

LEGISLATIVE HISTORY CHECKLIST

(Non-public schools--State aid for auxiliary services)

NJSA 18A:46A-1 et seq.

Laws of 1977 Chapter 192

Bill No. A3355

Sponsor(s) Hamilton

Date Introduced May 16, 1977

Committee: Assembly -----

Senate -----

Amended during passage Yes No Substituted for S3296--Sponsor's Statement attached.

Date of passage: Assembly May 26, 1977

Senate June 27, 1977

Date of approval August 25, 1977

Following statements are attached if available:

Sponsor statement Yes XNo

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes XNo

Following were printed:

Reports Yes No

Hearings Yes No

10/4/76

CHAPTER 192 LAWS OF N. J. 1977
APPROVED 8-25-77

ASSEMBLY, No. 3355

STATE OF NEW JERSEY

INTRODUCED MAY 16, 1977

By Assemblymen HAMILTON, PATERO, ADUBATO, CALI, ESPOSITO, DOYLE, KEAN, Assemblywoman BURGIO, Assemblymen KENNEDY, GORMAN, Assemblywoman CROCE, Assemblyman GALLAGHER, Assemblywoman SZABO, Assemblymen McMANNON, JACKMAN, T. GALLO, HURLEY, CHINNICI, COSTELLO, BORNHEIMER, SCANLON, VAN WAGNER, LITTELL, HERMAN and STEWART

(Without Reference)

AN ACT providing certain auxiliary services to children in non-public schools and supplementing 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 Legislature hereby finds and determines that the welfare
2 of the State requires that present and future generations of school-
3 age children be assured opportunity to develop to the fullest their
4 intellectual capacities. It is the intent of this Legislature to insure
5 that the State shall furnish on an equal basis auxiliary services
6 to all pupils in the State in both public and nonpublic schools.

1 2. As used in this act:

2 a. "Commissioner" means the State Commissioner of Education.

3 b. "Nonpublic school" means an elementary or secondary school
4 within the State, other than a public school, offering education
5 for grades kindergarten through 12, or any combination of them,
6 wherein any child may legally fulfill compulsory school attendance
7 requirements and which complies with the requirements of Title VI
8 of the Civil Rights Act of 1964 (P. L. 88-352).

9 c. "Auxiliary services" means compensatory education ser-
10 vices; supportive services for acquiring communication proficiency
11 in the English language for children of limited English-speaking
12 ability; supplementary instruction services; and, home instruction
13 services.

14 d. "Support limit" means the maximum amount which may be
15 appropriated each year for the purposes of this act for each pupil
16 enrolled in nonpublic schools of the State.

1 3. In the 1977-78 school year, and each school year thereafter,
2 each board of education shall provide for the receipt of auxiliary
3 services by children between the ages of 5 and 20 residing in the
4 district and enrolled in the nonpublic schools of the State.

5 For the purposes of this act, a child who boards at a school in
6 a district in which his parents do not maintain a residence shall
7 not be considered a resident of the district.

1 4. Auxiliary services shall be provided only to those children
2 who would be eligible for such services and for the appropriate
3 categorical program support if they were enrolled in the public
4 schools of the State.

1 5. Auxiliary services shall be provided only upon the consent
2 of the parent or guardian and shall be provided in a location de-
3 termined by the local board of education, except that no such
4 services shall be provided in a church or a sectarian school.

1 6. If the provision of services pursuant to this act requires
2 transportation, the board of education shall provide for such trans-
3 portation, and the cost shall be paid from State aid received by
4 the district pursuant to this act.

1 7. Any board of education may contract with an educational
2 improvement center, an educational service commission or other
3 public or private agency, other than a church or sectarian school,
4 approved by the commissioner for the provision of auxiliary ser-
5 vices.

1 8. No more than 6% of the aid received by any district pursuant
2 to this act shall be used by such district for administration of the
3 act, and no more than 18% of such aid shall be used to rent facili-
4 ties needed to implement the provisions of this act.

1 9. The apportionment of State aid among local school districts
2 shall be calculated by the commissioner as follows:

3 a. The Statewide average cost of providing the equivalent ser-
4 vice to children enrolled in the public schools, shall be determined.

5 b. The appropriate average cost shall then be multiplied by the
6 number of pupils enrolled in the nonpublic schools who are ex-
7 pected to receive each auxiliary service, to obtain each district's
8 State aid for the next school year.

1 10. Within 4 months of the effective date of this act, the State
2 board of education shall promulgate rules and regulations for the
3 provision of services pursuant to this act.

1 11. Within 5 months of the effective date of this act, each board
2 of education shall file with the commissioner a report stating the
3 number of children resident in the district and enrolled in the
4 nonpublic schools of the State and expected to receive each of the
5 auxiliary services provided pursuant to this act during the 1977-78
6 school year.

7 Within 6 months of the effective date of this act, the commis-
8 sioner shall apportion any State aid appropriated for the 1977-78
9 school year for the purposes of this act on the basis of such report
10 and each local board shall commence providing for the receipt of
11 auxiliary services. Such aid shall be payable in equal amounts on
12 the first day of the month in which services are first provided and
13 on the first day of each month during the remainder of the school
14 year.

1 12. By June 1, 1978, each school board shall report to the com-
2 missioner the number of children expected to require each aux-
3 iliary service during the 1978-79 school year.

4 State aid appropriated pursuant to this act for the 1978-79 school
5 year shall be apportioned among local school districts on the basis
6 of such report.

1 13. Annually by October 5, each board of education shall file with
2 the commissioner a report stating the number of pupils residing
3 in the district and enrolled in the nonpublic schools of the State
4 on the last day of September. By October 5, 1978, and by each
5 October 5 thereafter, each board shall also file a report on the
6 number of such pupils expected to receive each auxiliary service
7 during the next school year.

1 14. The support limit for the 1977-78 school year shall be \$45.00.

2 Annually, by November 1, the commissioner shall determine the
3 support limit for the next school year by multiplying the support
4 limit for the current school year times the percentage increase in
5 the State average net current expense budget per pupil in the most
6 recent years available, and adding the product to the support limit
7 for the current school year.

8 The commissioner shall then determine the maximum appropria-
9 tion for the next school year for the purposes of this act by multi-
10 plying the support limit for the next school year times the pupil
11 enrollment in the nonpublic schools of the State on the last school
12 day in September of the current school year.

1 15. By November 1, 1978 and by each November 1, thereafter,
2 the commissioner shall notify each district of the amount of aid
3 apportioned to it pursuant to this act for the next school year and

4 each district shall include such amount in its budget for the next
5 school year.

1 16. In the 1978-79 school year and each year thereafter, aid
2 pursuant to this act shall be payable in equal amounts beginning
3 on the first day of September and on the first day of each month
4 during the remainder of the school year.

1 17. In the event the expenditure incurred by any district is less
2 than the amount of State aid received, the district's State aid
3 shall be reduced accordingly during the second year following the
4 receipt of such aid.

1 18. In any year, no district shall be required to make expendi-
2 tures for the purposes of this act in excess of the amount of State
3 aid received pursuant to this act for that year.

1 19. If in any year the amount of State aid appropriated is in-
2 sufficient to carry out in full the provisions of this act, the com-
3 missioner shall apportion such appropriation among the districts
4 in proportion to the State aid each district would have been ap-
5 portioned had the full amount of State aid been appropriated.

1 20. If any provision of this act or the application of such pro-
2 vision to any person or circumstance is declared invalid, such
3 invalidity shall not affect other provisions of this act which may
4 be given effect; and to this end, the provisions of this act are
5 declared to be severable.

1 21. This act shall take effect immediately.

STATEMENT

This bill provides for auxiliary services for children enrolled in the nonpublic schools. The services to be provided include compensatory education, supplementary instruction, home instruction, and support services for those children with limited English-speaking ability. The district in which the child lives will be responsible for providing the service, but may contract with another party to actually perform it. No district will be required to spend more money for these purposes than it actually receives pursuant to the act. There will be a Statewide cap on spending for these services.

[OFFICIAL COPY REPRINT]
SENATE, No. 3296

STATE OF NEW JERSEY

INTRODUCED MAY 23, 1977

By Senators DUGAN, DODD, SCARDINO, DWYER
and HAGEDORN

Referred to Committee and Education

AN ACT providing certain auxiliary services to children in non-public schools***[.]*** *and** supplementing Title 18A of the New Jersey Statutes***[, and making an appropriation]***.

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

1 1. The Legislature hereby finds and determines that the welfare
2 of the State requires that present and future generations of school-
3 age children be assured opportunity to develop to the fullest their
4 intellectual capacities. It is the intent of this Legislature to insure
5 that the State shall furnish on an equal basis auxiliary services
6 to all pupils in the State in both public and nonpublic schools.

1 2. As used in this act:

2 a. "Commissioner" means the State Commissioner of Education.

3 b. "Nonpublic school" means an elementary or secondary school
4 within the State, other than a public school, offering education
5 for grades kindergarten through 12, or any combination of them,
6 wherein any child may legally fulfill compulsory school attendance
7 requirements and which complies with the requirements of Title VI
8 of the Civil Rights Act of 1964 (P. L. 88-352).

9 c. "Auxiliary services" means compensatory education services;
10 supportive services for acquiring communication proficiency in
11 the English language for children of limited English-speaking
12 ability; supplementary instruction services; and, home instruction
13 services.

14 d. "Support limit" means the maximum amount which may be
15 appropriated each year for the purposes of this act for each pupil
16 enrolled in nonpublic schools of the State.

1 3. In the 1977-78 school year, and each school year thereafter,
2 each board of education shall provide for the receipt of auxiliary

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

3 services by children between the ages of 5 and 20 residing in the
4 district and enrolled in the nonpublic schools of the State.

5 For the purposes of this act, a child who boards at a school in a
6 district in which his parents do not maintain a residence shall not
7 be considered a resident of the district.

1 4. Auxiliary services shall be provided only to those children
2 who would be eligible for such services and for the appropriate
3 categorical program support if they were enrolled in the public
4 schools of the State.

1 5. Auxiliary services shall be provided only upon the consent of
2 the parent or guardian and shall be provided in a location deter-
3 mined by the local board of education, except that no such services
4 shall be provided in a church or a sectarian school.

1 6. If the provision of services pursuant to this act requires
2 transportation, the board of education shall provide for such
3 transportation, and the cost shall be paid from State aid received
4 by the district pursuant to this act.

1 7. Any board of education may contract with an educational
2 improvement center, an educational service commission or other
3 public or private agency, other than a church or sectarian school,
4 approved by the commissioner for the provision of auxiliary
5 services.

1 8. No more than 6% of the aid received by any district pursuant
2 to this act shall be used by such district for administration of the
3 act, and no more than 18% of such aid shall be used to rent facilities
4 needed to implement the provisions of this act.

1 9. The apportionment of State aid among local school districts
2 shall be calculated by the commissioner as follows:

3 a. The Statewide average cost of providing the equivalent ser-
4 vice to children enrolled in the public schools shall be determined.

5 b. The appropriate average cost shall then be multiplied by the
6 number of pupils enrolled in the nonpublic schools who are
7 expected to receive each auxiliary service, to obtain each district's
8 State aid for the next school year.

1 10. Within 4 months of the effective date of this act, the State
2 board of education shall promulgate rules and regulations for the
3 provision of services pursuant to this act.

1 11. Within 5 months of the effective date of this act, each board
2 of education shall file with the commissioner a report stating the
3 number of children resident in the district and enrolled in the
4 nonpublic schools of the State and expected to receive each of the
5 auxiliary services provided pursuant to this act during the 1977-78
6 school year.

7 Within 6 months of the effective date of this act, the commissioner
8 shall apportion any State aid appropriated for the 1977-78 school
9 year for the purposes of this act on the basis of such report and
10 each local board shall commence providing for the receipt of
11 auxiliary services. Such aid shall be payable in equal amounts on
12 the first day of the month in which services are first provided and
13 on the first day of each month during the remainder of the school
14 year.

1 12. By June 1, 1978, each school board shall report to the
2 commissioner the number of children expected to require each
3 auxiliary service during the 1978-79 school year.

4 State aid appropriated pursuant to this act for the 1978-79
5 school year shall be apportioned among local school districts on
6 the basis of such report.

1 13. Annually by October 5, each board of education shall file
2 with the commissioner a report stating the number of pupils
3 residing in the district and enrolled in the nonpublic schools of the
4 State on the last day of September. By October 5, 1978, and by
5 each October 5 thereafter, each board shall also file a report on
6 the number of such pupils expected to receive each auxiliary
7 service during the next school year.

1 14. The support limit for the 1977-78 school year shall be \$45.00.

2 Annually, by November 1, the commissioner shall determine the
3 support limit for the next school year by multiplying the support
4 limit for the current school year times the percentage increase in
5 the State average net current expense budget per pupil in the most
6 recent years available, and adding the product to the support limit
7 for the current school year.

8 The commissioner shall then determine the maximum appropria-
9 tion for the next school year for the purposes of this act by multi-
10 plying the support limit for the next school year times the pupil
11 enrollment in the nonpublic schools of the State on the last school
12 day in September of the current school year.

1 15. By November 1, 1978 and by each November 1, thereafter, the
2 commissioner shall notify each district of the amount of aid
3 apportioned to it pursuant to this act for the next school year and
4 each district shall include such amount in its budget for the next
5 school year.

1 16. In the 1978-79 school year and each year thereafter, aid
2 pursuant to this act shall be payable in equal amounts beginning
3 on the first day of September and on the first day of each month
4 during the remainder of the school year.

1 17. In the event the expenditure incurred by any district is less
2 than the amount of State aid received, the district's State aid
3 shall be reduced accordingly during the second year following the
4 receipt of such aid.

1 18. In any year, no district shall be required to make expendi-
2 tures for the purposes of this act in excess of the amount of State
3 aid received pursuant to this act for that year.

1 19. If in any year the amount of State aid appropriated is
2 insufficient to carry out in full the provisions of this act, the
3 commissioner shall apportion such appropriation among the dis-
4 tricts in proportion to the State aid each district would have been
5 apportioned had the full amount of State aid been appropriated.

1 20. If any provision of this act or the application of such provi-
2 sion to any person or circumstance is declared invalid, such
3 invalidity shall not affect other provisions of this act which may be
4 given effect; and to this end, the provisions of this act are declared
5 to be severable.

1 ***[21. There is hereby appropriated \$4,545,000.00 for the purposes**
2 **of this act.]***

1 ***[22.]*** *21.* This act shall take effect immediately.

1 17. In the event the expenditure incurred by any district is less
2 than the amount of State aid received, the district's State aid
3 shall be reduced accordingly during the second year following the
4 receipt of such aid.

1 18. In any year, no district shall be required to make expendi-
2 tures for the purposes of this act in excess of the amount of State
3 aid received pursuant to this act for that year.

1 19. If in any year the amount of State aid appropriated is
2 insufficient to carry out in full the provisions of this act, the
3 commissioner shall apportion such appropriation among the dis-
4 tricts in proportion to the State aid each district would have been
5 apportioned had the full amount of State aid been appropriated.

1 20. If any provision of this act or the application of such provi-
2 sion to any person or circumstance is declared invalid, such
3 invalidity shall not affect other provisions of this act which may be
4 given effect; and to this end, the provisions of this act are declared
5 to be severable.

1 21. There is hereby appropriated \$4,545,000.00 for the purposes
2 of this act.

1 22. This act shall take effect immediately.

STATEMENT

This bill provides for auxiliary services for children enrolled in
pensatory education, supplementary instruction, home instruction,
the nonpublic schools. The services to be provided include com-
and support services for those children with limited English speak-
ing ability. The district in which the child lives will be responsible
for providing the service, but may contract with another party to
actually perform it. No district will be required to spend more
money for these purposes than it actually receives pursuant to the
act. The bill appropriates \$4,545,000.00.

53296 (1977)

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 25, 1977

ANNE BURNS

Governor Brendan Byrne today signed into law A-3355 and A-3356 which provide aid to non-public school students. The signing took place at St. Benedict's Prep in Newark.

"This legislation will provide an additional \$2.7 million in aid for non-public school children," the Governor said. "These bill signings are a part of my continuing commitment toward providing state aid for children who not attend public schools."

985 W. State Street
Trenton, N.J.

NEW JERSEY STATE LIBRARY

A-3355 was sponsored by Assemblymen William Hamilton, Joseph Patero, Michael Aduato, John Cali, Michael Esposito, John Doyle, Thomas Kean, Brian Kennedy, Francis Gorman, John Gallagher, Francis McManimon, Christopher Jackman, Thomas Gallo, James Hurley, Joseph Chinnici, Herman Costello, James Bornheimer, Patrick Scanlon, Richard Van Wagner, Robert Littell, Martin Herman, Donald Stewart and Assemblywomen Jane Burgio, Helen Szabo, and Mary Croce.

This bill makes available to non-public school pupils some of the "auxiliary" or supplementary education services presently available to public school pupils. These services will include compensatory education services, supportive services for pupils learning English as a second language and supplementary and home instruction services.

The auxiliary services funds will be allocated at \$45 per pupil.

A-3356 was sponsored by Assemblymen Walter Kozloski, William Hamilton, Joseph Patero, John Froude, James Bornheimer, Alan Karcher, George Otlowski, William Flynn, Martin Herman, and Vincent Pellechia.

This bill makes available to non-public school children the handicap-diagnosis and speech-therapy services presently available to public school students.

The bill broadens the responsibilities of the school district by requiring it to identify and arrange for the examination and classification of all handicapped children residing in the district regardless of the school attended.