district of residence for children who are in residential
11 State facilities, or who have been placed by State agencies in group
12 homes, private schools or out-of-state facilities, shall be the present
13 district of residence of the parent or guardian with whom the child
14 lived prior to his most recent admission to a State facility or most
15 recent placement by a State agency.

16 If this cannot be determined, the district of residence shall be
17 the district in which the child resided prior to such admission or
18 placement.

19 **【If neither can be determined, the district of residence shall be**
20 **the district in which the child has been placed or the district in**
21 **which the State facility is located.】**

**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.**

22 c. [The Commissioner of Education shall develop appropriate
23 criteria for determining the district of residence for those children
24 whose] *If the district of residence cannot be determined according*
25 *to the criteria contained herein or if the criteria contained herein*
26 *identify a district of residence outside of the State, the State shall*
27 *assume fiscal responsibility for the tuition of these children. The*
28 *tuition shall equal the State average net current expense budget*
29 *per pupil plus the appropriate categorical program support. This*
30 *amount shall be appropriated in the same manner as other State*
31 *aid under this act. The Department of Education shall pay these*
32 *amounts to the Department of Human Services and the Depart-*
33 *ment of Corrections.*

1 2. The sum of \$650,000.00 is appropriated from the General
2 Fund to the Department of Education to reimburse those districts
3 which are currently paying for the costs of educating children
4 who are in residential State facilities.

1 3. Section 2 of this act shall take effect immediately and the
2 rest of this act shall take effect commencing with the 1985-86 school
3 year.

STATEMENT

The purpose of this bill is to require the State to pay for the costs of educating children who are in residential State facilities, thus removing the burden from local school districts.

51289 (1985)

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1289

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1985

This bill amends and supplements P. L. 1979, c. 207, the "State Facilities Education Act," to require that the State, rather than a local school district, pay tuition for educating children in State institutions when the child's district of residence cannot be determined or when the child is not a New Jersey resident.

BACKGROUND

The State Facilities Education Act requires that children placed in State facilities operated or contracted by the Departments of Corrections and Human Services receive a thorough and efficient educational program. The financing arrangement established under the act requires the school district of a child's residence to pay a specified tuition amount to the State department, depending on the type of facility in which the child is placed. The district then receives State aid in the following school year as a partial reimbursement of local costs, as if the child were attending school within the district.

In some cases it is difficult if not impossible to determine the district of residence for an institutionalized child. Under current law the school district in which the State facility is located becomes the district of residence if all other attempts to establish residency have failed. This situation places an undue burden on those school districts containing State facilities since they are not reimbursed for 100% of the costs they have incurred on behalf of children who may never have lived within their boundaries.

The bill provides that in such instances the State Department of Education will be directly responsible for paying for these pupils' educational costs without local district involvement.

FISCAL IMPACT

Over the past four years, the number of institutionalized pupils for whom residence could not be determined has averaged around 100. For 1984-85 the Department of Education estimates that there are 108 such

cases with an average per-pupil cost of \$7,266.00 for a total cost of \$784,750.00. These costs include regular and categorical (special education) support.

Senate Bill No. 2000, enacted as P. L. 1984, c. 144, contains a \$785,000.00 appropriation for this purpose in fiscal year 1984-85. Therefore, no additional funding is required for this bill. Since the 1984-85 school year is well under way, school districts are already paying tuition for the students in question. As amended, the bill provides that State aid in the current year only will be payable to the affected school districts as reimbursement, rather than directly to the State agencies involved.

COMMITTEE AMENDMENTS

At the suggestion of the Department of Education, and with the concurrence of the sponsor, the committee amended the bill to provide that monies received by school districts in 1984-85 and funds appropriated and paid by the State on behalf of school districts in 1985-86, be applied toward property tax relief in the 1986-87 school year through an adjustment in the local tax levy. Since school districts are already paying tuition for these children in the current year and have already submitted their proposed 1985-86 budgets to the Commissioner of Education with these costs built in, any State aid for the two years would become surplus revenue. By requiring a property tax levy adjustment for the 1986-87 school year, local tax relief is promoted while still enabling the affected districts to earn investment income on amounts received or on amounts budgeted but not needed.

Other committee amendments include the deletion of an appropriation, as discussed above, and various technical amendments to make the bill identical to Assembly Bill No. 836 (2nd OCR), also amended in committee and reported favorably.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1289

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 30, 1984

PROVISIONS:

This bill as amended amends the State Facilities Education Act to require the State to assume fiscal responsibility for children whose district of residence is not in the State of New Jersey and for children assigned to State institutions for whom the district of residence cannot be determined.

In addition, for children whose district of residence immediately prior to admission cannot be determined this bill requires the costs to be assigned to the district in which the child resided prior to admission.

BACKGROUND:

Since the State Facilities Education Act was enacted requiring that children assigned to State institutions receive an educational program, local school districts have been responsible for paying the cost of the educational programs provided by the respective institutions. An unintended consequence of the State Facilities Education Act has been that the school district in which the institution is located has been required to pay the cost of the children for whom the district of residence cannot be determined. In addition, the costs of out-of-state children who are arrested in New Jersey are borne by the district in which the institution is located. This often poses a severe financial hardship for several districts.

Even though a district may only be assigned the fiscal responsibility for one child, this additional cost to the local district has been viewed by the local district as an unfair, if not an expensive burden.

FISCAL IMPLICATIONS:

This bill requires the State to pay the costs of these children through the annual appropriations act rather than requiring districts to pay tuition. For 1981-82 there were 102 children assigned to the districts in which the institutions are located. Below is a list of the districts and the number of children for which they were assigned the fiscal responsibility.

North Hunterdon	15
Woodbridge	13
Northern Burlington	11
Monroe	11
Bordentown Regional	9
Trenton	8
Ewing	7
Wall	6
Vineland	5
Freehold Regional	4
Woodbine	3
Maurice River	2
Montgomery	2
Paramus	1
Camden	1
Cedar Grove	1
Morristown	1
Passaic	1
Totowa	1

On September 30th of 1982 there were 82 pupils for whom the district of residence could not be determined, and in 1983 there were 110 pupils without a district of residence.

COMMITTEE AMENDMENTS:

The committee amendments make section 1 of this bill identical to Assembly Bill No. 836 OCR which was released by the Assembly Education Committee on February 23, 1984 and is now in the Assembly Revenue, Finance and Appropriations Committee.

Also, the appropriation is changed from \$650,000.00 to \$785,000.00 to reflect more current figures.

An appropriation for \$785,000.00 for this purpose is included in Senate Bill No. 2000 which is currently before the Governor.