

R.S. 18A:46-14

July 2, 1973

LEGISLATIVE NOTES ON R.S. 18A:46-14
(Enumeration of facilities and programs)

copy 3

- L. 1954, Chapter 178 - A248 Sections 5, 7
 - February 19 - Introduced by Beadleston.
 - May 3 - Passed in Assembly.
 - June 17 - Passed in Senate, amended.
 - June 21 - Senate amendment passed in Assembly.
 - July 20 - Approved, chapter 178.
 - Statement (copy enclosed).
 - Amended (copy enclosed).

*Amended by L. 1954, C. 179 - A. 249, § 7
Sponsor's Statement (attached)
not amended during passage*

Amended by:

- L. 1966, Chapter 29 - A21 Sections 5, 13
 - January 18 - Introduced by Beadleston & 7 others.
 - April 25 - Passed Assembly under emergency resolution, amended.
 - April 27 - Passed in Senate.
 - April 27 - Approved, chapter 29.
 - No statement.
 - Amended (too long to photostat - may be seen at the State Library). Attached is the fiscal note to this bill. See the fiscal note for a detailed explanation of the changes this act will make.

- L. 1968, Chapter 430 - S534
 - March 14 - Introduced by Woodcock & others.
 - November 25 - Passed in Senate, amended.
 - November 25 - Passed in Assembly under emergency resolution.
 - February 11, 1969 - Approved, Chapter 430.
 - Amended during passage (copy enclosed).
 - No statement.

- L. 1970, Chapter 256 - S434
 - January 20 - Introduced by Beadleston, Woodcock & Guiliano.
 - February 16 - Passed in Senate, amended.
 - April 27 - Passed in Assembly, amended.
 - April 30 - Assembly amendment passed in Senate.
 - November 2 - Approved, chapter 256.
 - Statement (copy enclosed).
 - Amended during passage (copy enclosed).

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Laws 1971, Chapter 270 - S2135
March 15 - Introduced by Beadleston, Woodcock & Bateman.
March 25 - Passed in Senate.
May 10 - Passed in Assembly.
July 27 - Approved, Chapter 270.
Not amended during passage.
No statement.
Copy enclosed of fiscal note and Governor's statement
on signing.

Hearings and reports:

974.90 N.J. Commission to Study the Problems and Needs of
C536 Mentally Deficient Persons.
1954. Mental deficiency in New Jersey.

974.90 N.J. Department of Institutions and Agencies.
C536 Summary of proceedings, New Jersey Conference,
1956 "an exploration of public school approaches to meet
the problem of emotionally disturbed children."

J371.25 N.J. Parents Group for Retarded Children.
P22 For every child a fair chance.

974.90 N.J. Department of Education. Commissioner's
E24 Commission on the Education of the Handicapped.
1964i The education of handicapped children in
New Jersey, 1954-1964.

974.90 New Jersey. Department of Education.
E24 Enrollment projections 1968-69 to 1987-88.
1968

Items not yet searched:

- 1) Newspaper clippings (N.J.--Handicapped).
- 2) Annual reports of the Department of Education
- 3) Publications of the New Jersey Education Association.
- 4) Governor's counsel files.

JH/PC
Encl.

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[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 434

STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1970

By Senator BEADLESTON

Referred to Committee on Education

AN ACT concerning education, relating to classes and facilities for handicapped children and State aid therefor, and amending sections 18A:46-14, 18A:46-15, 18A:46-20***[.]*** *and* 18A:46-28 ***[and 18A:58-6]*** of the New Jersey Statutes.

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 following:

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

6 b. A special class in the public schools of another district in this
7 State or an adjoining or nearby State;

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

11 d. A jointure commission program;

12 e. A State of New Jersey operated program;

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

17 g. Sending children capable of benefiting from a day school in-
18 structional program to privately operated nonprofit day classes,
19 in New Jersey or an adjoining State or a nearby State and within
20 400 miles of Trenton, the services of which are nonsectarian when-
21 ever in the judgment of the board of education with the consent of
22 the commissioner it is impractical to provide services pursuant to
23 subsections a, b, c, d, e, or f otherwise;

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

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

29 Whenever any child shall be confined to a hospital, convalescent
 30 home, or other institution in New Jersey or an adjoining or nearby
 31 State and is enrolled in an education program approved under this
 32 article, the board of education of the district in which the child is
 33 domiciled shall pay the tuition of said child in the special education
 34 program [upon determination, that it is advisable for the child to
 35 be so confined].

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

1 2. N. J. S. 18A:46-15 is amended to read as follows:

2 18A:46-15. a. The commissioner with the consent of the State
 3 board shall, according to the rules and regulations prescribed by
 4 him and approved by the State board, approve all special facilities
 5 and education programs which meet the requirements of this chap-
 6 ter. He shall from time to time, by the use of available members
 7 of his staff, by the publication of bulletins, and by any other means
 8 available to him assist boards of education in formulating programs
 9 required under this chapter.

10 b. *The commissioner shall continually review the operation of*
 11 *the programs of special education required under this chapter and*
 12 *whenever in any area or region of this State, in his judgment, handi-*
 13 *capped children of one or more disability groups, as classified under*
 14 *N. J. S. 18A:46-8, are not receiving satisfactory education pro-*
 15 *grams, despite the operation of facilities and programs approved*
 16 *by him pursuant to subsection a of this section, he shall, with the*
 17 *consent of the State board, order the establishment of a special*
 18 *class or classes for such group or groups in such area or region,*
 19 *either using the facilities to be provided by one or more boards of*
 20 *education, pursuant to N. J. S. 18A:46-20 b, or the facilities of one*
 21 *or more jointure commissions by directing one or more boards of*
 22 *education not members to become contracting districts of any*
 23 *thereof under N. J. S. 18A:46-28 c**[, or the facilities of one or*
 24 *more jointure commissions to be formed at his direction pursuant*
 25 *to N. J. S. 18A:46-25 b]**.*

26 *c. The commissioner shall continually review the operation of*
 27 *such class or classes and in case the operation of any of such classes*
 28 *is not satisfactory to him he shall, with the consent of the State*
 29 *board, take such steps available under this chapter as may seem*
 30 *necessary to improve such operation including the use of different*
 31 *receiving districts and sending districts and the use of different*
 32 *jointure commissions or the addition or withdrawal of districts to*
 33 *or from existing jointure commissions.*

1 3. N. J. S. 18A:46-20 is amended to read as follows:

2 18A:46-20. The commissioner may, in his discretion, with the
 3 approval of the State board~~[,]~~:

4 *a. Require any board of education, having the necessary facilities*
 5 *to provide the services required to be provided by this chapter,*
 6 *to receive pupils requiring such services from other districts; or*

7 *b. Require any board of education not having the necessary*
 8 *facilities to provide the facilities and services required to be pro-*
 9 *vided pursuant to N. J. S. 18A:46-15b and to receive pupils re-*
 10 *quiring such services from other districts.*

1 4. N. J. S. 18A:46-28 is amended to read as follows:

2 18A:46-28. In accordance with rules of the State board:

3 *a. A contracting district may withdraw from the commission;*

4 *b. An additional district may become a contracting district for*
 5 *the commission;*

6 *c. An additional district shall become a contracting district for*
 7 *the commission when so directed by the commissioner, pursuant to*
 8 *N. J. S. 18A:46-15b or N. J. S. 18A:46-15c;*

9 *d. A contracting district shall withdraw from the commission*
 10 *when directed by the commissioner pursuant to N. J. S. 18A:46-15c.*

1 *~~[~~5. N. J. S. 18A:58-6 is amended to read as follows:

2 18A:58-6. In addition to all other aid,

3 *a. Each State college operating an approved special class or*
 4 *classes for handicapped children shall be paid \$2,000.00 per class*
 5 *for such classes.*

6 *b. Each local school district, whether operating separately or*
 7 *jointly with one or more other school districts, shall be reimbursed*
 8 *by State aid for:*

9 1. The cost of operating an educational program for handicapped
 10 children including costs of identification, examination, supervision
 11 and other special education services approved by the commissioner,
 12 to the extent of one half of such costs except that no local district,
 13 jointure commission or college demonstration school shall receive
 14 less than \$3,000.00 a class in State aid; and one half of the approved
 15 tuition paid to another local school district, jointure commission,

16 State operated facility or private school~~]~~; *provided that for any*
17 *special program directed by the commissioner, pursuant to N. J. S.*
18 *18A:46-15b, the proportion of such cost and of tuition shall be*
19 *75%; and*

20 2. 75% of the cost to the district of furnishing transportation
21 within the State, under a program approved under chapter 46 of
22 this law, when the necessity for furnishing such transportation
23 and the cost and method thereof, have been approved by the county
24 superintendent of the county in which the district paying such cost
25 is situated.

26 c. State aid in the amount of one half the apportionment by a
27 jointure commission appointed pursuant to section 18A:46-25 to
28 any contracting district for operational expenses shall be paid to
29 the contracting district. Class State aid shall be apportioned to
30 each contracting district in accordance with the number of pupils
31 enrolled from the district.]*

1 *~~6.~~* *5.* This act shall take effect immediately.

ASSEMBLY AMENDMENT TO
SENATE, No. 434
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 23, 1970

Amend page 2, section 2, line 23, after "N. J. S. 18A:46-28 c", insert a "."; omit remainder of the line and all of lines 24 and 25.

SENATE COMMITTEE AMENDMENTS TO
SENATE, No. 434

STATE OF NEW JERSEY

ADOPTED FEBRUARY 2, 1970

Amend page 1, title, line 3, after "18A:46-20", omit ",", insert "and"; omit "and 18A:58-6".

Amend page 3-4, section 5, line 1-31, omit section 5 in its entirety.

Amend page 4, section 6, line 1, omit "6.", insert "5.".

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SENATE, No. 434

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INTRODUCED JANUARY 20, 1970

By Senator BEADLESTON

Referred to Committee on Education

AN ACT concerning education, relating to classes and facilities for handicapped children and State aid therefor, and amending sections 18A:46-14, 18A:46-15, 18A:46-20***[,]*** *and* 18A:46-28 ***[and 18A:58-6]*** of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
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5 classes in hospitals, convalescent homes, or other institutions;

6 b. A special class in the public schools of another district in this
7 State or an adjoining or nearby State;

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

11 d. A jointure commission program;

12 e. A State of New Jersey operated program;

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

17 g. Sending children capable of benefiting from a day school in-
18 structional program to privately operated nonprofit day classes,
19 in New Jersey or an adjoining State or a nearby State and within
20 400 miles of Trenton, the services of which are nonsectarian when-
21 ever in the judgment of the board of education with the consent of
22 the commissioner it is impractical to provide services pursuant to
23 subsections a, b, c, d, e, or f otherwise;

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

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

29 Whenever any child shall be confined to a hospital, convalescent
 30 home, or other institution in New Jersey or an adjoining or nearby
 31 State and is enrolled in an education program approved under this
 32 article, the board of education of the district in which the child is
 33 domiciled shall pay the tuition of said child in the special education
 34 program [upon determination, that it is advisable for the child to
 35 be so confined].

36 The board of education may also furnish: (a) the facilities or
 37 programs provided in this article to any person over the age of 20
 38 who does not hold a diploma of a high school approved in this State
 39 or in any other State in the United States, (b) suitable approved
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 6 ter. He shall from time to time, by the use of available members
 7 of his staff, by the publication of bulletins, and by any other means
 8 available to him assist boards of education in formulating programs
 9 required under this chapter.

10 *b. The commissioner shall continually review the operation of*
 11 *the programs of special education required under this chapter and*
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 21 *or more jointure commissions by directing one or more boards of*
 22 *education not members to become contracting districts of any*
 23 *thereof under N. J. S. 18A:46-28 c, or the facilities of one or more*
 24 *jointure commissions to be formed at his direction pursuant to*
 25 *N. J. S. 18A:46-25 b.*

26 *c. The commissioner shall continually review the operation of*
 27 *such class or classes and in case the operation of any of such classes*
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 12 to the extent of one half of such costs except that no local district,
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 19 75%; and

20 2. 75% of the cost to the district of furnishing transportation
 21 within the State, under a program approved under chapter 46 of
 22 this law, when the necessity for furnishing such transportation
 23 and the cost and method thereof, have been approved by the county
 24 superintendent of the county in which the district paying such cost
 25 is situated.

26 c. State aid in the amount of one half the apportionment by a
 27 jointure commission appointed pursuant to section 18A:46-25 to
 28 any contracting district for operational expenses shall be paid to
 29 the contracting district. Class State aid shall be apportioned to
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1 5. N. J. S. 18A:58-6 is amended to read as follows:

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31 enrolled from the district.

1 6. This act shall take effect immediately.

STATEMENT

In many rural, as well as some urban areas of the State, where the instances of certain handicaps in children are few, the present law as to their education is not working well. The purpose of this bill is to give the commissioner of education the power to compel the regionalization of any class for handicapped children and the duty so to do wherever the special education offered such children can be improved thereby. The commissioner would accomplish this either by choosing the receiving district and the sending districts, changing them from time to time if necessary, or by using a jointure commission, whichever seemed more likely to offer the greater improvement. The bill also provides for an amendment to the State School Aid Law so that 75% rather than one-half the cost of the special education would be allowed as State aid where the commissioner had regionalized the class. There is a provision in the present law which has been interpreted to relieve the board of education of a child's domicile from paying tuition for his special education, when confined in an institution, unless the board participated in determining the advisability of the confinement, which is rarely, if ever, the case. The amendment of N. J. S. 18A:46-14 will prevent this interpretation in the future.