

18A:39-1

6/3/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:39-1 (Pupils--non-public schools--out of state--allow certain counties to provide transportation)

LAWS OF: 1985 **CHAPTER:** 513

BILL NO: S315

Sponsor(s): Dumont

Date Introduced: Pre-filed

Committee: Assembly: Education
Senate: Education

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** January 13, 1986
Senate: September 20, 1984

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: Yes

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

1-21-86

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SENATE, No. 315**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator DUMONT

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

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

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

2 18A:39-1. Whenever in any district there are pupils residing
 3 remote from any schoolhouse, the board of education of the district
 4 may make rules and contracts for the transportation of such pupils
 5 to and from school, including the transportation of school pupils
 6 to and from school other than a public school, except such school
 7 as is operated for profit in whole or in part.

8 When any school district provides any transportation for public
 9 school pupils to and from school pursuant to this section, trans-
 10 portation shall be supplied to school pupils residing in such school
 11 district in going to and from any remote school other than a public
 12 school, not operated for profit in whole or in part, located within
 13 the State not more than 20 miles from the residence of the pupil;
 14 *except that if the district is located in a county of the third class*
 15 *with a population of not less than 80,000 and not more than 120,000*
 16 *transportation shall be provided to ***[any]*** *a* nonpublic school*
 17 *located ***[within or]*** outside the State not more than 20 miles from*
 18 *the residence of the pupil *if there is no appropriate nonpublic*
 19 *school within the State located closer to the residence of the pupil*;*
 20 provided the per pupil cost of the lowest bid received does not
 21 exceed \$325.00 and if such bid shall exceed said cost then the
 22 parent, guardian or other person having legal custody of the
 22A pupil shall be eligible to receive said amount toward the cost of his
 22B transportation to a qualified school other than a public school
 23 regardless of whether such transportation is along established pub-

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.

24 lic school routes. It shall be the obligation of the parent, guardian
25 or other person having legal custody of the pupil attending a re-
26 mote school, other than a public school, not operating for profit
27 in whole or in part, to register said pupil with the office of the
28 secretary of the board of education at the time and in the manner
29 specified by rules and regulations of the State board in order to
30 be eligible for the transportation provided by this section. If the
31 registration of any such pupil is not completed by September 1
32 of the school year and if it is necessary for the board of education
33 to enter into a contract establishing a new route in order to provide
34 such transportation, then the board shall not be required to pro-
35 vide it, but in lieu thereof the parent, guardian or other person
36 having legal custody of the pupil shall be eligible to receive \$325.00
37 or an amount computed by multiplying $\frac{1}{180}$ times the number of
38 school days remaining in the school year at the time of registra-
39 tion, times \$325.00 whichever is the smaller amount. Whenever
40 any regional school district provides any transportation for pupils
41 attending schools other than public schools pursuant to this sec-
42 tion, said regional district shall assume responsibility for the trans-
43 portation of all such pupils, and the cost of such transportation
44 for pupils below the grade level for which the regional district was
45 organized, shall be prorated by the regional district among the
46 constituent districts on a per pupil basis after approval of such
47 costs by the county superintendent. This section shall not require
48 school districts to provide any transportation to pupils attending
49 a school other than a public school where the only transportation
50 presently provided by said district is for school children trans-
51 ported pursuant to chapter 46 of this Title or for pupils trans-
52 ported to a vocational, technical or other public school offering a
53 specialized program. Any transportation to a school, other than a
54 public school, shall be pursuant to the same rules and regulations
55 promulgated by the State board as governs transportation to any
56 public school.

57 Nothing in this section shall be so construed as to prohibit a
58 board of education from making contracts for the transportation of
59 pupils to a school in an adjoining district when such pupils are
60 transferred to the district by order of the county superintendent,
61 or when any pupils shall attend school in a district other than that
62 in which they shall reside by virtue of an agreement made by the
63 respective boards of education.

64 Nothing herein contained shall limit or diminish in any way any
65 of the provisions for transportation for children pursuant to chap-
66 ter 46 of this Title.

1 2. This act shall take effect immediately.

STATEMENT

This bill eliminates the restriction that transportation for non-public school pupils be provided only within the State but leaves in the 20 mile restrictions.

This bill would only apply to Warren, Sussex and Hunterdon counties.

S 315 (1985)

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 315

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STATE OF NEW JERSEY

DATED: JANUARY 6, 1986

PROVISIONS:

This bill eliminates the restriction that transportation for students attending nonpublic schools only be provided for schools located in New Jersey. Reimbursement for transportation would be provided to nonpublic school pupils attending schools in other states which are located not more than 20 miles from the pupil's home if there is no appropriate nonpublic school located closer to the residence of the pupil.

This bill only applies to Hunterdon, Warren and Sussex counties. The committee favorably reports this bill.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 315

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 30, 1984

PROVISIONS:

This bill eliminates the restriction that transportation for students attending nonpublic schools only be provided for schools located in New Jersey.

As amended by committee, reimbursement for transportation would be provided to nonpublic school pupils attending schools in other states which are located not more than 20 miles from the pupil's home if there is no appropriate nonpublic school located closer to the residence of the pupil.

This bill only applies to Hunterdon, Warren and Sussex counties.

FISCAL NOTE TO
SENATE, No. 315
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STATE OF NEW JERSEY

DATED: NOVEMBER 14, 1984

Senate Bill No. 315 OCR of 1984 would eliminate the restriction that transportation for students attending nonpublic schools be provided only within the State. Under this bill, reimbursement for transportation would be provided to pupils attending nonpublic schools in other states which are located not more than 20 miles from the pupil's home if there is no appropriate school located closer to the residence of the pupil. This bill applies only to Hunterdon, Sussex and Warren counties.

The Department of Education estimates the cost of this bill to the aforementioned districts to be \$19,785.00 in FY 1984-85, \$21,178.00 in FY 1985-86, and \$22,668.00 in FY 1986-87. The cost to the State is estimated to be \$17,807.00 in FY 1986-87 for reimbursement to districts for their FY 1984-85 transportation costs.

The Office of Legislative Services concurs with the estimate by the Department of Education but notes that the estimated cost to local districts in FY 1984-85 and the State cost in FY 1986-87 will be lower depending on when this bill is enacted since the in lieu of transportation payment is prorated based on the number of days the pupil is registered at the school, and the bill does not contain provisions for retroactive payments to the beginning of the school year. Since the actual number of pupils attending nonpublic schools in neighboring states is unknown, it should be noted that the cost of this legislation will vary according to the actual number of pupils that attend such schools.

This fiscal note has been prepared pursuant to P. L. 1980, c. 67.
