

18A:46-14

LEGISLATIVE HISTORY CHECKLIST

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NJSA 18A:46-14

Laws of 1975 Chapter 222

Bill No. A622

Sponsor(s) Owens

Date Introduced Pre-filed

Committee: Assembly Education

Senate Education

Amended during passage  No

Date of passage: Assembly April 1, 1974

Senate April 10, 1975

Date of approval Oct. 8, 1975

Following statements are attached if available:

Sponsor statement  No

Committee Statement: Assembly  No

Senate Yes

Fiscal Note Yes

Veto message  No

Message on signing  No

Following were printed:

Reports  No

Hearings  No

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10/4/76

MAY 1977

# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman OWENS

AN ACT concerning education, relating to classes and facilities for  
handicapped children, and amending N. J. S. 18A:46-14.

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

1 1. N. J. S. 18A:46-14 is amended to read as follows:

2 18A:46-14. The facilities and programs of education required  
3 under this chapter shall be provided by one or more of the follow-  
4 ing:

5 a. A special class or classes in the district, including a class or  
6 classes in hospitals, convalescent homes, or other institutions;

7 b. A special class in the public schools of another-district in this  
8 State or **[an adjoining or nearby]** *any other state in the United*  
9 *States;*

10 c. Joint facilities including a class or classes in hospitals, con-  
11 valescent homes or other institutions to be provided by agreement  
12 between one or more school districts;

13 d. A jointure commission program;

14 e. A State of New Jersey operated program;

15 f. Instruction at school supplementary to the other programs in  
16 the school, whenever, in the judgment of the board of education  
17 with the consent of the commissioner, the handicapped pupil will  
18 be best served thereby;

19 g. Sending children capable of benefiting from a day school in-  
20 structional program to privately operated day classes, in New  
21 Jersey **[or an adjoining State or a nearby State and within**  
22 **400 miles of Trenton]** or, with the approval of the commissioner  
23 to meet particular circumstances, **[at a greater distance from**  
24 **Trenton,]** *in any other state in the United States*, the services of  
25 which are nonsectarian whenever in the judgment of the board of

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

26 education with the consent of the commissioner it is impractical  
27 to provide services pursuant to subsections a., b., c., d., e., or f. other-  
28 wise;

29 h. Individual instruction at home or in school whenever in the  
30 judgment of the board of education with the consent of the com-  
31 missioner it is impracticable to provide a suitable special education  
32 program for a child pursuant to subsections a., b., c., d., e., f. or g.,  
33 otherwise.

34 Whenever any child shall be confined to a hospital, convalescent  
35 home, or other institution in New Jersey or [an adjoining or  
36 nearby] *in any other state in the United States* and is enrolled in  
37 an education program approved under this article, the board of  
38 education of the district in which the child is domiciled shall pay  
39 the tuition of said child in the special education program.

40 The board of education may also furnish: (a) the facilities or  
41 programs provided in this article to any person over the age of 20  
42 who does not hold a diploma of a high school approved in this State  
43 or in any other state in the United States, (b) suitable approved  
44 facilities and programs for children under the age of 5.

1 2. This act shall take effect immediately.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 622

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STATE OF NEW JERSEY

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DATED: FEBRUARY 24, 1975

CURRENT STATUTORY PROVISIONS:

Currently, this section (N. J. S. 18A:46-14) allows local boards of education to send handicapped pupils to *privately* operated day schools in any other state of the United States but allows local boards to send such children to the *public schools* only in adjoining or nearby states. In addition, local boards may now pay tuition for the educational program of handicapped pupils confined to a hospital, convalescent home or other institution in this State or an adjoining or nearby state.

CHANGES PROPOSED BY BILL:

The amendments to this section would do the following:

1. Boards of education would be able to place handicapped pupils in public school classes in any state within the United States. This would give boards of education the same flexibility in selecting a program in the public sector as they now enjoy in the private sector.

2. When a handicapped child is confined to a hospital, convalescent home or other institution in any other state within the United States and is enrolled in an approved educational program, the local board of education would be required to pay the tuition for the educational program. This extends the board's educational obligation to children who are resident in the institutions in other than adjoining or nearby states.

3. The amendments in subsection g. (page 1, lines 19-24) provide that local boards of education must have the approval of the commissioner before sending a handicapped pupil to a privately operated day program in any other state. Presently, this permission is only needed when the child is sent to a school more than 400 miles from Trenton.

FISCAL INFORMATION:

The Department of Education indicates that the impact on State and school district budgets is extremely difficult to predict. On the basis of the commissioner's experience in having to approve the sending of pupils to private institutions beyond 400 miles from Trenton, it is estimated that 10-12 children would be involved at any one time. Using

the maximum tuition which the department currently allows for any category of handicapped pupil, \$4,400.00, the total cost of this bill will vary between \$44,000.00 and \$52,800.00. Because State aid reimbursement for the cost of educating atypical pupils is paid during the second year following the year in which the cost is incurred, local districts will have to pay for these children for the first 2 years following the enactment of this bill and there will be no impact on the State budget until the 3rd year following enactment.

GENERAL INFORMATION :

The Department of Education recommends passage of the bill.

Pursuant to N. J. S. 18A:46-15, the commissioner is required to approve all educational facilities and programs for the handicapped. In a department statement on an identical bill introduced in the previous session of the Legislature (Assembly No. 851, 1972), the department indicated that it would work through its counterparts in other states in approving such facilities and programs, in order to reduce or eliminate the cost of such approval.

The Department of Institutions and Agencies, through its division of Youth and Family Service, contributes to the noneducational residential cost of pupils living out of state and receiving education benefits pursuant to this section.

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FISCAL NOTE TO  
**ASSEMBLY, No. 622**

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**STATE OF NEW JERSEY**

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DATED: APRIL 1, 1974

Assembly Bill No. 622 permits handicapped children to be sent to classes and facilities in any other State in the United States.

Considering present practices, the Department of Education states that enactment of this legislation would not affect the revenues of the State.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.