

18A:46-19.1

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:46-19.1

Laws of 1977 Chapter 193

Bill No. A3356

Sponsor(s) Kozloski and others

Date Introduced May 16, 1977

Committee: Assembly -----

Senate -----

Amended during passage Yes No

Substituted for S3297
(not attached since is
identical to A3356)

Date of passage: Assembly May 26

Senate June 27

Date of approval August 25, 1977

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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10/4/76

ASSEMBLY, No. 3356

STATE OF NEW JERSEY

INTRODUCED MAY 16, 1977

By Assemblymen KOZLOSKI, HAMILTON, PATERO, FROUDE,
BORNHEIMER, KARCHER, OTLOWSKI, FLYNN, HERMAN
and PELLECCIA

(Without Reference)

AN ACT providing certain services to handicapped children in the
nonpublic schools, amending N. J. S. 18A:46-6 and 18A:48-8,
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. (New section) The Legislature hereby finds and determines
2 that the security and welfare of the State require that all school-
3 age children be assured the fullest possible opportunity to develop
4 their intellectual capacities. In order to achieve this objective it
5 is the intent of this Legislature to require that the State and local
6 communities identify and provide remedial services for handi-
7 capped children in both public and nonpublic schools.

1 2. (New section) 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 for
5 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
8 VI of the Civil Rights Act of 1964 (P. L. 88-352).

1 3. N. J. S. 18A:46-6 is amended to read as follows:

2 18A:46-6. Each board of education **[shall identify and ascer-**
3 **tain]**, according to *uniform* rules prescribed by the commissioner
4 with the approval of the State board, **[what]** *shall provide for the*
5 *identification of any children between the ages of 5 and 20 residing*
6 *in the district and enrolled in the public or nonpublic schools of the*
7 **[district, if any,]** *State who cannot be properly accommodated*
8 *through the school facilities usually provided because of handicaps.*

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

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

1 4. N. J. S. 18A:46-8 is amended to read as follows:

2 18A:46-8. **Each** *handicapped child shall be identified, examined*
3 *and classified* **Each board of education shall provide for the**
4 *examination and classification of each child residing in the district*
5 *and identified pursuant to N. J. S. 18A:46-6. Such examination*
6 *and classification shall be accomplished according to procedures,*
7 *prescribed by the commissioner and approved by the State board,*
8 *under one of the following categories: mentally retarded, visually*
9 *handicapped, auditorily handicapped, communication handicapped,*
10 *neurologically or perceptually impaired, orthopedically handi-*
11 *capped, chronically ill, emotionally disturbed, socially maladjusted*
12 *or multiply handicapped. The examination and classification of such*
13 *nonpublic school children shall be in a location determined by the*
14 *local board and approved by the commissioner pursuant to rules*
15 *and regulations promulgated by the State board.*

16 *The classification of communication handicapped shall be made*
17 *by the basic child study team and an approved speech correctionist*
18 *or speech pathologist, except that the classification of articulation*
19 *disorders may be made by an approved speech correctionist or*
20 *speech pathologist without child study team consultation. Such*
21 *children shall be reported to the basic child study team.*

1 5. (New section) The provision of facilities and programs
2 pursuant to chapter 46 of Title 18A of the New Jersey Statutes
3 shall apply only to children enrolled in the public schools of the
4 State except as specifically provided by law.

1 6. (New section) Each board of education shall provide for the
2 services of a certified speech correctionist for each child residing
3 in the district, attending a nonpublic school and classified pursuant
4 to N. J. S. 18A:46-9 as having an articulation disorder requiring
5 the services of a certified speech correctionist.

1 7. (New section) Services for children enrolled in nonpublic
2 schools shall be provided only upon the consent of the parent or
3 guardian and shall be provided in a location determined by the
4 local board pursuant to rules and regulations of the State board,
5 except that no such services shall be provided in a church or
6 sectarian school.

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

1 9. (New section) A board of education may contract with an
2 educational improvement center, an educational services commis-
3 sion or other public or private agency approved by the commis-
4 sioner other than a church or sectarian school, for the provision
5 of examination, classification and speech correction services
6 required by this act.

1 10. (New section) Within 4 months of the effective date of this
2 act, the State board shall promulgate regulations for the identifica-
3 tion, examination and classification of children enrolled in non-
4 public schools and for the provision of required services to such
5 children.

1 11. (New section) Within 6 months of the effective date of this
2 act, each board of education shall report to the commissioner on
3 the number of children enrolled in nonpublic schools expected to
4 require examination and classification pursuant to N. J. S. 18A :46-8
5 and the number expected to require the services of a certified speech
6 correctionist pursuant to section 6 of this act.

7 Within 7 months of the effective date of this act, the commissioner
8 shall apportion among the districts on the basis of the pupil count
9 in such report, the amount of State aid available pursuant to this
10 act during the 1977-78 fiscal year, and shall pay to each board of
11 education not more than 40% of its share of such aid. The
12 remainder of a district's share shall be payable in equal amounts
13 on the first day of each remaining month of the 1977-78 school year.
14 In the event the expenditures incurred during that year are less
15 than those for which aid is provided, the district's State aid pursu-
16 ant to this act shall be reduced accordingly during the 1979-80 school
17 year.

1 12. (New section) By June 1, 1978, each school board shall report
2 to the commissioner the number of children expected to be enrolled
3 in the nonpublic schools during 1978-79 school year and expected
4 to require examination and classification pursuant to N. J. S.
5 18A :46-8 or the services of a certified speech correctionist pursuant
6 to section 6 of this act.

7 The commissioner shall apportion among the districts on the
8 basis of the pupil count in such report any State aid appropriated
9 to implement this act for the 1978-79 school year.

10 On the first of September and on the first of each month there-
11 after of the 1978-79 school year, each board of education shall
12 receive one-tenth of its share of State aid. In the event the expendi-
13 tures incurred during that year are less than those anticipated, the
14 district's State aid pursuant to this act shall be reduced accordingly
15 during the 1980-81 school year.

1 13. (New section) During the 1977-78 and 1978-79 school years,
2 no district shall be required to make expenditures in excess of the
3 amount of State aid which they receive pursuant to sections 11
4 and 12 of this act. The commissioner shall promulgate rules and
5 regulations which shall apply in the event the aid received by any
6 district pursuant to sections 11 and 12 of this act is insufficient
7 to implement the provisions of this act.

1 14. (New section) On October 1, 1978 and each October 1 there-
2 after, each board of education shall forward to the commissioner
3 an estimate of the cost of providing, during the next school year,
4 examination, classification and speech correction services to non-
5 public school children pursuant to this act.

6 In preparing the budget for the 1979-80 school year and each
7 year thereafter, each board of education shall include as an expendi-
8 ture the estimated cost of providing examination, classification
9 and speech correction services to nonpublic school children pursuant
10 to this act.

11 In preparing its budget for the 1979-80 school year and each year
12 thereafter, each board of education shall include as a revenue State
13 aid in an amount equal to such estimated cost of providing examina-
14 tion, classification and speech correction services to nonpublic
15 school children pursuant to this act.

16 During the 1979-80 school year and each year thereafter, each
17 district shall receive an amount of State aid equal to such estimated
18 cost. In the event the expenditures incurred vary from those
19 anticipated, the district's State aid shall be adjusted accordingly
20 during the second year following the receipt of aid pursuant to
21 this act.

1 15. (New section) Up to \$25,000.00 of the amount appropriated
2 for the 1977-78 fiscal year for the purposes of this act may be
3 used by the Department of Education to train school personnel in
4 the identification of children pursuant to N. J. S. 18A :46-6.

5 Up to \$50,000.00 of the amount appropriated for the 1977-78 fiscal
6 year for the purposes of this act may be used by the Department
7 of Education for the administration of this act.

1 16. (New section) If any provision of this act or the application
2 of such provision to any person or circumstance is declared invalid,
3 such invalidity shall not affect other provisions or applications of
4 this act which can be given effect; and, to this end, the provisions
5 of this act are declared to be severable.

1 17. This act shall take effect immediately.

STATEMENT

This bill would require local boards of education to provide for the following services to children residing in the district and attending a nonpublic school within the State:

1. The identification of potentially handicapped pupils;
2. The examination and classification, if appropriate, of such pupils; and
3. The services of a speech correctionist to any child found to need such service.

The district in which the child lives will be responsible for providing these services, but may contract with another party to actually provide such services.

It is estimated by the Department of Education that this bill will cost the State approximately \$1.6 million during the 1977-78 school year. Funds for this act are contained in the Appropriations Act as passed by the Legislature.

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FROM THE OFFICE OF THE GOVERNOR

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 do not attend public schools."

NEW JERSEY
AUG 25 1977

100 W. State Street
TRENTON, N.J.

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.

The legislation also provides that the local Board of Education must provide for a certified speech correctionist for all non-public school children found to have articulation disorders correctable by simple speech therapy. A non-public school child found to have any other handicap would not be entitled to special education services under this bill. Identification of these children will serve to put parents on notice and give them the option of enrolling their children in the public schools or a specialized private school.

"This is an important day for New Jersey. These bills recognize that parents of non-public children are taxpayers and that their children are constitutionally entitled to this kind of support," the Governor said.

These bills are in addition to three other non-public school aid bills Byrne signed earlier in his Administration.

In April, Governor Byrne signed a bill providing school lunch aid that gave \$500,000 in state funds to New Jersey non-public schools to hold down lunch costs.

In 1974, the Governor signed bills providing for a textbook loan program and transportation aid for non-public school children.

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