

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 114

NJSA: 18A:7B-12

(Skill development home in parents' district of residence)

BILL NO: S1060 (substituted for A2285)

SPONSOR(S): Gormley

DATE INTRODUCED: May 18, 1998

COMMITTEE:

ASSEMBLY: Education

SENATE: Education

AMENDED DURING PASSAGE: No

DATE OF PASSAGE:

ASSEMBLY: March 29, 1999

SENATE: July 30, 1998

DATE OF APPROVAL: May 19, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original
(Amendments during passage denoted by superscript numbers)

S1060

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A2285

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

Bill and Sponsor Statement identical to S1060

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

October 5, 1998

Identical to October 5, 1998 Assembly Statement for S1060

November 9, 1998

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 114, *approved May 19, 1999*
Senate, No. 1060

1 **AN ACT** concerning the determination of public school district of
2 residence and amending P.L.1979, c.207.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
8 read as follows:

9 19. For school funding purposes, the Commissioner of Education
10 shall determine district of residence as follows:

11 a. The district of residence for children in foster homes shall be the
12 district in which the foster parents reside. If a child in a foster home
13 is subsequently placed in a State facility or by a State agency, the
14 district of residence of the child shall then be determined as if no such
15 foster placement had occurred.

16 b. The district of residence for children who are in residential State
17 facilities, or who have been placed by State agencies in group homes,
18 skill development homes, private schools or out-of-State facilities,
19 shall be the present district of residence of the parent or guardian with
20 whom the child lived prior to his most recent admission to a State
21 facility or most recent placement by a State agency.

22 If this cannot be determined, the district of residence shall be the
23 district in which the child resided prior to such admission or
24 placement.

25 c. The district of residence for children whose parent or guardian
26 temporarily moves from one school district to another as the result of
27 being homeless shall be the district in which the parent or guardian last
28 resided prior to becoming homeless. For the purpose of this
29 amendatory and supplementary act, "homeless" shall mean an
30 individual who temporarily lacks a fixed, regular and adequate
31 residence.

32 d. If the district of residence cannot be determined according to the
33 criteria contained herein, or if the criteria contained herein identify a
34 district of residence outside of the State, the State shall assume fiscal
35 responsibility for the tuition of the child. The tuition shall equal the
36 approved per pupil cost established pursuant to P.L.1996, c.138
37 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same
38 manner as other State aid under this act. The Department of
39 Education shall pay the amount to the Department of Human Services,
40 the Department of Corrections or the Juvenile Justice Commission

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 underlined thus is new matter.

1 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
2 or, in the case of a homeless child, the Department of Education shall
3 pay the appropriate T&E amount and any appropriate additional cost
4 factor for special education pursuant to section 19 of P.L.1996, c.138
5 (C.18A:7F-19) to the school district in which the child is enrolled.

6 e. If the State has assumed fiscal responsibility for the tuition of a
7 child in a private educational facility approved by the Department of
8 Education to serve children who are classified as needing special
9 education services, the department shall pay to the Department of
10 Human Services or the Juvenile Justice Commission, as appropriate,
11 the aid specified in subsection d. of this section and in addition, such
12 aid as required to make the total amount of aid equal to the actual cost
13 of the tuition.

14 (cf: P.L.1997, c.202)

15

16 2. This act shall take effect for the 1998-99 school year.

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STATEMENT

20

21 This bill provides that the district of residence for students who are
22 placed by a State agency in a skill development home will be the
23 present district of residence of the parent or guardian with whom the
24 child lived prior to his placement in the home. Currently the
25 Department of Education considers the school district in which the
26 skill development home is located to be the student's district of
27 residence. This determination has meant that school districts in which
28 placements of severely handicapped students into skill development
29 homes have been made, have had to bear the very substantial costs
30 associated with educating these students even though the school
31 district has not had any previous relationship with the student. This
32 bill will correct this inequity by assigning the responsibility for funding
33 the education of students placed in skill development homes to the
34 community of the parent or guardian with whom the student
35 previously resided.

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40 Provides that the district of residence for student placed in a skill
41 development home shall be the parent's district of residence.

SENATE, No. 1060

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 18, 1998

Sponsored by:

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Co-Sponsored by:

Assemblymen Blee, Malone and LeFevre

SYNOPSIS

Provides that the district of residence for student placed in a skill development home shall be the parent's district of residence.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/30/1999)

S1060 GORMLEY

2

1 **AN ACT** concerning the determination of public school district of
2 residence and amending P.L.1979, c.207.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
8 read as follows:

9 19. For school funding purposes, the Commissioner of Education
10 shall determine district of residence as follows:

11 a. The district of residence for children in foster homes shall be the
12 district in which the foster parents reside. If a child in a foster home
13 is subsequently placed in a State facility or by a State agency, the
14 district of residence of the child shall then be determined as if no such
15 foster placement had occurred.

16 b. The district of residence for children who are in residential State
17 facilities, or who have been placed by State agencies in group homes,
18 skill development homes, private schools or out-of-State facilities,
19 shall be the present district of residence of the parent or guardian with
20 whom the child lived prior to his most recent admission to a State
21 facility or most recent placement by a State agency.

22 If this cannot be determined, the district of residence shall be the
23 district in which the child resided prior to such admission or
24 placement.

25 c. The district of residence for children whose parent or guardian
26 temporarily moves from one school district to another as the result of
27 being homeless shall be the district in which the parent or guardian last
28 resided prior to becoming homeless. For the purpose of this
29 amendatory and supplementary act, "homeless" shall mean an
30 individual who temporarily lacks a fixed, regular and adequate
31 residence.

32 d. If the district of residence cannot be determined according to the
33 criteria contained herein, or if the criteria contained herein identify a
34 district of residence outside of the State, the State shall assume fiscal
35 responsibility for the tuition of the child. The tuition shall equal the
36 approved per pupil cost established pursuant to P.L.1996, c.138
37 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same
38 manner as other State aid under this act. The Department of
39 Education shall pay the amount to the Department of Human Services,
40 the Department of Corrections or the Juvenile Justice Commission
41 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
42 or, in the case of a homeless child, the Department of Education shall
43 pay the appropriate T&E amount and any appropriate additional cost

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 underlined thus is new matter.

1 factor for special education pursuant to section 19 of P.L.1996, c.138
2 (C.18A:7F-19) to the school district in which the child is enrolled.

3 e. If the State has assumed fiscal responsibility for the tuition of a
4 child in a private educational facility approved by the Department of
5 Education to serve children who are classified as needing special
6 education services, the department shall pay to the Department of
7 Human Services or the Juvenile Justice Commission, as appropriate,
8 the aid specified in subsection d. of this section and in addition, such
9 aid as required to make the total amount of aid equal to the actual cost
10 of the tuition.

11 (cf: P.L.1997, c.202)

12

13 2. This act shall take effect for the 1998-99 school year.

14

15

16

STATEMENT

17

18 This bill provides that the district of residence for students who are
19 placed by a State agency in a skill development home will be the
20 present district of residence of the parent or guardian with whom the
21 child lived prior to his placement in the home. Currently the
22 Department of Education considers the school district in which the
23 skill development home is located to be the student's district of
24 residence. This determination has meant that school districts in which
25 placements of severely handicapped students into skill development
26 homes have been made, have had to bear the very substantial costs
27 associated with educating these students even though the school
28 district has not had any previous relationship with the student. This
29 bill will correct this inequity by assigning the responsibility for funding
30 the education of students placed in skill development homes to the
31 community of the parent or guardian with whom the student
32 previously resided.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1060

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Education Committee favorably reports Senate Bill No. 1060.

This bill provides that the district of residence for students who are placed by a State agency in a skill development home will be the present district of residence of the parent or guardian with whom the child lived prior to his placement in the home. Currently the Department of Education considers the school district in which the skill development home is located to be the student's district of residence. This determination has meant that school districts in which placements of severely handicapped students into skill development homes have been made, have had to bear the very substantial costs associated with educating these students even though the school district has not had any previous relationship with the student. This bill will correct this inequity by assigning the responsibility for funding the education of students placed in skill development homes to the community of the parent or guardian with whom the student previously resided.

As reported by committee, this bill is identical to Assembly Bill No. 2285.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1060

STATE OF NEW JERSEY

DATED: JUNE 15, 1998

The Senate Education Committee reports favorably Senate Bill No. 1060.

This bill provides that the district of residence for students who are placed by a State agency in a skill development home will be the present district of residence of the parent or guardian with whom the child lived prior to his placement in the home. Currently the Department of Education considers the school district in which the skill development home is located to be the student's district of residence. This determination has meant that school districts in which placements of severely handicapped students into skill development homes have been made, have had to bear the very substantial costs associated with educating these students even though the school district has not had any previous relationship with the student. This bill will correct this inequity by assigning the responsibility for funding the education of students placed in skill development homes to the community of the parent or guardian with whom the student previously resided.

ASSEMBLY, No. 2285

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JUNE 29, 1998

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

Assemblyman LeFevre

SYNOPSIS

Provides that the district of residence for student placed in a skill development home shall be the parent's district of residence.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/15/1998)

1 AN ACT concerning the determination of public school district of
2 residence and amending P.L.1979, c.207.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
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20 whom the child lived prior to his most recent admission to a State
21 facility or most recent placement by a State agency.

22 If this cannot be determined, the district of residence shall be the
23 district in which the child resided prior to such admission or
24 placement.

25 c. The district of residence for children whose parent or guardian
26 temporarily moves from one school district to another as the result of
27 being homeless shall be the district in which the parent or guardian last
28 resided prior to becoming homeless. For the purpose of this
29 amendatory and supplementary act, "homeless" shall mean an
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32 d. If the district of residence cannot be determined according to the
33 criteria contained herein, or if the criteria contained herein identify a
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35 responsibility for the tuition of the child. The tuition shall equal the
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37 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same
38 manner as other State aid under this act. The Department of
39 Education shall pay the amount to the Department of Human Services,
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13 2. This act shall take effect for the 1998-99 school year.

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26 homes have been made, have had to bear the very substantial costs
27 associated with educating these students even though the school
28 district has not had any previous relationship with the student. This
29 bill will correct this inequity by assigning the responsibility for funding
30 the education of students placed in skill development homes to the
31 community of the parent or guardian with whom the student
32 previously resided.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2285

STATE OF NEW JERSEY

DATED: OCTOBER 5, 1998

The Assembly Education Committee favorably reports Assembly Bill No. 2285.

This bill provides that the district of residence for students who are placed by a State agency in a skill development home will be the present district of residence of the parent or guardian with whom the child lived prior to his placement in the home. Currently the Department of Education considers the school district in which the skill development home is located to be the student's district of residence. This determination has meant that school districts in which placements of severely handicapped students into skill development homes have been made, have had to bear the very substantial costs associated with educating these students even though the school district has not had any previous relationship with the student. This bill will correct this inequity by assigning the responsibility for funding the education of students placed in skill development homes to the community of the parent or guardian with whom the student previously resided.

As reported by committee, this bill is identical to Senate Bill No. 1060.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2285

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2285.

Assembly Bill No. 2285 provides that the district of residence for students who are placed by a State agency in a skill development home will be the present district of residence of the parent or guardian with whom the child lived prior to his placement in the home.

Currently the Department of Education considers the school district in which the skill development home is located to be the student's district of residence. This determination has meant that the school districts in which the skill development homes are located have had to bear the very substantial costs associated with educating these students even though the school district did not have any previous relationship with the student. This bill will correct that inequity by assigning the responsibility for funding the education of students placed in skill development homes to the community of the parent or guardian with whom the student previously resided.

FISCAL IMPACT:

This bill was not certified for a fiscal note because it does not increase or decrease total State or school district expenditures.

The effect of the bill will be to shift financial responsibility among school districts. Data are not available to estimate the magnitude or trends within that shift.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: May 19, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-51, sponsored by Senators Walter J. Kavanaugh (R- Morris/Somerset) and Robert J. Martin (R- Essex/Morris/Passaic) and Assembly Member Marion Crecco (R- Essex/Passaic), creates the "Parents Education Program," a mandatory education program for all parties filing an action for divorce. The program will be designed to assist and advise divorced parents on issues concerning divorce, separation and custody and to provide the parties with a better understanding of the legal process, costs and financial responsibilities both parties would most likely face during the divorce, as well as the effect of divorce on children.

The bill embodies a recommendation in the 1995 report of the Commission to Study the Law of Divorce. Failure of a party to participate in the program would be considered as a factor by the court in making any custody and visitation determinations. The bill requires all participants to pay a registration fee of \$25, which would be deposited in the Parents Education Fund, a separate, nonlapsing, revolving fund in the state General Fund. This fund would be dedicated to the development, operation and maintenance of the Parents Education Program, which would be administered by the Administrative Office of the Courts. The bill allows the court to exempt a party from attending the program for good cause. It also exempts parties who are protected by or restricted by a temporary restraining order. The bill also authorizes the creation of a temporary nine-member advisory committee, appointed by the Governor with the advice and consent of the Senate, consisting of professionals in the area of divorce and child care as well as a custodial parent and a non-custodial parent. The committee will be required to develop a specific curriculum, determine the program length, establish guidelines and qualifications for the program moderators and develop any other necessary program requirements.

S-942, sponsored by Senators John O. Bennett (R-Monmouth) and Andrew R. Ciesla (R-Monmouth/Ocean) and Assembly Member Carol J. Murphy (R- Essex/Morris/Passaic), requires the Victims of Crime Compensation Board (VCCB) to establish maximum payment rates and service limitations for medical expenses paid on behalf of crime victims. The VCCB, which is in but not of the Department of Law and Public Safety, is authorized to pay compensation to crime victims for losses they sustained as a result of the crime. The VCCB is funded through a \$50 penalty imposed upon all criminal defendants for each crime of which they are convicted. losses to victims or their dependents. The bill requires that the VCCB adopt payment rates reflected in the medical fee schedules established by the Commissioner of Banking and Insurance for automobile insurance personal injury protection coverage. The bill prohibits a medical care provider who accepts payment at the maximum rate from the VCCB from seeking additional monies from the victim for the same services.

S-1060, sponsored by Senator William L. Gormley (R-Atlantic) and Assembly Members Francis J. Blee (R-Atlantic) and Joseph R. Malone, III, (R-Burlington/Monmouth/Ocean), provides that the district of residence for children who are placed by a state agency in a skill development home will be

the present district of residence of the parent or guardian with whom the child lived prior to placement. Previously, the Department of Education considered the school district in which the skill development home is located to be the student's district of residence for funding purposes because the child's residence is considered to be the skill development home. The bill will assign the responsibility for funding to the home district of the child's parent or guardian which, but for the placement, would be responsible for educating the child.

A-210, sponsored by Assembly Members Francis L. Bodine (R- Atlantic/Burlington/Camden) and Nicholas R. Felice (R- Bergen/Passaic), and Senator John J. Matheussen (R- Camden/ Gloucester), provides immunity from liability to professional engineers in certain circumstances. The bill is in response to the Supreme Court case of *Carvalho v. Toll Bros. and Developers*, 143 N.J. 454 (1996), which held a professional engineer liable for a worker's personal injury arising from the collapse of a trench at a construction site. The bill codifies the *Carvalho* decision and provides a limited immunity to professional engineers from workers' personal injury suits for which compensation is recoverable under the Workers' Compensation Act. The immunity will apply only if the engineer did not assume contractual responsibility for workplace site safety and if the engineer was retained to perform only professional services on the construction project.

AJR-29, sponsored by Assembly Members Christopher "Kip" Bateman (R- Morris/Somerset) and Peter J. Biondi (R-Morris/Somerset), establishes "Human Potential Week" to promote a greater awareness of the needs and concerns of people with disabilities and to highlight the significant contributions these individuals have made to their families, communities, and society as a whole. The resolution calls upon the Governor to annually issue a proclamation establishing the second week in May as "Human Potential Week" and to encourage appropriate activities and programs throughout the state to celebrate the week.

SJR-12, sponsored by Senator Peter A. Inverso (R- Mercer/Middlesex), designates May of each year as "Kindness Awareness Month" in New Jersey. It urges all citizens to engage in educational programs and activities to foster kindness. The resolution recognizes the role of kindness in fostering social responsibility, happiness and harmony, particularly among children. Students, teachers, and parents, as special agents of kindness, are encouraged to bring this message to young people across the state.