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FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	Yes
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
FOLLOWING WERE PRINTED:	
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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

RWH/JA

P.L. 2019, CHAPTER 426, *approved January 21, 2020*

Senate, No. 3330 (*Fourth Reprint*)

1 AN ACT concerning child care services on school district property
2 and ³**[amending N.J.S.18A:20-34]** supplementing P.L.1983,
3 c.492 (C.30:5B-1 et seq.)³.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 ³**[1.** N.J.S.18A:20-34 is amended to read as follows:

9 18A:20-34. The board of education of any district may,
10 pursuant to rules adopted by it, permit the use of any schoolhouse
11 and rooms therein, and the grounds and other property of the
12 district, when not in use for school purposes, for any of the
13 following purposes:

14 a. The assembly of persons for the purpose of giving and
15 receiving instruction in any branch of education, learning, or the
16 arts, including the science of agriculture, horticulture, and
17 floriculture;

18 b. Public library purposes or stations of public libraries;

19 c. The holding of such social, civic, and recreational meetings
20 and entertainments and such other purposes as may be approved by
21 the board;

22 d. Such meetings, entertainments, and occasions where
23 admission fees are charged as may be approved by the board;

24 e. Polling places, holding elections, registration of voters, and
25 holding political meetings;

26 f. Child care services provided by the board of education, or a
27 board approved sponsor, or a child care program licensed pursuant
28 to P.L.1983, c.492 (C.30:5B-1 et seq.), before or after regular
29 school hours, for any school aged child who attends school within
30 the school district ;

31 g. ¹(1)¹ Child care services provided by the board of
32 education, a board approved sponsor, or a child care program
33 licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) for
34 children younger than school age and which are provided for less
35 than 24 hours a day. ¹**[The] Preference for the¹ child care services**
36 for children younger than school age ¹**[need not be limited to**
37 children who reside within the school district] shall be given to
38 children who reside within the school district and to children 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted February 7, 2019.

²Senate floor amendments adopted February 21, 2019.

³Assembly AWC committee amendments adopted May 16, 2019.

⁴Senate amendments adopted in accordance with Governor's recommendations September 12, 2019.

1 persons employed by the school district whether the employee
2 resides within the school district or outside the school district, and
3 if available space permits the school district may provide the child
4 care services to any child who resides outside the school district¹.

5 ¹(2) Child care services provided pursuant to paragraph (1) of
6 this subsection shall meet the standards established in the Manual of
7 Requirements for Child Care Centers promulgated pursuant to
8 regulations of the Department of Children and Families. ²The
9 tuition amount charged for the child care services shall be within
10 the range of tuition amounts charged for such services by licensed
11 child care centers located within the county in which the school
12 district is located.² Any revenue raised by a board of education
13 through the provision of child care services pursuant to that
14 paragraph, that exceeds the amount required to provide those child
15 care services, shall be used by the board to support the general fund
16 budget of the school district.¹

17 (cf: P.L.1999, c.83, s.1)]³

18
19 ³1. a. The Commissioner of Children and Families, in
20 consultation with the Commissioner of Education, shall establish a
21 ⁴[five-year] three-year⁴ School District Child Care Services Pilot
22 Program to study the impact and effect of community providers
23 operating in public school facilities for the purpose of providing
24 child care services for children younger than school age for less
25 than 24 hours a day.

26 b. Notwithstanding the provisions of N.J.S.18A:20-34 or any
27 other section of law to the contrary, under the pilot program the
28 commissioner shall designate ⁴[15] up to 10 school districts that
29 shall each select up to two⁴ community providers to operate in a
30 public school facility to provide child care services pursuant to
31 subsection a. of this section. ⁴[The 15 designees shall include all
32 community providers] If the commissioner designates a school
33 district in which a community provider is⁴ operating in a public
34 school facility on the effective date of ⁴[this act] P.L. , c.
35 (pending before the Legislature as this bill), then the school district
36 shall select that community provider to provide child care services
37 under the pilot program⁴.

38 c. A community provider operating in a public school facility
39 under the pilot program shall be licensed under the "Child Care
40 Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

41 d. Under the pilot program, preference for the child care
42 services shall be given to children who reside within the school
43 district and to children of persons employed by the school district
44 whether the employee resides within the school district or outside
45 the school district, and if available space permits the child care

1 services may be provided to any child who resides outside the
2 school district.

3 e. A public school facility shall charge rent to a community
4 provider operating in the public school facility under the pilot
5 program established pursuant to subsection a. of this section. The
6 rent amount charged shall be within the range of rent amounts
7 charged to other licensed child care centers located within the
8 county in which the school district is located.

9 f. The tuition amount charged for the child care services shall
10 be within the range of tuition amounts charged for such services by
11 licensed child care centers located within the county in which the
12 school district is located.

13 g. ⁴Any revenue raised by a board of education through the
14 provision of child care services pursuant to this section, that
15 exceeds the amount required to provide those child care services,
16 shall be used by the school district to support its general fund
17 budget.] A local board of education participating in the pilot
18 program shall adhere to the compliance and reporting standards
19 prescribed by the State Board of Education pursuant to N.J.S.
20 18A:4-14⁴.

21 h. A school nurse providing nursing services to the elementary,
22 middle, or high school students in the school district in which child
23 care services are provided pursuant to the pilot program, shall not
24 be responsible for the provision of nursing services to children
25 receiving child care services under the pilot program, prior to,
26 during, or after school hours.

27 In the event of an emergency, a school nurse shall not be held
28 liable for any good faith act or omission while providing nursing
29 services to children receiving child care services from a community
30 provider participating in the pilot program or to the employees of
31 the community provider. Good faith shall not include willful
32 misconduct, gross negligence, or recklessness.

33 i. Six months prior to the conclusion of the pilot program, the
34 commissioner⁴, in consultation with the Commissioner of
35 Education,⁴ shall submit a report to the Governor and, pursuant to
36 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature. The
37 report shall contain information on: any cost savings realized by the
38 parents or guardians of children receiving child care services from a
39 community provider participating in the pilot program as compared
40 to the costs of attendance at child care centers in the same
41 geographic area; the revenue generated for school districts whose
42 facilities are utilized by a community provider participating in the
43 pilot program; and other factors deemed appropriate by the
44 commissioner for evaluating the impact and effect of community
45 providers operating in public school facilities.

SENATE, No. 3330

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 15, 2018

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Permits use of public schools and school district property for certain child care services for children younger than school age.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/8/2019)

S3330 ADDIEGO, SINGLETON

2

1 AN ACT concerning child care services on school district property
2 and amending N.J.S.18A:20-34.

3

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

6

7 1. N.J.S.18A:20-34 is amended to read as follows:

8 18A:20-34. The board of education of any district may, pursuant
9 to rules adopted by it, permit the use of any schoolhouse and rooms
10 therein, and the grounds and other property of the district, when not
11 in use for school purposes, for any of the following purposes:

12 a. The assembly of persons for the purpose of giving and
13 receiving instruction in any branch of education, learning, or the
14 arts, including the science of agriculture, horticulture, and
15 floriculture;

16 b. Public library purposes or stations of public libraries;

17 c. The holding of such social, civic, and recreational meetings
18 and entertainments and such other purposes as may be approved by
19 the board;

20 d. Such meetings, entertainments, and occasions where
21 admission fees are charged as may be approved by the board;

22 e. Polling places, holding elections, registration of voters, and
23 holding political meetings;

24 f. Child care services provided by the board of education, or a
25 board approved sponsor, or a child care program licensed pursuant
26 to P.L.1983, c.492 (C.30:5B-1 et seq.), before or after regular
27 school hours, for any school aged child who attends school within
28 the school district ;

29 g. Child care services provided by the board of education, a
30 board approved sponsor, or a child care program licensed pursuant
31 to P.L.1983, c.492 (C.30:5B-1 et seq.) for children younger than
32 school age and which are provided for less than 24 hours a day.
33 The child care services for children younger than school age need
34 not be limited to children who reside within the school district .

35 (cf: P.L.1999, c.83, s.1)

36

37 2. This act shall take effect immediately.

38

39

40 STATEMENT

41

42 Current law at N.J.S.18A:20-34 authorizes the use of public
43 school buildings and school district property for certain other
44 purposes when not in use for school purposes. The authorized uses
45 include child care services before or after regular school hours for

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.

S3330 ADDIEGO, SINGLETON

3

1 school aged children who attend school within the district. This bill
2 would amend current law to also authorize the use of public school
3 buildings and school district property for child care services for
4 children younger than school age. The child care services would
5 operate for less than 24 hours a day, need not be limited to children
6 who reside within the school district, and may be provided by the
7 board of education, a board approved sponsor, or a child care
8 program licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

[Second Reprint]

SENATE, No. 3330

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 16, 2019

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 3330 (2R).

As amended by the committee, this bill would require the Commissioner of Children and Families, in consultation with the Commissioner of Education, shall establish a five-year School District Child Care Services Pilot Program to study the impact and effect of community providers operating in public school facilities for the purpose of providing child care services for children younger than school age for less than 24 hours a day.

Notwithstanding the provisions of N.J.S.18A:20-34 or any other section of law to the contrary, the bill, as amended by the committee, provides that under the pilot program, the commissioner would designate 15 community providers to operate in a public school facility to provide child care services. The 15 designees would include all community providers operating in a public school facility on the effective date of the bill. Under the bill's provisions, a community provider means a for-profit child care center, a nonprofit child care center, or a local government unit.

The committee amended the bill to mandate that a community provider operating in a public school facility under the pilot program would be licensed under the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

The bill provides that preference for the child care services would be required to be given to children who reside within the school district and to children of persons employed by the district, whether the employee resides within or outside the district. If available space permits, the district may provide the child care services to any child who resides outside the district.

The committee amended the bill to require that a public school facility charge rent to a community provider operating in facility under the pilot program. The rent amounts charged would be within the range of rent charged to other licensed child care centers located within the county in which the school district is located. The bill, as amended by the committee, also provides that the tuition amount

charged for the child care services would be within the range of tuition amounts charged for such services by other licensed child care centers located within the county in which the school district is located.

The bill stipulates that any revenue raised by a board of education through the provision of the child care services that exceeds the amount required to provide the services, is required to be used by the board to support the general fund budget of the school district.

A school nurse providing nursing services to the elementary, middle, or high school students in the school district in which child care services are provided pursuant to the pilot program would not be responsible for the provision of nursing services to children receiving child care services under the pilot program, prior to, during, or after school hours.

In the event of an emergency, a school nurse would not be held liable for any good faith act or omission while providing nursing services to children receiving child care services from a community provider participating in the pilot program or to the employees of the community provider. Good faith would not include willful misconduct, gross negligence, or recklessness.

The committee amended the bill to require that six months prior to the conclusion of the pilot program, the commissioner would submit a report to the Governor and to the Legislature.

The report would contain information on: any cost savings realized by the parents or guardians of children receiving child care services from a community provider participating in the pilot program as compared to the costs of attendance at child care centers in the same geographic area; the revenue generated for school districts whose facilities are utilized by a community provider participating in the pilot program; and other factors deemed appropriate by the commissioner for evaluating the impact and effect of community providers operating in public school facilities.

The bill was amended by the committee to stipulate that the pilot program would expire six months after the commissioner submits the report to the Governor and the Legislature.

As reported by the committee, Senate Bill No. 3330 (2R) is identical to Assembly Bill No. 5066 which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- require the Commissioner of Children and Families, in consultation with the Commissioner of Education, establish a five-year School District Child Care Services Pilot Program to study the impact and effect of community providers operating in public school facilities for the purpose of providing child care services for children younger than school age for less than 24 hours a day;

- provide that under the pilot program, the commissioner would designate 15 community providers to operate in a public school facility to provide child care services. The 15 designees would include all community providers operating in a public school facility on the effective date of the bill;
- define community provider to mean a for-profit child care center, a nonprofit child care center, or a local government unit;
- mandate that a community provider operating in a public school facility under the pilot program would be licensed under the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.);
- stipulate that preference for the child care services would be given to children who reside within the school district and to children of persons employed by the district, whether the employee resides within or outside the district, and if available space permits, the district may provide the child care services to any child who resides outside the district;
- require that a public school facility charge rent to a community provider operating in facility under the pilot program that would be within the range of rent charged to other licensed child care centers located within the county in which the school district is located;
- provide that the tuition amount charged for the child care services would be within the range of tuition amounts charged for such services by other licensed child care centers located within the county in which the school district is located;
- stipulate that any revenue raised by a board of education through the provision of the child care services that exceeds the amount required to provide the services, is required to be used by the board to support the general fund budget of the school district;
- mandate that a school nurse providing nursing services to the elementary, middle, or high school students in the school district in which child care services are provided pursuant to the pilot program, would not be responsible for the provision of nursing services to children receiving child care services under the pilot program, prior to, during, or after school hours;
- provide that a school nurse would not be held liable for any good faith act or omission while providing nursing services to children receiving child care services from a community provider participating in the pilot program or to the employees of the community provider, and that good faith would not include willful misconduct, gross negligence, or recklessness;
- require that six months prior to the conclusion of the pilot program, the commissioner would submit a report to the Governor and to the Legislature that would contain information on: any cost savings realized by the parents or guardians of children receiving child care services from a community provider participating in the pilot program as compared to the costs of attendance at child care centers in the same geographic area; the revenue generated for school districts whose

facilities are utilized by a community provider participating in the pilot program; and other factors deemed appropriate by the commissioner for evaluating the impact and effect of community providers operating in public school facilities; and

- stipulate that the pilot program would expire six months after the commissioner submits the report to the Governor and the Legislature.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3330

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3330, with committee amendments.

Current law at N.J.S.18A:20-34 authorizes the use of public school buildings and school district property for certain other purposes when not in use for school purposes. The authorized uses include child care services before or after regular school hours for school aged children who attend school within the district.

As amended, this bill would amend current law to also authorize the use of public school buildings and school district property for child care services for children younger than school age. The child care services would operate for less than 24 hours a day and may be provided by the board of education, a board approved sponsor, or a child care program licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.). The bill provides that preference for the child care services would be required to be given to children who reside within the school district and to children of persons employed by the district, whether the employee resides within or outside the district. If available space permits, the district may provide the child care services to any child who resides outside the district.

The child care services permitted under the bill are required to meet the standards established in the Manual of Requirements for Child Care Centers promulgated pursuant to regulations of the Department of Children and Families. Any revenue raised by a board of education through the provision of the child care services that exceeds the amount required to provide the services, is required to be used by the board to support the general fund budget of the school district.

COMMITTEE AMENDMENTS:

The amendments provide:

- That children residing in the district and children of persons employed by the district would be given preference for the child care services authorized under the bill's provisions;
- That these child care services are required to meet the standards promulgated by the Department of Children and Families for licensed child care centers; and

- That any revenue raised by a district through the provision of these child care services which exceeds the amount required to provide the services must be used to support the district's general fund budget.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

STATEMENT TO
[First Reprint]
SENATE, No. 3330

with Senate Floor Amendments
(Proposed by Senator ADDIEGO)

ADOPTED: FEBRUARY 21, 2019

This floor amendment provides that the tuition charged for child care services for children younger than school age as authorized under the bill must be within the range of tuition amounts charged for such services by licensed child care centers located within the county in which the school district is located.

ASSEMBLY, No. 5066

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

Sponsored by:

Assemblywoman PATRICIA EGAN JONES

District 5 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblymen Johnson, Howarth, Assemblywomen McKnight, Reynolds-Jackson, Assemblymen Holley, DePhillips and Zwicker

SYNOPSIS

Permits use of public schools and school district property for certain child care services for children younger than school age.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

1 AN ACT concerning child care services on school district property
2 and amending N.J.S.18A:20-34.

3

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

6

7 1. N.J.S.18A:20-34 is amended to read as follows:

8 18A:20-34. The board of education of any district may,
9 pursuant to rules adopted by it, permit the use of any schoolhouse
10 and rooms therein, and the grounds and other property of the
11 district, when not in use for school purposes, for any of the
12 following purposes:

13 a. The assembly of persons for the purpose of giving and
14 receiving instruction in any branch of education, learning, or the
15 arts, including the science of agriculture, horticulture, and
16 floriculture;

17 b. Public library purposes or stations of public libraries;

18 c. The holding of such social, civic, and recreational meetings
19 and entertainments and such other purposes as may be approved by
20 the board;

21 d. Such meetings, entertainments, and occasions where
22 admission fees are charged as may be approved by the board;

23 e. Polling places, holding elections, registration of voters, and
24 holding political meetings;

25 f. Child care services provided by the board of education, or a
26 board approved sponsor, or a child care program licensed pursuant
27 to P.L.1983, c.492 (C.30:5B-1 et seq.), before or after regular
28 school hours, for any school aged child who attends school within
29 the school district ;

30 g. (1) Child care services provided by the board of education,
31 a board approved sponsor, or a child care program licensed pursuant
32 to P.L.1983, c.492 (C.30:5B-1 et seq.) for children younger than
33 school age and which are provided for less than 24 hours a day.
34 Preference for the child care services for children younger than
35 school age shall be given to children who reside within the school
36 district and to children of persons employed by the school district
37 whether the employee resides within the school district or outside
38 the school district, and if available space permits the school district
39 may provide the child care services to any child who resides outside
40 the school district.

41 (2) Child care services provided pursuant to paragraph (1) of
42 this subsection shall meet the standards established in the Manual of
43 Requirements for Child Care Centers promulgated pursuant to
44 regulations of the Department of Children and Families. Any
45 revenue raised by a board of education through the provision 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.

Matter underlined thus is new matter.

1 child care services pursuant to that paragraph, that exceeds the
2 amount required to provide those child care services, shall be used
3 by the board to support the general fund budget of the school
4 district.

5 (cf: P.L.1999, c.83, s.1)

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 Current law at N.J.S.18A:20-34 authorizes the use of public
13 school buildings and school district property for certain other
14 purposes when not in use for school purposes. The authorized uses
15 include child care services before or after regular school hours for
16 school aged children who attend school within the district.

17 This bill would amend current law to also authorize the use of
18 public school buildings and school district property for child care
19 services for children younger than school age. The child care
20 services would operate for less than 24 hours a day and may be
21 provided by the board of education, a board approved sponsor, or a
22 child care program licensed pursuant to P.L.1983, c.492 (C.30:5B-1
23 et seq.). The bill provides that preference for the child care services
24 would be required to be given to children who reside within the
25 school district and to children of persons employed by the district,
26 whether the employee resides within or outside the district. If
27 available space permits, the district may provide the child care
28 services to any child who resides outside the district.

29 The child care services permitted under the bill are required to
30 meet the standards established in the Manual of Requirements for
31 Child Care Centers promulgated pursuant to regulations of the
32 Department of Children and Families. Any revenue raised by a
33 board of education through the provision of the child care services
34 that exceeds the amount required to provide the services, is required
35 to be used by the board to support the general fund budget of the
36 school district.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5066

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 16, 2019

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 5066.

As amended by the committee, this bill would require the Commissioner of Children and Families, in consultation with the Commissioner of Education, shall establish a five-year School District Child Care Services Pilot Program to study the impact and effect of community providers operating in public school facilities for the purpose of providing child care services for children younger than school age for less than 24 hours a day.

Notwithstanding the provisions of N.J.S.18A:20-34 or any other section of law to the contrary, the bill, as amended by the committee, provides that under the pilot program, the commissioner would designate 15 community providers to operate in a public school facility to provide child care services. The 15 designees would include all community providers operating in a public school facility on the effective date of the bill. Under the bill's provisions, a community provider means a for-profit child care center, a nonprofit child care center, or a local government unit.

The committee amended the bill to mandate that a community provider operating in a public school facility under the pilot program would be licensed under the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

The bill provides that preference for the child care services would be required to be given to children who reside within the school district and to children of persons employed by the district, whether the employee resides within or outside the district. If available space permits, the district may provide the child care services to any child who resides outside the district.

The committee amended the bill to require that a public school facility charge rent to a community provider operating in facility under the pilot program. The rent amounts charged would be within the range of rent charged to other licensed child care centers located within the county in which the school district is located. The bill, as amended by the committee, also provides that the tuition amount charged for the child care services would be within the range of tuition

amounts charged for such services by other licensed child care centers located within the county in which the school district is located.

The bill stipulates that any revenue raised by a board of education through the provision of the child care services that exceeds the amount required to provide the services, is required to be used by the board to support the general fund budget of the school district.

A school nurse providing nursing services to the elementary, middle, or high school students in the school district in which child care services are provided pursuant to the pilot program would not be responsible for the provision of nursing services to children receiving child care services under the pilot program, prior to, during, or after school hours.

In the event of an emergency, a school nurse would not be held liable for any good faith act or omission while providing nursing services to children receiving child care services from a community provider participating in the pilot program or to the employees of the community provider. Good faith would not include willful misconduct, gross negligence, or recklessness.

The committee amended the bill to require that six months prior to the conclusion of the pilot program, the commissioner would submit a report to the Governor and to the Legislature.

The report would contain information on: any cost savings realized by the parents or guardians of children receiving child care services from a community provider participating in the pilot program as compared to the costs of attendance at child care centers in the same geographic area; the revenue generated for school districts whose facilities are utilized by a community provider participating in the pilot program; and other factors deemed appropriate by the commissioner for evaluating the impact and effect of community providers operating in public school facilities.

The bill was amended by the committee to stipulate that the pilot program would expire six months after the commissioner submits the report to the Governor and the Legislature.

As reported by the committee, Assembly Bill No. 5066 is identical to Senate Bill No. 3330 which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- require the Commissioner of Children and Families, in consultation with the Commissioner of Education, establish a five-year School District Child Care Services Pilot Program to study the impact and effect of community providers operating in public school facilities for the purpose of providing child care services for children younger than school age for less than 24 hours a day;
- provide that under the pilot program, the commissioner would designate 15 community providers to operate in a public school facility

to provide child care services. The 15 designees would include all community providers operating in a public school facility on the effective date of the bill;

- define community provider to mean a for-profit child care center, a nonprofit child care center, or a local government unit;
- mandate that a community provider operating in a public school facility under the pilot program would be licensed under the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.);
- to require that preference for the child care services would be given to children who reside within the school district and to children of persons employed by the district, whether the employee resides within or outside the district, and if available space permits, the district may provide the child care services to any child who resides outside the district;
- require that a public school facility charge rent to a community provider operating in facility under the pilot program that would be within the range of rent charged to other licensed child care centers located within the county in which the school district is located;
- provide that the tuition amount charged for the child care services would be within the range of tuition amounts charged for such services by other licensed child care centers located within the county in which the school district is located;
- stipulate that any revenue raised by a board of education through the provision of the child care services that exceeds the amount required to provide the services, is required to be used by the board to support the general fund budget of the school district;
- mandate that a school nurse providing nursing services to the elementary, middle, or high school students in the school district in which child care services are provided pursuant to the pilot program would not be responsible for the provision of nursing services to children receiving child care services under the pilot program, prior to, during, or after school hours;
- provide that a school nurse would not be held liable for any good faith act or omission while providing nursing services to children receiving child care services from a community provider participating in the pilot program or to the employees of the community provider, and that good faith would not include willful misconduct, gross negligence, or recklessness;
- require that six months prior to the conclusion of the pilot program, the commissioner would submit a report to the Governor and to the Legislature that would contain information on: any cost savings realized by the parents or guardians of children receiving child care services from a community provider participating in the pilot program as compared to the costs of attendance at child care centers in the same geographic area; the revenue generated for school districts whose facilities are utilized by a community provider participating in the pilot program; and other factors deemed appropriate by the commissioner

for evaluating the impact and effect of community providers operating in public school facilities; and

- stipulate that the pilot program would expire six months after the commissioner submits the report to the Governor and the Legislature.

Governor Murphy Takes Action on Legislation

08/23/2019

Governor Murphy Takes Action on Legislation

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

A3118 (Burzichelli, Schepisi, Jasey/Bucco, Thompson) - Establishes licensure for master hearth specialists.

A4420 (Holley/Scutari) - Modifies certain fees charged by check casher licensees.

A4482 (Verrelli, Murphy, Downey/Greenstein) - Establishes "Task Force on the Prevention of Sexual Violence Against Persons with Developmental Disabilities" in DHS.

A5293 (Pinkin, Zwicker, Lopez, McKeon/Smith, Bateman, Greenstein) - Makes various changes to laws governing remediation of contaminated sites.

A5390 (Tucker, Mukherji, Timberlake/Gopal, Oroho) - Provides in-State tuition at public institutions of higher education to individuals living in NJ who are entitled to educational assistance under US Department of Veterans Affairs' Vocational Rehabilitations and Employment Program.

S499 (Vitale, Madden/Downey, Houghtaling, Zwicker) - Provides for improved system for eligibility determination for Medicaid and NJ FamilyCare.

[Copy of Statement on S499](#)

S785 (Sarlo, Lagana/Calabrese, Mukherji) - Requires Police Training Commission to develop supplemental training course for certain county corrections officers.

S1014 (Rice/Wimberly, Mukherji) - Changes composition of State Employment and Training Commission.

S1126 (Bucco, Doherty, Bucco/Coughlin, Webber) - Requires public school districts to provide instruction on "New Jersey Safe Haven Infant Protection Act" as part of New Jersey Student Learning Standards.

S1403 (Diegnan, Singleton/DeAngelo, Mazzeo, Sumter) - Permits service credit transferred from another State-administered retirement system to apply toward creditable service requirement for retirement in SPRS.

S1887 (Singleton, Greenstein/DeAngelo, Wirths, Space) - Directs Commissioner of Labor and Workforce Development to establish pilot program to assist certain unemployed and underemployed individuals to complete industry-valued Credentials in 12 months.

S1948 (Vitale/Quijano, Holley, Lopez) - Makes Supplemental Nutrition Assistance Program Employment and Training Provider Demonstration Project permanent and renames program.

S2507 (Singleton, Pou/Danielsen, DeCroce) - Prohibits sale or lease of access to certain dental provider network contracts.

S2538 (Singleton, Pennacchio/Kean, Murphy, DeCroce, Armato) - Makes New Jersey National Guard members with NGB-22 form eligible for certain veterans' benefits.

S2660 (Gopal, Sarlo/Downey, Houghtaling, Schaer) - Establishes grant program and tuition reimbursement program for certain teachers of science, technology, engineering, and mathematics; appropriates \$5 million to DOE.

[Copy of Statement on S2660](#)

S2690 (Ruiz, Cryan, Beach, Turner, Andrzejczak/McKeon, Dancer, Land) - Prohibits pharmacy benefits managers and carriers from engaging in "clawback" and "gag clause" practices; requires certain disclosures by pharmacists; requires Director of Division of Consumer Affairs to conduct public information campaign.

S2691 (Kean, Cunningham/Quijano, Vainieri Huttle, Reynolds-Jackson) - Makes supplemental appropriation of \$100,000 to Commission on Human Trafficking.

[Copy of Statement on S2691](#)

S3100 (Weinberg, Addiego/Benson, Vainieri Huttle, Mukherji) - Revises definition of hemophilia and expands hemophilia treatment program.

SJR73 (Singleton/Murphy, Verrelli, Dancer) - Urges U.S. Congress to pass "Military Hunger Prevention Act."

Governor Murphy conditionally vetoed the following bills:

A3717 (Mukherji, Downey, Houghtaling/Greenstein, Gopal) - Prohibits pharmacy benefits managers from making certain retroactive reductions in claims payments to pharmacies; requires pharmacy benefits managers to disclose certain product information to pharmacies.

[Copy of Statement on A3717](#)

A5363 (Burzichelli, Benson, Murphy/Gopal) - Requires carriers that offer health benefits plans to provide new or existing subscribers with notification of certain hospital and health system contract expirations.

[Copy of Statement on A5363](#)

S834 (Scutari, Greenstein/Jones, Pintor Marin) - Prohibits resale of non-prescription diabetes test devices by pharmacists.

[Copy of Statement on S834](#)

S2804 (Ruiz, Turner/Lopez, McKnight, Verrelli) - Requires young children entering public schools or Head Start Programs for first time to have comprehensive eye examination completed.

[Copy of Statement on S2804](#)

S3075 (Weinberg, Ruiz/Lampitt, Mukherji, Vainieri Huttle) - Requires DOH to regulate and license embryo storage facilities.

[Copy of Statement on S3075](#)

S3309 (Vitale, Greenstein/Greenwald, Pintor Marin, Reynolds-Jackson) - Establishes New Jersey Violence Intervention Program to fund violence reduction initiatives.

[Copy of Statement on S3309](#)

S3330 (Addiego, Singleton/Jones, Vainieri Huttle, Lampitt, Murphy) - Establishes pilot program in DCF to study impact of child care services provided by community providers operating in public school facilities; requires community providers to meet certain criteria.

[Copy of Statement on S3330](#)

S3661 (Singleton, Oroho/Jasey, Wirths, Webber) - Clarifies assessment payment and election participation requirements in planned real estate developments.

[Copy of Statement on S3661](#)

Governor Murphy absolute vetoed the following bills and resolutions:

A4135 (Land, Taliaferro/Sweeney, Andrzejczak) - Concerns use of digital parking meters to monitor parking compliance; establishes fund to encourage designated drivers.

[Copy of Statement on A4135](#)

AJR158 (Houghtaling, Downey, Mosquera/Gopal) - Establishes New Jersey Task Force on Medicaid Financial

Resource Limits.

[Copy of Statement on AJR158](#)

S1364 (Andrzejczak/Land, Milam) - Provides funding from the General Fund to the Greater Wildwoods Tourism Improvement and Development Authority; appropriates \$4 million.

[Copy of Statement on S1364](#)

August 23, 2019

**SENATE BILL NO. 3330
(Third Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 3330 (Third Reprint) with my recommendations for reconsideration.

Current law authorizes local boards of education to use public school buildings and school district property for certain non-school purposes when the buildings or property are not in use by the district. Permitted uses include educational gatherings, public library purposes, meetings and occasions where admission fees are charged as approved by the board, and for use as polling places. Public school buildings may also be used for child care services before or after regular school hours for school aged children who attend school within the district provided by the board of education, a board approved sponsor, or a child care program licensed under the Child Care Center Licensing Act.

This bill would establish a pilot program to study the impact and effect of child care providers operating in public school facilities for the purpose of providing childcare to children younger than school age. The Commissioner of Children and Families (the "Commissioner") would oversee the pilot program and only licensed community providers would be eligible to participate. Although children residing in the district and children of employees of the district would be given preference for the child care services offered under the pilot, children residing outside of the district would be eligible to attend if space permits. The pilot program would explore the benefits and any potential negative consequences of permitting this arrangement within school districts, including any cost savings realized by the parents or

guardians of children receiving child care services from a provider in the pilot program.

I commend the Legislature for exploring creative ways to expand the availability of child care services in the State. The bill, however, runs afoul of current school district budgeting and accounting principles by requiring participating districts to use any revenue raised from the community providers to support a district's general fund budget. Department of Education regulations require that school districts maintain a uniform system of financial bookkeeping and reporting that is fully consistent with the generally accepted accounting principles (GAAP) as set forth in the Governmental Accounting and Financial Reporting Standards published by the Governmental Accounting Standards Board. Adherence to those standards is critical, as it ensures federal compliance with reporting standards as set forth in the National Center for Education Statistics (NCES). I am therefore recommending an amendment to require participating districts to adhere to these long-established standards.

I am also recommending modest revisions to streamline the pilot program, including shortening the pilot period from five to three years in order to align the pilot with the three-year licensure period for child care facilities and requiring the districts selected by the Commissioner to select up to two community providers to participate in the pilot, rather than requiring the Commissioner to directly designate the community providers.

Therefore, I herewith return Senate Bill No. 3330 (Third Reprint) and recommend that it be amended as follows:

Page 3, Section 1, Line_17:

Delete "five-year" and insert "three-year"

Page 3, Section 1, Line 24:

Delete "15" and insert "up to 10 school districts that shall each select up to two"

Page 3, Section 1, Line 26:

Delete "The 15 designees shall include all" and insert "If the commissioner designates a school district in which a"

Page 3, Section 1, Line 27:

Delete "providers" and insert "provider is"

Page 3, Section 1, Line 28:

Delete "this act" and insert "P.L. , c. (pending before the Legislature as this bill), then the school district shall select that community provider to provide child care services under the pilot program"

Page 4, Section 1, Line 3:

Delete "Any revenue raised by a board of education through the" and insert "A local board of education participating in the pilot program shall adhere to the compliance and reporting standards prescribed by the State Board of Education pursuant to N.J.S.18A:4-14."

Page 4, Section 1, Lines 4-7:

Delete in their entirety

Page 4, Section 1, Line 21:

After "commissioner" insert ", in consultation with the Commissioner of Education,"

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

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Governor

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Chief Counsel to the Governor