

18A: 7A-3 et al

LEGISLATIVE HISTORY CHECKLIST

("State Facilities Education Act of 1979")

WJSA 18A:7A-3 et al; 18A:7B-1 to 18A:7B-13; 18A:46-14 et al; 30:4-165.2 et al.

LAWS OF 1979

CHAPTER 207

Bill No. A86

Sponsor(s) Newman

Date Introduced Pre-filed

Committee: Assembly Education

Senate Education; Revenue, Finance and Appropriations

Amended during passage Yes

Assembly Committee Substitute (OCR) enacted. Amendments during passage denoted by asterisks

Date of Passage: Assembly June 19, 1978

Senate June 25, 1979

Date of approval Sept. 25, 1979

Following statements are attached if available:

Sponsor statement Yes ~~no~~

Committee Statement: Assembly ~~Yes~~ No

Senate Yes ~~no~~ 9-25-78 & 6-14-79

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~no~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Public hearings held by Assembly Education Committee (mentioned on p.3 of Senate Education Committee statement) were cancelled.

EJ

9/1/78

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207 1979  
APPROVED 9-25-79

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ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 86**

**STATE OF NEW JERSEY**

ADOPTED JUNE 12, 1978

By Assemblyman NEWMAN

AN ACT concerning State aid for the education of children in State facilities, assigning responsibility for such education, establishing criteria for determining the school district of residence for certain children, revising parts of the statutory law and repealing P. L. 1972, c. 187.

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

1 1. This act shall be known and may be cited as "The State  
2 Facilities Education Act of **\*\*[1978]\*\* \*\*1979\*\*."**

1 2. 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 fol-  
4 lowing:

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 any other state in the United States;

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

12 d. A jointure commission program;

12A 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  
18 instructional program to privately operated day classes, in New  
19 Jersey or, with the approval of the commissioner to meet particular  
20 circumstances, in any other state in the United States, the services  
21 of 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.

22 education with the consent of the commissioner it is impractical  
 23 to provide services pursuant to subsections a., b., c., d., e., or f.  
 24 otherwise;

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

30 Whenever any child shall be confined to a hospital, convalescent  
 31 home, or other institution in New Jersey or in any other state in  
 32 the United States and is enrolled in an education program approved  
 33 under this article, *or shall be placed in any other State facility as*  
 34 *defined in section three of P. L. 1975, c. 212 (C. 18A:7A-3)*, the  
 35 board of education of the district in which the child **[is domiciled]**  
 36 *resides* shall pay the tuition of said child **[in the special education**  
 37 **program]**.

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

1 3. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to  
 2 read as follows:

3 3. For the purposes of this act, unless the context clearly re-  
 4 quires a different meaning:

5 “Administrative order” means a written directive ordering  
 6 specific corrective action by a district which has shown insufficient  
 7 educational progress within a reasonable period of time in meeting  
 8 goals and standards.

9 “Approved special class pupil” means a pupil enrolled in any  
 10 class for atypical pupils pursuant to chapter 46 of Title 18A of the  
 11 New Jersey Statutes.

12 “Approved special education services pupil” means a pupil  
 13 receiving specific services pursuant to chapter 46 of Title 18A of  
 14 the New Jersey Statutes but excluding pupils attending county  
 15 special services school districts.

16 “Bilingual education pupil” means a pupil enrolled in a program  
 17 of bilingual education approved by the State board.

18 “Budgeted capital outlay” means those capital outlay expendi-  
 19 tures that are included in the annual school budget.

20 “Categorical programs” means those programs and services  
 21 recognized in this act as requiring per pupil expenditures over and  
 22 above those applicable to regular programs, as provided in section  
 23 20 of this act.

24 "Current expense" means all expenses of the school district, as  
25 enumerated in N. J. S. 18A:22-8, other than those required for  
26 interest and debt redemption charges and any budgeted capital  
27 project.

28 "Debt service" means and includes payments of principal and  
29 interest upon school bonds and other obligations issued to finance  
30 the acquisition of school sites and the acquisition, construction or  
31 reconstruction of school buildings, including furnishings, equipment  
32 and the costs of issuance of such obligations and shall include pay-  
33 ments of principal and interest upon bonds heretofore issued to  
34 fund or refund such obligations, and upon municipal bonds and  
35 other obligations which the commissioner approves as having been  
36 issued for such purposes. Debt service pursuant to the provisions  
37 of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177  
38 (C. 18A:33.2 et seq.) is excluded.

39 "District equalized valuation per pupil" means the quotient  
40 resulting from dividing the total equalized valuations in the school  
41 district by the resident enrollment of the district; provided that in  
42 the determination of the equalized valuation per pupil of a county  
43 vocational school the total equalized valuations in the county shall  
44 be divided by the total resident enrollment in all school districts  
45 of the county to obtain the county vocational school equalized valua-  
46 tion per pupil.

47 "Equalized valuations" means the equalized valuation of the  
48 taxing district or taxing districts as certified by the Director of  
49 the Division of Taxation on October 1 of the pre-budget year.

50 With respect to regional districts and their constituent districts,  
51 however, the equalized valuations as described above shall be  
52 allocated among the regional and constituent districts in proportion  
53 to the number of pupils in each of them.

54 "Evening school pupils" means the equated full-time resident  
55 enrollment of pupils enrolled in an accredited evening high school,  
56 an evening vocational high school, and in other evening schools  
57 except schools offering programs for self-improvement and social  
58 enrichment.

59 "Goals" means a written statement of educational aspirations  
60 for learner achievement and the educational process stated in  
61 general terms.

62 "Guaranteed valuation per pupil" means \*\*[for the calculation  
63 of State support for the school year 1976-77, 1.3 times the State  
64 average valuation per pupil, and for all school years thereafter,  
65 1.35 times the State average valuation per pupil, rounded to the  
66 nearest thousand dollars, for the year in which the calculation of

67 aid is made except as modified by section 48 hereof.】\*\* *the*  
 67A *product, rounded to the nearest dollar, of 1.344 times the State*  
 67B *average valuation per pupil for the year in which the calculation*  
 67C *of aid is made.\*\**

68 “Joint Committee on the Public Schools” means the committee  
 69 created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

70 “Local vocational pupils” means the full-time equivalent of  
 71 pupils enrolled in approved categorical vocational programs in  
 72 school districts designated as local area vocational school districts.

72A \*\*\**“Minimum aid guaranteed valuation per pupil” means the*  
 72B *product, rounded to the nearest whole dollar, of 11.5 times the*  
 72C *State average equalized valuation per pupil for the year in which*  
 72D *the calculation of aid is made.\*\**

73 “Needs assessment” means a written analysis of the current  
 74 status of an educational system in terms of achieving its goals.

75 “Net current expense budget” means the balance after deduct-  
 76 ing (1) State support for categorical programs pursuant to section  
 77 20 of this act, (2) the transportation amount in the current expense  
 78 budget and (3) all other revenue in the current expense budget  
 79 except the amount to be raised by local taxation, equalization State  
 80 support, the State support for approved transportation.

81 “Net current expenses per pupil” means the quotient resulting  
 82 from dividing the net current expense budget by the resident en-  
 83 rollment.

84 “Net debt service and budgeted capital outlay” means the  
 85 balance after deducting all revenues from the school debt service  
 86 and budgeted capital outlay budgets of the school district and the  
 87 school debt service amount included in the municipal budget, except  
 88 the amount to be raised by local taxation and State support.

89 “Objective” means a written statement of the intended outcome  
 90 of a specific educational process.

91 “Pre-budget year” means the school year preceding the year in  
 92 which the school budget will be implemented.

93 “Resident enrollment” means the number of pupils who are resi-  
 94 dent of the district and are enrolled in day or approved evening  
 95 schools on the last school day of September of the pre-budget year  
 96 and are attending: (1) the public schools of the district [or]; (2)  
 97 [a] another school district or a State college demonstration school  
 98 to which the district of residence pays tuition; or (3) a State  
 99 facility; provided that a district shall count pupils regularly attend-  
 100 ing both the schools of the district and of a county vocational school  
 101 in the same county on an equated full-time basis.

102 “Standards” means the process and stated levels of proficiency  
103 used in determining the extent to which goals and objectives are  
104 being met.

105 “State average net current expense budget per pupil” means  
106 the quotient resulting from dividing the total net current expense  
107 budget of all districts in the State by the total resident enrollment  
108 in the State.

109 “State average valuation per pupil” means the quotient result-  
110 ing from dividing the total equalized valuations in the State as  
111 certified by the Director of the Division of Taxation on October 1  
112 by the total resident enrollment in the State. In the event that the  
113 equalized table certified by the Director of the Division of Taxation  
114 shall be revised by the Division of Tax Appeals on or before  
115 January 30 of the next succeeding year, such revised valuation shall  
116 be used in any recomputation of aid for an individual district filing  
117 such appeal but will have no effect upon the State average valua-  
118 tion per pupil.

119 “State compensatory education pupil” means a pupil who is en-  
120 rolled in preventive and remedial programs, approved by the State  
121 board, supplemental to the regular programs and designed to assist  
122 pupils who have academic, social, economic or environmental needs  
123 that prevent them from succeeding in regular school programs.

124 “State facility” means a State residential facility for the  
125 retarded; a day training center which is operated by or under  
126 contract with the State and in which all the children have been  
127 placed by the State; a State residential youth center; a State train-  
128 ing school or correctional facility; a State child treatment center  
129 or psychiatric hospital.

130 “State support limit” means the sixty-fifth percentile net current  
131 expense budget per pupil for the prebudget year when all district  
132 figures are ranked from low to high. The State support limit shall  
133 be calculated and applied separately for (a) limited purpose re-  
134 gional districts offering grades 9 through 12, (b) limited purpose  
135 regional districts offering grades 7 through 12, provided, however,  
136 that the figure used for such districts shall be not less than 90%  
137 of the sixty-fifth percentile for limited purpose regional districts  
138 offering grades 9 through 12, (c) constituent districts of limited  
139 purpose regional districts offering grades 9 through 12, (d) con-  
140 stituent districts of limited purpose regional districts offering  
141 grades 7 through 12, provided, however, that the figure used for  
142 such districts shall be not less than 90% of the sixty-fifth percentile  
143 for constituent districts of limited purpose regional districts offer-  
144 ing grades 9 through 12, and (e) all other districts.

1 4. Section 17-of P. L. 1975, c. 212 (C. 18A:7A-17) is amended to  
2 read as follows:

3 17. Annually, on or before October 5, the secretary of the board  
4 of education, with the approval of the superintendent of schools,  
5 or if there be no superintendent of schools, with the approval of  
6 the county superintendent of schools, shall file with the commis-  
7 sioner a report stating the number of pupils enrolled by grade  
8 **and**, the number of these pupils in approved programs of (a)  
9 special education classes, (b) compensatory education, (c) bilingual  
10 education and (d) local vocational education, *and the number of*  
11 *pupils in State facilities* on the last school day of September. In  
12 addition, districts shall file annual reports providing such informa-  
13 tion as the commissioner may require for pupils receiving special  
14 education services.

1 5. Section 20 of P. L. 1975, c. 212 (C. 18A:7A-20) is amended  
2 to read as follows:

3 20. In addition to the equalization support authorized in section  
4 18 of this act, categorical program support shall be paid in accord-  
5 ance with the following calculations:

6 a. The number of categorical aid units shall be determined by  
7 adding the products obtained by multiplying the pupils in each  
8 category by the **following** *appropriate* additional cost factors.  
9 *Unless the schedule of additional cost factors is or has been revised*  
10 *pursuant to section 21 of this act, the additional cost factors shall*  
11 *be the following:*

#### CATEGORICAL PROGRAMS

Special Education Classes	Additional Cost Factors
12 Educable .....	0.53
13 Trainable .....	0.95
14 Orthopedically handicapped .....	1.27
15 Neurologically impaired .....	1.06
16 Perceptually impaired .....	0.85
17 Visually handicapped .....	1.91
18 Auditorially handicapped .....	1.38
19 Communication handicapped .....	1.06
20 Emotionally disturbed .....	1.27
21 Socially maladjusted .....	0.95
22 Chronically ill .....	0.85
23 Multiply handicapped .....	1.27
Other Classes and Services	Additional Cost Factors
24 Approved private school tuition .....	1.0 plus the additional
25	cost factor of the handi-
26	cap

Special Education Classes	Additional Cost Factors
27 Supplementary and speech instruction	0.09 based on the number of pupils actually receiving such instruction in the prior school year
28	
29	
30	
31	
32 Resource room	0.65
33 Bilingual education	0.16
34 State compensatory education	0.11
35-36 Approved local vocational education	0.53

<i>Classes in State Facilities</i>	<i>Additional Cost Factors</i>
37 Residential facility for the retarded	*[1.65]* **[*1.28*]** **1.26**
38 Day training center	*[2.09]* **[*2.02*]** **2.07**
39 Residential youth center	*[1.50]* **[*1.09*]** **1.06**
40 Training school or correctional facility	*[0.54]* **[*0.53*]** **0.27**
40A	
41 Child treatment center or psychiatric hospital	*[1.40]* **[*0.26*]** **0.16**
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b. The number of categorical aid units for home instruction shall be determined by multiplying the number of hours of instruction actually provided in the prior school year by 0.006.

c. For the purposes of this section, aid shall be paid to districts in which the pupils reside except in the case of home, supplementary or speech instruction where aid shall be paid to the district providing the service. No tuition may be charged for such home, supplementary or speech instruction for costs covered by State support as provided in this section.

d. Categorical program support shall equal the number of units of additional cost multiplied by the State average net current expense budget per pupil for the prebudget year.

e. Each child in a State facility shall be eligible only for that categorical aid provided by the additional cost factor for that facility.

6. (New section) For each child who is resident in a district and in a State facility on the last school day in September of the prebudget year, the Commissioner of Education shall deduct from the State aid payable to such district an amount equal to the State average net current expense budget per pupil plus the appropriate categorical program support.

This amount shall be forwarded to the Department of Human Services if the facility is operated by or under contract with that department, or to the Department of Corrections if the facility is operated by that department, and shall serve as payment by the



11 district of tuition for the child. This amount shall be used solely  
 12 for the support of educational programs and shall be maintained  
 13 in a separate account for that purpose. No district shall be respon-  
 14 sible for the tuition of any child admitted to a State facility after  
 15 September 30 of the prebudget year.

1 7. (New section) For the purpose of calculating State aid for  
 2 the **\*\*[1979-80]\*\*** **\*\*1980-81\*\*** school year for each school district  
 3 with a resident enrollment which includes pupils in State facilities,  
 4 the net current expense budget for the **\*\*[1978-79]\*\*** **\*\*1979-80\*\***  
 5 school year shall be increased for each such pupil by an amount  
 6 equal to the State average net current expense budget per pupil.  
 7 Such increase shall not be subject to the limitations imposed by  
 8 section 25 of P. L. 1975, c. 212 (C. 18A:7A-25).

1 8. (New section) Funds received pursuant to this act by the  
 2 Department of Human Services or by the Department of Correc-  
 3 tions shall be used only for the salaries of teachers, educational  
 4 administrators at the program level, child study team personnel,  
 5 and paraprofessionals assigned to educational programs in State  
 6 facilities, and for the costs of educational materials and supplies  
 7 for these programs. No such funds shall be used for the renovation  
 8 or construction of capital facilities, for the maintenance and opera-  
 9 tion of educational facilities, or for custodial, habilitation or other  
 10 noneducational costs.

11 *\*There are hereby authorized to be appropriated to the Depart-*  
 12 *ments of Human Services and Corrections such funds as may be*  
 13 *necessary to provide for adult, post-secondary and college pro-*  
 14 *grams.\**

1 9. (New section) The Commissioner of Education, with the  
 2 approval of the State Board of Education, shall promulgate rules  
 3 and regulations to ensure a thorough and efficient education for  
 4 the children in State facilities.

5 The commissioner shall continually review the operation of edu-  
 6 cational programs in State facilities. If he finds that the operation  
 7 of any of these programs does not meet the educational standard  
 8 required by the regulations, he shall direct that a remedial plan be  
 9 prepared by the education director of the facility in which the  
 10 program is located, together with the director of educational ser-  
 11 vices of the department which is operating or contracting with the  
 12 facility. The plan shall be submitted to the Commissioner of Edu-  
 13 cation for his approval. If he approves the plan, it shall be im-  
 14 plemented in a timely and effective manner. If he finds the plan  
 15 or its implementation to be insufficient, he may, until the insuffi-

16 ciency is corrected, withhold and place in a special account any  
 17 State aid funds which otherwise would have been forwarded pur-  
 18 suant to section 6 of this act.

1 10. (New section) All teaching staff members and administrators  
 2 of the educational program in State facilities shall hold the ap-  
 3 propriate certificate issued by the State Board of Examiners.

4 *\*Salary schedules for teaching staff members and administrators*  
 5 *shall be comparable to similar positions in the Department of*  
 6 *Education and the Marie H. Katzenbach School for the Deaf.\**

1 11. (New section) a. Any parent or guardian of a pupil in a  
 2 State facility, and any pupil in a State facility between 18 and 20  
 3 years of age, may request an administrative review on matters of  
 4 educational classification or educational program.

5 b. The administrative review process shall include the following  
 6 sequence:

7 (1) A conference with teaching staff members or child study  
 8 team personnel;

9 (2) A conference with the Director of Educational Services of  
 10 the Department of Human Services or the Department of Correc-  
 11 tions, whichever is appropriate;

12 (3) A hearing by the Commissioner of Education pursuant to  
 13 law and regulation.

14 c. The due process rights available to children, parents and  
 15 guardians in the public schools on matters of educational classifi-  
 16 cation or educational program shall be available to children,  
 17 parents and guardians in State facilities.

18 d. The placement of a child in a particular State facility shall  
 19 not be subject to an administrative review or hearing pursuant to  
 20 this section.

1 12. (New section) There is hereby created and established in  
 2 the Department of Corrections an Office of Education to be headed  
 3 by a Director of Educational Services who shall supervise the  
 4 educational programs in all State facilities operated by that de-  
 5 partment and shall approve all personnel to be hired for such  
 6 programs.

7 The director shall hold the appropriate certificate issued by the  
 8 State Board of Examiners and shall be qualified by training and  
 9 experience for his position and shall be appointed by the Commis-  
 10 sioner of Corrections. He shall serve at the pleasure of the com-  
 11 missioner and shall receive such salary as shall be fixed by the  
 12 commissioner.

13     *\*The director shall establish primary, secondary, and vocational*  
 14 *programs which meet the educational needs of school age persons*  
 15 *for whom the department is responsible. Appropriate credit and*  
 16 *certification shall be given for the successful completion of such*  
 17 *programs.*

18     *Within any available appropriation, the program of education*  
 19 *shall include adult, post-secondary and college programs offered by*  
 20 *institutions licensed by the Department of Education or the De-*  
 21 *partment of Higher Education.\**

1     13. (New section) There is hereby created and established in  
 2 the Department of Human Services an Office of Education to be  
 3 headed by a Director of Educational Services who shall supervise  
 4 the educational programs in all the State facilities operated by or  
 5 under contract with that department and shall approve all per-  
 6 sonnel hired by the State for such programs.

7     The director shall hold the appropriate certificate issued by the  
 8 State Board of Examiners and shall be qualified by training and  
 9 experience for his position and shall be appointed by the Commis-  
 10 sioner of Human Services. He shall serve at the pleasure of the  
 11 commissioner and shall receive such salary as shall be fixed by  
 12 the commissioner.

13     *\*The director shall establish primary, secondary, and vocational*  
 14 *programs which meet the educational needs of school age persons*  
 15 *for whom the department is responsible. Appropriate credit and*  
 16 *certification shall be given for the successful completion of such*  
 17 *programs.*

18     *Within any available appropriation, the program of education*  
 19 *shall include adult, post-secondary and college programs offered by*  
 20 *institutions licensed by the Department of Education or the De-*  
 21 *partment of Higher Education.\**

1     14. (New section) The Commissioners of Education, Corrections  
 2 and Human Services shall jointly review the current administrative  
 3 practices, salary structure, operations and staffing of the Garden  
 4 State School District and, with the approval of the Director of  
 5 the Division of Budget and Accounting, shall establish by January  
 6 1, **\*\*[1979]\*\* \*\*1980\*\*** a plan for the orderly allocation or transfer  
 7 **\*\*[on the effective date of this act]\*\*** of:

- 8     a. All personnel employed by the Garden State School District;
- 9     b. All appropriations, grants, or other money available to the  
 10 Garden State School District, subject to any restrictions, limita-  
 11 tions, or other requirements imposed by Federal or State law;
- 12     c. All files, books, papers, records, equipment, or other property  
 13 of the Garden State School District.

14 Nothing in this act shall be construed to deprive employees of  
 15 the Garden State School District of any rights or protections pro-  
 16 vided by Civil Service, pension, or retirement laws of this State.

1 15. (New section) a. This act shall not affect actions or pro-  
 2 ceedings, civil or criminal, brought by or against the Garden State  
 3 School District and pending on the effective date of this act, but  
 4 such actions may be further prosecuted or defended in the same  
 5 manner and to the same effect by the Department of Corrections,  
 6 the Department of Human Services, or the Department of Edu-  
 7 cation, whichever has assumed those duties, powers, and responsi-  
 8 bilities which are the subject of the proceedings.

9 b. Whenever in any law, rule, regulation, order, contract, docu-  
 10 ment, judicial or administrative proceedings, or otherwise, refer-  
 11 ence is made to the Garden State School District, the same shall  
 12 be considered and mean the Department of Corrections, the De-  
 13 partment of Human Services, or the Department of Education,  
 14 which has assumed those duties, powers, and responsibilities which  
 15 are the subject of the reference.

16 *\*All rights and privileges enjoyed by teaching staff members of*  
 17 *the Garden State School District shall be enjoyed by teaching staff*  
 18 *members employed in State facilities.\**

1 16. Section 43 of P. L. 1975, c. 212 (C. 18A:46-18.1) is amended  
 2 to read as follows:

3 43. It shall be the duty of the [State Board in concert with the]  
 4 Department of [Institutions and Agencies] *Human Services* to  
 5 provide suitable facilities and programs for all the children who  
 6 are classified as eligible for day training, *and to provide trans-*  
 7 *portation for all such children who attend day training centers.*

8 *The school district of residence shall pay tuition for each child*  
 9 *\*in a State facility\* classified as eligible for day training, but shall*  
 10 *not pay the cost of transportation for any such child.*

1 17. Section 85 of P. L. 1965, c. 59 (C. 30:4-165.2) is amended  
 2 to read as follows:

3 85. Functional services for the mentally retarded shall include  
 4 both residential and nonresidential services as follows:

5 (1) Nonresidential functional services shall include but need not  
 6 be limited to: evaluation, counseling of family or guardian, of  
 7 employer, or of retarded person; consultative services to social,  
 8 educational, or welfare and health agencies and to the courts;  
 9 [and] day-care programs; and *day training programs.*

10 (2) Residential functional services shall include but need not  
 11 be limited to: evaluation study, treatment, education, training,

12 rehabilitation, care and protection provided in State schools and  
13 in other residential facilities operated by the department; family  
14 care and sheltered life programs: interim placement in approved  
15 residential facilities other than State schools. Such programs may  
16 be of short- or long-term duration as required.

1 18. Section 26 of P. L. 1951, c. 138 (C. 30:4C-26) is amended to  
2 read as follows:

3 26. *a.* Whenever the circumstances of a child are such that his  
4 needs cannot be adequately met in his own home, the Division of  
5 Youth and Family Services may effect his placement in a foster  
6 home, with or without payment of board, in a group home, or in an  
7 appropriate institution if such care is deemed essential for him.  
8 The Division of Youth and Family Services shall make every  
9 reasonable effort to select a foster home, a group home or an  
10 institution of the same religious faith as the parent or parents  
11 of such child.

12 *b.* Whenever the Division of Youth and Family Services shall  
13 place any child, as provided by this section, in any municipality  
14 and county of this State, the child shall be deemed a resident of  
15 such municipality and county for all purposes *except school fund-*  
16 *ing*, and he shall be entitled to the use and benefit of all health,  
17 [educational,] recreational, vocational and other facilities of such  
18 municipality and county in the same manner and extent as any  
19 other child living in such municipality and county.

20 *c.* *Whenever the Division of Youth and Family Services shall*  
21 *place any child, as provided by this section, in any school district,*  
22 *the child shall be entitled to the educational benefits of such dis-*  
23 *trict; provided, however, that the district of residence, as deter-*  
24 *mined by the Commissioner of Education pursuant to law, shall*  
25 *be responsible for paying tuition for such child to the district in*  
26 *which he is placed.*

27 *d.* No municipality shall enact a planning or zoning ordinance  
28 governing the use of land by, or for, single family dwellings which  
29 shall, by any of its terms or provisions or by any rule or regulation  
30 adopted in accordance therewith, discriminate between children  
31 who are members of such single families by reason of their rela-  
32 tionship by blood, marriage or adoption, foster children placed  
33 with such families in such dwellings by the Division of Youth and  
34 Family Services, and children placed pursuant to law with families  
35 in single family dwellings known as group homes.

36 Any planning or zoning ordinance, heretofore or hereafter en-  
37 acted by a municipality, which violates the provisions of this sec-  
38 tion, shall be invalid and inoperative.

1 19. (New section) For school funding purposes, the Commis-  
2 sioner of Education shall determine district of residence as follows:

3 a. The district of residence for children in foster homes shall be  
4 the district in which the foster parents reside. If a child in a  
5 foster home is subsequently placed in a State facility or by a State  
6 agency, the district of residence of the child shall then be deter-  
7 mined as if no such foster placement had occurred.

8 b. The district of residence for children who are in residential  
9 State facilities, or who have been placed by State agencies in group  
10 homes, private schools or out-of-state facilities, shall be the present  
11 district of residence of the parent or guardian with whom the child  
12 lived prior to his most recent admission to a State facility or most  
13 recent placement by a State agency.

14 If this cannot be determined, the district of residence shall be  
15 the district in which the child resided prior to such admission or  
16 placement.

17 If neither can be determined, the district of residence shall be  
18 the district in which the child has been placed or the district in  
19 which the State facility is located.

20 c. The Commissioner of Education shall develop appropriate  
21 criteria for determining the district of residence for those children  
22 whose district cannot be determined according to the criteria con-  
23 tained herein.

1 20. (New section) Beginning in the school year **\*\*[1980-81]\*\***  
2 **\*\*1981-82\*\***, the Commissioner of Education shall annually report  
3 to the Legislature, describing the condition of educational pro-  
4 grams in State facilities, the efforts of the Departments of Cor-  
5 rections and Human Services in meeting the standards of a  
6 thorough and efficient education in these facilities, the steps under-  
7 way to correct any deficiencies in their educational programs, and  
8 the progress of the educational programs in New Jersey State  
9 facilities in comparison with those in the State facilities of other  
10 states. At that time the commissioner shall recommend to the  
11 Legislature any necessary or desirable changes or modifications in  
12 this act.

1 21. P. L. 1972, c. 187 (**\*[C. 30:44A-1]\*** *\*C. 30:44A-1\** et seq.) is  
2 hereby repealed.

1 22. Sections **\*\*1, 3, 4, 5, 7, 9, [13, 15], [18]\*\***  
2 **\*\*14\*** and **\*[16]\* 19\*** shall take effect immediately for imple-  
3 mentation during the **\*\*[1978-79]\*\* 1979-80\*\*** school year. The  
4 remainder of the act shall take effect on July 1, **\*\*[1979]\*\***  
5 **\*\*1980\*\***; provided, however, that all other necessary steps shall be  
6 taken prior to that date to facilitate the implementation of this act.

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ASSEMBLY, No. 86

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman NEWMAN

AN Act concerning State aid for the education of certain handicapped children and children under the supervision of the Department of Human Services or the Department of Corrections, providing for the operation of institutional education classes, and revising parts of the statutory law.

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 any other state in the United States;

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

12 d. A jointure commission program;

13 e. A State of New Jersey operated program;

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

18 g. Sending children capable of benefiting from a day school in-  
19 structional program to privately operated day classes, in New  
20 Jersey or, with the approval of the commissioner to meet particular  
21 circumstances, in any other state in the United States, the services

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

22 of which are nonsectarian whenever in the judgment of the board of  
 23 education with the consent of the commissioner it is impractical  
 24 to provide services pursuant to subsections a., b., c., d., e., or f.  
 25 otherwise;

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

31 Whenever any child shall be confined to a hospital, convalescent  
 32 home, or other institution in New Jersey or in any other state in  
 33 the United States and is enrolled in an education program approved  
 34 under this article, *or shall be placed in any other State facility as*  
 35 *defined in P. L. 1975, c. 212 (C. 18A:7A-3)*, the board of education  
 36 of the district in which the child is domiciled shall pay the tuition  
 37 of said child **[in the special education program]**.

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

1 2. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to  
 2 read as follows:

3 3. For the purposes of this act, unless the context clearly re-  
 4 quires a different meaning:

5 "Administrative order" means a written directive ordering  
 6 specific corrective action by a district which has shown insufficient  
 7 educational progress within a reasonable period of time in meeting  
 8 goals and standards.

9 "Approved special class pupil" means a pupil enrolled in any  
 10 class for atypical pupils pursuant to chapter 46 of Title 18A of the  
 11 New Jersey Statutes.

12 "Approved special education services pupil" means a pupil  
 13 receiving specific services pursuant to chapter 46 of Title 18A of  
 14 the New Jersey Statutes but excluding pupils attending county  
 15 special services school districts.

16 "Bilingual education pupil" means a pupil enrolled in a program  
 17 of bilingual education approved by the State board.

18 "Budgeted capital outlay" means those capital outlay expendi-  
 19 tures that are included in the annual school budget.

20 "Categorical programs" means those programs and services  
 21 recognized in this act as requiring per pupil expenditures over and



22 above those applicable to regular programs, as provided in section  
23 20 of this act.

24 "Current expense" means all expenses of the school district, as  
25 enumerated in N. J. S. 18A:22-8, other than those required for  
26 interest and debt redemption charges and any budgeted capital  
27 project.

28 "Debt service" means and includes payments of principal and  
29 interest upon school bonds and other obligations issued to finance  
30 the acquisition of school sites and the acquisition, construction or  
31 reconstruction of school buildings, including furnishings, equipment  
32 and the costs of issuance of such obligations and shall include pay-  
33 ments of principal and interest upon bonds heretofore issued to  
34 fund or refund such obligations, and upon municipal bonds and  
35 other obligations which the commissioner approves as having been  
36 issued for such purposes. Debt service pursuant to the provisions  
37 of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177  
38 (C. 18A:33.2 et seq.) is excluded.

39 "District equalized valuation per pupil" means the quotient  
40 resulting from dividing the total equalized valuations in the school  
41 district by the resident enrollment of the district; provided that in  
42 the determination of the equalized valuation per pupil of a county  
43 vocational school the total equalized valuations in the county shall  
44 be divided by the total resident enrollment in all school districts  
45 of the county to obtain the county vocational school equalized valua-  
46 tion per pupil.

47 "Equalized valuations" means the equalized valuation of the tax-  
48 ing district or taxing districts as certified by the Director of the  
49 Division of Taxation on October 1 of the pre-budget year.

50 With respect to regional districts and their constituent districts,  
51 however, the equalized valuations as described above shall be  
52 allocated among the regional and constituent districts in proportion  
53 to the number of pupils in each of them.

54 "Evening school pupils" means the equated full-time resident  
55 enrollment of pupils enrolled in an accredited evening high school,  
56 an evening vocational high school, and in other evening schools  
57 except schools offering programs for self-improvement and social  
58 enrichment.

59 "Goals" means a written statement of educational aspirations  
60 for learner achievement and the educational process stated in  
61 general terms.

62 "Guaranteed valuation per pupil" means for the calculation of  
63 State support for the school year 1976-77, 1.3 times the State aver-

64 age valuation per pupil, and for all school years thereafter, 1.35  
65 times the State average valuation per pupil, rounded to the nearest  
66 thousand dollars, for the year in which the calculation of aid is  
67 made except as modified by section 48 hereof.

68 "Joint Committee on the Public Schools" means the committee  
69 created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

70 "Local vocational pupils" means the full-time equivalent of  
71 pupils enrolled in approved categorical vocational programs in  
72 school districts designated as local area vocational school districts.

73 "Needs assessment" means a written analysis of the current  
74 status of an educational system in terms of achieving its goals.

75 "Net current expense budget" means the balance after deduct-  
76 ing (1) State support for categorical programs pursuant to section  
77 20 of this act, (2) the transportation amount in the current expense  
78 budget and (3) all other revenue in the current expense budget  
79 except the amount to be raised by local taxation, equalization State  
80 support, and State support for approved transportation.

81 "Net current expenses per pupil" means the quotient resulting  
82 from dividing the net current expense budget by the resident en-  
83 rollment.

84 "Net debt service and budgeted capital outlay" means the  
85 balance after deducting all revenues from the school debt service  
86 and budgeted capital outlay budgets of the school district and the  
87 school debt service amount included in the municipal budget, except  
88 the amount to be raised by local taxation and State support.

89 "Objective" means a written statement of the intended outcome  
90 of a specific educational process.

91 "Pre-budget year" means the school year preceding the year in  
92 which the school budget will be implemented.

92A "Resident enrollment" means the number of pupils who are resi-  
93 dent of the district and are enrolled in day or approved evening  
94 schools on the last school day of September of the pre-budget year  
95 and are attending: (1) the public schools of the district [or]; (2)  
96 [a] another school district or a State college demonstration school  
97 to which the district of residence pays tuition; or (3) a State  
98 facility; provided that a district shall count pupils regularly attend-  
99 ing both the schools of the district and of a county vocational school  
100 in the same county on an equated full-time basis.

101 "Standards" means the process and stated levels of proficiency  
102 used in determining the extent to which goals and objectives are  
103 being met.

104 "State average net current expense budget per pupil" means  
105 the quotient resulting from dividing the total net current expense  
106 budget of all districts in the State by the total resident enrollment  
107 in the State.

108 "State average valuation per pupil" means the quotient result-  
109 ing from dividing the total equalized valuations in the State as  
110 certified by the Director of the Division of Taxation on October 1  
111 by the total resident enrollment in the State. In the event that the  
112 equalized table certified by the Director of the Division of Taxation  
113 shall be revised by the Division of Tax Appeals on or before  
114 January 30 of the next succeeding year, such revised valuation shall  
115 be used in any recomputation of aid for an individual district filing  
116 such appeal but will have no effect upon the State average valua-  
117 tion per pupil.

118 "State compensatory education pupil" means a pupil who is en-  
119 rolled in preventive and remedial programs, approved by the State  
120 board, supplemental to the regular programs and designed to assist  
121 pupils who have academic, social, economic or environmental needs  
122 that prevent them from succeeding in regular school programs.

123 "*State facility*" means a State school for the deaf or hearing  
124 handicapped; a day training center or youth residential center in  
125 which all the children have been placed by State agencies and which  
126 are operated by or under contract with the State; a State resi-  
127 dential facility for the retarded; a State training school or correc-  
128 tional facility; or a State child treatment center or psychiatric  
129 hospital.

130 "State support limit" means the sixty-fifth percentile net current  
131 expense budget per pupil for the prebudget year when all district  
132 figures are ranked from low to high. The State support limit shall  
133 be calculated and applied separately for (a) limited purpose re-  
134 gional districts offering grades 9 through 12, (b) limited purpose  
135 regional districts offering grades 7 through 12, provided, however,  
136 that the figure used for such districts shall be not less than 90%  
137 of the sixty-fifth percentile for limited purpose regional districts  
138 offering grades 9 through 12, (c) constituent districts of limited  
139 purpose regional districts offering grades 9 through 12, (d) con-  
140 stituent districts of limited purpose regional districts offering  
141 grades 7 through 12, provided, however, that the figure used for  
142 such districts shall be not less than 90% of the sixty-fifth percentile  
143 for constituent districts of limited purpose regional districts offer-  
144 ing grades 9 through 12, and (e) all other districts.

1 3. Section 17 of P. L. 1975, c. 212 (C. 18A:7A-17) is amended to  
2 read as follows:

3 17. Annually, on or before October 5, the secretary of the board  
4 of education, with the approval of the superintendent of schools,  
5 or if there be no superintendent of schools, with the approval of  
6 the county superintendent of schools, shall file with the commis-  
7 sioner a report stating the number of pupils enrolled by grade  
8 **[and]**, the number of these pupils in approved programs of (a)  
9 special education classes, (b) compensatory education, (c) bilingual  
10 education and (d) local vocational education, *and the number of*  
11 *pupils in State facilities* on the last school day of September. In  
12 addition, districts shall file annual reports providing such informa-  
13 tion as the commissioner may require for pupils receiving special  
14 education services.

1 4. Section 20 of P. L. 1975, c. 212 (C. 18A:7A-20) is amended  
2 to read as follows:

3 20. In addition to the equalization support authorized in section  
4 18 of this act, categorical program support **[for 1975-76 and 1976-**  
5 **77]** shall be paid in accordance with the following calculations:

6 a. The number of categorical aid units shall be determined by  
7 adding the products obtained by multiplying the pupils in each  
8 category by the **[following]** *appropriate* additional cost factors.  
9 *Unless the schedule of additional cost factors is revised pursuant*  
10 *to section 21 of this act, the additional cost factors shall be the*  
11 *following:*

#### CATEGORICAL PROGRAMS

Special Education Classes	Additional Cost Factors
12 Educable .....	0.53
13 Trainable .....	0.95
14 Orthopedically handicapped .....	1.27
15 Neurologically impaired .....	1.06
16 Perceptually impaired .....	0.85
17 Visually handicapped .....	1.91
18 Auditorially handicapped .....	1.38
19 Communication handicapped .....	1.06
20 Emotionally disturbed .....	1.27
21 Socially maladjusted .....	0.95
22 Chronically ill .....	0.85
23 Multiply handicapped .....	1.27

24	Other Classes and Services	Additional Cost Factors
25	Approved private school tuition . . . . .	1.0 plus the additional
26		cost factor of the handi-
27		cap
28	Supplementary and speech instruction	0.09 based on the num-
29		ber of pupils actually
30		receiving such instruc-
31		tion in the prior school
32		year
33	Bilingual education . . . . .	0.16
34	State compensatory education . . . . .	0.11
35	Approved local vocational education . . . . .	0.53
36	<i>Classes in State Facilities</i>	<i>Additional Cost Factors</i>
37	<i>School for the deaf or hearing handi-</i>	
38	<i>capped</i> . . . . .	<i>3.12</i>
39	<i>Day training center</i> . . . . .	<i>2.90</i>
40	<i>Residential facility for the retarded</i> . . . . .	<i>1.89</i>
41	<i>Residential youth center</i> . . . . .	<i>4.61</i>
42	<i>Training school or correctional facility</i> . . . . .	<i>1.54</i>
43	<i>Child treatment center or psychiatric</i>	
44	<i>hospital</i> . . . . .	<i>3.11</i>

45 b. The number of categorical aid units for home instruction shall  
46 be determined by multiplying the number of hours of instruction  
47 actually provided in the prior school year by 0.006.

48 c. For the purposes of this section, aid shall be paid to districts  
49 in which the pupils reside except in the case of home, supple-  
50 mentary or speech instruction where aid shall be paid to the  
51 district providing the service. No tuition may be charged for such  
52 home, supplementary or speech instruction for costs covered by  
53 State support as provided in this section.

54 d. Categorical program support shall equal the number of units  
55 of additional cost multiplied by the State average net current  
56 expense budget per pupil for the prebudget year.

57 e. *Each child in a State facility shall be eligible only for the*  
58 *categorical aid provided by the additional cost factor for that*  
59 *facility.*

1 5. (New section) For each child who is resident in a district and  
2 in a State facility on the last school day in September of the  
3 prebudget year, the Commissioner of Education shall deduct from  
4 the State aid payable to such district an amount equal to the State  
5 average net current expense budget per pupil plus the appropriate  
6 additional cost factor. Such amount shall be forwarded to the  
7 Commissioner of Human Services, if the facility is operated by

8 or under contract with the Department of Human Services, or  
9 shall be credited to the account of the Garden State School District  
10 or the Marie H. Katzenbach School for the Deaf, whichever is  
11 appropriate. Such amount shall be used for the support of educa-  
12 tion classes within the State facility and shall serve as payment by  
13 the district of tuition for such child. No district shall be responsible  
14 for the tuition of any child admitted to a State facility after  
15 September 30 of the prebudget year.

1 6. (New section) For the purpose of calculating State aid for  
2 the 1979-80 school year for each district with a resident enrollment  
3 which includes pupils in State facilities, the final budget adopted  
4 by the board of education for the 1978-79 school year shall be  
5 increased by an amount equal to the State average net current  
6 expense budget per pupil for the most recent available year plus  
7 the appropriate categorical aid, for each such pupil.

1 7. (New section) Funds received pursuant to this act by the  
2 Garden State School District, the Department of Human Services,  
3 or the Marie H. Katzenbach School for the Deaf shall be used only  
4 for the salaries of teachers, educational administrators, child study  
5 team personnel, and paraprofessionals assigned to educational  
6 classes in State facilities, and for the costs of educational materials  
7 and supplies for such classes. No such funds shall be used for the  
8 renovation or construction of capital facilities, for the maintenance  
9 and operation of such facilities, or for custodial or other non-  
10 educational costs.

1 8. (New section) The Commissioner of Education, with the  
2 approval of the State Board of Education, shall promulgate rules  
3 and regulations to ensure a thorough and efficient education for  
4 the children in State facilities.

5 The commissioner shall continually review the operation of  
6 classes in State facilities. If the commissioner shall find the opera-  
7 tion of such a class does not meet the education standard required  
8 by the regulations, he shall direct that a remedial plan be prepared  
9 either by the director of the operating or contracting division,  
10 together with the director of the facility in which the class is  
11 located; or the Superintendent of the Garden State School District,  
12 together with the director of the facility in which the class is  
13 located; or the Superintendent of the Marie H. Katzenbach School  
14 for the Deaf, whomever is appropriate. The plan shall be sub-  
15 mitted to the Commissioner of Education for his approval. If the  
16 commissioner approves the plan, it shall be implemented in a timely  
17 and effective manner. If he finds the plan or its implementation  
18 to be insufficient, he may, until the insufficiency is corrected, with-

19 hold and place in a special account any State aid funds which  
 20 otherwise would have been forwarded or credited pursuant to  
 21 section 5 of this act.

1 9. Section 2 of P. L. 1972, c. 187 (C. 30:4AA-2), is amended to  
 2 read as follows:

3 2. There is hereby established in the Department of [Institutions  
 4 and Agencies] *Education* a State school district for institutions  
 5 under the supervision of a superintendent of schools. The district  
 6 shall be composed of [such correctional, charitable, hospital, relief,  
 7 training and other institutions and noninstitutional agencies within  
 8 the Department of Institutions and Agencies as the commissioner  
 9 thereof shall determine] *the training schools and correctional*  
 10 *facilities operated by the Department of Corrections; the resi-*  
 11 *dential youth centers operated by the Division of Youth and Family*  
 12 *Services in the Department of Human Services; and the child*  
 13 *treatment centers and psychiatric hospitals operated by the Divi-*  
 14 *sion of Mental Health and Hospitals in the Department of Human*  
 15 *Services.* Establishment of the school district provided hereunder  
 16 shall be in two phases. [Phase 1 shall include the correctional  
 17 institutions in the Department of Institutions and Agencies.  
 18 Phase 2 shall include the institutions for mental health, State  
 19 hospitals, charitable institutions and other institutions and agencies  
 20 within the Department of Institutions and Agencies. Implementa-  
 21 tion of Phase 2 shall not commence until after the passage of 90  
 22 days after the Commissioner of Institutions and Agencies has  
 23 advised the Commissioner of Education of the Commissioner of  
 24 Institutions and Agencies intention to begin Phase 2. The 90-day  
 25 period is for the purpose of affording the Commissioner of Educa-  
 26 tion an opportunity to submit recommendations for Phase 2 and its  
 27 implementation. Upon the approval of both the Commissioner  
 28 of Education and the Commissioner of Institutions and Agencies,  
 29 the 90-day period may be reduced to a shorter period of time.]  
 30 *Phase I shall include the facilities in the district operated by the*  
 31 *Department of Corrections. Phase II shall include the facilities*  
 32 *in the district operated by the Department of Human Services.*  
 33 *Phase II shall commence no later than July 1, 1979.*

1 10. Section 3 of P. L. 1972, c. 187 (C. 30:4AA-3), is amended to  
 2 read as follows:

3 3. The superintendent of schools of the State school district for  
 4 institutions shall be appointed by [the Commissioner of the Depart-  
 5 ment of Institutions and Agencies with the approval of] the Com-  
 6 missioner of the Department of Education. The superintendent

7 shall be qualified by training and experience and shall serve at the  
 8 pleasure of the Commissioner of [Institutions and Agencies]  
 9 *Education*. The superintendent shall receive such compensation as  
 10 determined by the Civil Service Commission and the Director of  
 11 the Division of Budget and Accounting.

1 11. Section 4 of P. L. 1972, c. 187 (C. 30:4AA-4), is amended to  
 2 read as follows:

3 4. The superintendent shall have the responsibility for the gen-  
 4 eral administrative and supervisory operation of the State school  
 5 district *and shall be responsible for the operation of education*  
 6 *classes within the district* subject to the approval of [the Commis-  
 7 sioner of Institutions and Agencies and the approval of] the  
 8 Commissioner of Education [with regard to curriculum matters].

9 As part of his duties, the superintendent shall:

10 a. Prepare an evaluation of the needs for educational improve-  
 11 ment among residents of the State school district with periodic  
 12 review and updating.

13 b. Propose to the Commissioner of Education for his approval a  
 14 detailed curricular offering to meet the needs of the State school  
 15 district.

16 c. Propose to the Commissioner of [Institutions and Agencies]  
 17 *Human Services and the Commissioner of Corrections* an itemiza-  
 18 tion of the needs of the State school district for physical facilities  
 19 and staff.

20 d. Prepare an annual budget to meet the needs of the State  
 21 school district.

22 e. Hire, subject to the approval of the chief executive officer of  
 23 the particular institution or agency involved, the necessary pro-  
 24 fessional and nonprofessional personnel to operate and maintain  
 25 the State school district. Directors of education for each particular  
 26 institution or group of institutions shall be appointed in the same  
 27 manner as professional and nonprofessional personnel. *Directors*  
 28 *of education and all other employees of the school district shall be*  
 29 *employees of the Department of Education*. Salary schedules shall  
 30 be comparable to those of the Department of Education and the  
 31 Marie H. Katzenbach School for the Deaf.

32 f. Purchase materials, supplies and equipment necessary to the  
 33 operation of the State school district.

34 [g. Prepare, and upon the approval of the Commissioner of In-  
 35 stitutions and Agencies, promulgate and implement rules and  
 36 regulations appropriate to implement the program of education  
 37 for the State school district.] *Deleted by amendment.*



38 h. Act as liaison between the State school district and the various  
39 Federal, State and local governments and private agencies.

40 i. Contract, subject to the approval of the Chancellor of Higher  
41 Education, with colleges and universities licensed by the Depart-  
42 ment of Higher Education for courses and programs to be provided  
43 at the higher education level.

44 j. Perform such other duties as are necessary to implement this  
45 act.

1 12. Section 85 of P. L. 1965, c. 59 (C. 30:4-165.2) is amended  
2 to read as follows:

3 85. Functional services for the mentally retarded shall include  
4 both residential and nonresidential services as follows:

5 (1) Nonresidential functional services shall include but need not  
6 be limited to: evaluation, counseling of family or guardian, of  
7 employer, or of retarded person; consultative services to social,  
8 educational, or welfare and health agencies and to the courts;  
9 **[and]** day-care programs; and *the operation of day training cen-*  
10 *ters; and*

11 (2) Residential functional services shall include but need not  
12 be limited to: evaluation study, treatment, education, training,  
13 rehabilitation, care and protection provided in State schools and  
14 in other residential facilities operated by the department; family  
15 care and sheltered life programs; interim placement in approved  
16 residential facilities other than State schools. Such programs may  
17 be of short- or long-term duration as required.

1 13. Section 26 of P. L. 1951, c. 138 (C. 30:4C-26) is amended to  
2 read as follows:

3 26. *a.* Whenever the circumstances of a child are such that his  
4 needs cannot be adequately met in his own home, the Division of  
5 Youth and Family Services may effect his placement in a foster  
6 home, with or without payment of board, in a group home, or in an  
7 appropriate institution if such care is deemed essential for him.  
8 The Division of Youth and Family Services shall make every  
9 reasonable effort to select a foster home, a group home or an  
10 institution of the same religious faith as the parent or parents of  
11 such child.

12 *b.* Whenever the Division of Youth and Family Services shall  
13 place any child, as provided by this section, in any municipality  
14 and county of this State, the child shall be deemed a resident of  
15 such municipality and county for all purposes *except school fund-*  
16 *ing*, and he shall be entitled to the use and benefit of all health,  
17 **[educational,]** recreational, vocational and other facilities of such  
18 municipality and county in the same manner and extent as any  
19 other child living in such municipality and county.

20 c. Whenever the Division of Youth and Family Services shall  
21 place any child, as provided by this section, in any school district,  
22 the child shall be entitled to the educational benefits of such dis-  
23 trict; provided, however, that the district of residence, as deter-  
24 mined by the Commissioner of Education pursuant to law, shall  
25 be responsible for paying tuition for such child to the district in  
26 which he is placed.

27 d. No municipality shall enact a planning or zoning ordinance  
28 governing the use of land by, or for, single family dwellings which  
29 shall, by any of its terms or provisions or by any rule or regulation  
30 adopted in accordance therewith, discriminate between children  
31 who are members of such single families by reason of their rela-  
32 tionship by blood, marriage or adoption, foster children placed  
33 with such families in such dwellings by the Division of Youth and  
34 Family Services, and children placed pursuant to law with families  
35 in single family dwellings known as group homes.

36 Any planning or zoning ordinance, heretofore or hereafter en-  
37 acted by a municipality, which violates the provisions of this sec-  
38 tion, shall be invalid and inoperative.

1 14. (New section) For school funding purposes, the Commis-  
2 sioner of Education shall determine district of residence as follows:

3 a. The district of residence for children in foster homes shall  
4 be the district in which the foster parents reside.

5 b. The district of residence for children who are in residential  
6 State facilities, or who have been placed by State agencies in group  
7 homes, private schools or out-of-state facilities, shall be the present  
8 district of residence of the parent or guardian with whom the child  
9 lived prior to his most recent admission to a State facility or most  
10 recent placement by a State agency.

11 If this cannot be determined, the district of residence shall be  
12 the district in which the child resided prior to such admission or  
13 placement.

14 If neither can be determined, the district of residence shall be  
15 the district in which the child has been placed or the district in  
16 which the State facility is located.

17 c. The Commissioner of Education shall develop appropriate  
18 criteria for determining the district of residence for those children  
19 whose district cannot be determined according to the criteria con-  
20 tained herein.

1 15. This act shall take effect July 1, 1979, except for sections 2,  
2 3, 6, 13 and 14 which shall take effect on July 1, 1978; provided,  
3 however, that all necessary preparatory steps shall be taken prior  
4 to the effective date to facilitate the implementation of this act.

## SPONSOR'S STATEMENT

The purpose of this bill is to provide a thorough and efficient education for children in State institutions and other State facilities. This is consistent both with Chapter 212 of 1975, which was intended to make such an education available to *all* children who live in New Jersey, and with recent Federal laws, which require such an education for all children who are handicapped.

In the past, these children have rarely received an adequate education. In part this resulted from inadequate appropriations, in part from insufficient emphasis on education within the facilities, due to the lack of uniform program standards, and in part from ill-defined responsibilities for operating the classes.

To solve these problems, the bill provides for these children to be treated as much as possible like pupils in the public schools. First, they will be carried on the rolls of the district, and their education will be supported by State aid and district taxes; this will ensure a stable and sufficient source of funds and should mean that funds for their programs will be reduced only if there is a general reduction in State aid for all school districts. Second, the responsibility for providing their education will be clearly defined, and will rest either with the Division of Mental Retardation, the State School for the Deaf or Hearing Handicapped, or the Garden State School District. And finally, the Commissioner of Education will write rules and regulations establishing standards for their education, and will monitor their classes.

For many years school districts have been required by law to pay tuition for children in State institutions, but the law has not been enforced. Had the law been enforced under previous school funding schemes, districts would have been charged *full* tuition for these children; this would have placed a serious financial burden on a great number of districts. Under this bill, however, tuition will be financed chiefly through State aid. The amount of local tax money required for each such child will be commensurate with that spent on any other child in the district. Even this amount, however, will be offset in many cases by an increase in the proportion of State aid which will be paid to the district because its equalized valuation per pupil will decrease with the added enrollment. District expenditures required by the bill will be budgeted in a way which will not create cap problems nor take funds away from other school programs. And new guidelines for determining the district of residence of these children will help avoid an unfair concentration of financial responsibility on any district.

The bill would affect children ages 5 through 19 in the following facilities:

DIVISION OF MENTAL RETARDATION

Day Training Centers  
 Hunterdon State School  
 E. R. Johnstone Training and Research Center  
 New Lisbon State School  
 Neuropsychiatric Institute  
 North Jersey Training School  
 Vineland State School  
 Woodbridge State School  
 Woodbine State School

DIVISION OF MENTAL HEALTH AND HOSPITALS

Ancora Psychiatric Hospital  
 Greystone Psychiatric Hospital  
 Marlboro Psychiatric Hospital  
 Trenton Psychiatric Hospital  
 Arthur Brisbane Child Treatment Center

DIVISION OF YOUTH AND FAMILY SERVICES

Cedar Grove Residential Center  
 Ewing Residential Center  
 Vineland Residential Center  
 Woodbridge Residential Center

DEPARTMENT OF CORRECTIONS

Training School for Boys, Skillman  
 Training School for Boys and Girls, Jamesburg  
 Youth Correctional Institution, Annandale  
 Youth Reception and Correction Center, Yardville  
 New Jersey State Prison, Rahway  
 New Jersey State Prison, Trenton  
 New Jersey State Prison, Leesburg  
 Youth Correctional Institution, Bordentown  
 Correctional Institution for Women, Clinton

DEPARTMENT OF EDUCATION

Marie H. Katzenbach School for the Deaf  
 Millburn School for the Hearing Handicapped

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 86**

**STATE OF NEW JERSEY**

By Assemblyman NEWMAN

ADOPTED JUNE 12, 1978

AN ACT concerning State aid for the education of children in State facilities, assigning responsibility for such education, establishing criteria for determining the school district of residence for certain children, revising parts of the statutory law and repealing P. L. 1972, c. 187.

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

1 1. This act shall be known and may be cited as "The State  
2 Facilities Education Act of 1978."

1 2. 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 fol-  
4 lowing:

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 any other state in the United States;

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

12 d. A jointure commission program;

12A 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  
18 instructional program to privately operated day classes, in New  
19 Jersey or, with the approval of the commissioner to meet particular  
20 circumstances, in any other state in the United States, the services  
21 of 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.

22 education with the consent of the commissioner it is impractical  
 23 to provide services pursuant to subsections a., b., c., d., e., or f.  
 24 otherwise;

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

30 Whenever any child shall be confined to a hospital, convalescent  
 31 home, or other institution in New Jersey or in any other state in  
 32 the United States and is enrolled in an education program approved  
 33 under this article, *or shall be placed in any other State facility as*  
 34 *defined in section three of P. L. 1975, c. 212 (C. 18A:7A-3)*, the  
 35 board of education of the district in which the child [is domiciled]  
 36 resides shall pay the tuition of said child [in the special education  
 37 program].

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

1 3. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to  
 2 read as follows:

3 3. For the purposes of this act, unless the context clearly re-  
 4 quires a different meaning:

5 "Administrative order" means a written directive ordering  
 6 specific corrective action by a district which has shown insufficient  
 7 educational progress within a reasonable period of time in meeting  
 8 goals and standards.

9 "Approved special class pupil" means a pupil enrolled in any  
 10 class for atypical pupils pursuant to chapter 46 of Title 18A of the  
 11 New Jersey Statutes.

12 "Approved special education services pupil" means a pupil  
 13 receiving specific services pursuant to chapter 46 of Title 18A of  
 14 the New Jersey Statutes but excluding pupils attending county  
 15 special services school districts.

16 "Bilingual education pupil" means a pupil enrolled in a program  
 17 of bilingual education approved by the State board.

18 "Budgeted capital outlay" means those capital outlay expendi-  
 19 tures that are included in the annual school budget.

20 "Categorical programs" means those programs and services  
 21 recognized in this act as requiring per pupil expenditures over and  
 22 above those applicable to regular programs, as provided in section  
 23 20 of this act.

24 "Current expense" means all expenses of the school district, as  
25 enumerated in N. J. S. 18A:22-8, other than those required for  
26 interest and debt redemption charges and any budgeted capital  
27 project.

28 "Debt service" means and includes payments of principal and  
29 interest upon school bonds and other obligations issued to finance  
30 the acquisition of school sites and the acquisition, construction or  
31 reconstruction of school buildings, including furnishings, equipment  
32 and the costs of issuance of such obligations and shall include pay-  
33 ments of principal and interest upon bonds heretofore issued to  
34 fund or refund such obligations, and upon municipal bonds and  
35 other obligations which the commissioner approves as having been  
36 issued for such purposes. Debt service pursuant to the provisions  
37 of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177  
38 (C. 18A:33.2 et seq.) is excluded.

39 "District equalized valuation per pupil" means the quotient  
40 resulting from dividing the total equalized valuations in the school  
41 district by the resident enrollment of the district; provided that in  
42 the determination of the equalized valuation per pupil of a county  
43 vocational school the total equalized valuations in the county shall  
44 be divided by the total resident enrollment in all school districts  
45 of the county to obtain the county vocational school equalized valua-  
46 tion per pupil.

47 "Equalized valuations" means the equalized valuation of the  
48 taxing district or taxing districts as certified by the Director of  
49 the Division of Taxation on October 1 of the pre-budget year.

50 With respect to regional districts and their constituent districts,  
51 however, the equalized valuations as described above shall be  
52 allocated among the regional and constituent districts in proportion  
53 to the number of pupils in each of them.

54 "Evening school pupils" means the equated full-time resident  
55 enrollment of pupils enrolled in an accredited evening high school,  
56 an evening vocational high school, and in other evening schools  
57 except schools offering programs for self-improvement and social  
58 enrichment.

59 "Goals" means a written statement of educational aspirations  
60 for learner achievement and the educational process stated in  
61 general terms.

62 "Guaranteed valuation per pupil" means for the calculation of  
63 State support for the school year 1976-77, 1.3 times the State aver-  
64 age valuation per pupil, and for all school years thereafter, 1.35  
65 times the State average valuation per pupil, rounded to the nearest  
66 thousand dollars, for the year in which the calculation of aid is  
67 made except as modified by section 48 hereof.

68 "Joint Committee on the Public Schools" means the committee  
69 created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

70 "Local vocational pupils" means the full-time equivalent of  
71 pupils enrolled in approved categorical vocational programs in  
72 school districts designated as local area vocational school districts.

73 "Needs assessment" means a written analysis of the current  
74 status of an educational system in terms of achieving its goals.

75 "Net current expense budget" means the balance after deduct-  
76 ing (1) State support for categorical programs pursuant to section  
77 20 of this act, (2) the transportation amount in the current expense  
78 budget and (3) all other revenue in the current expense budget  
79 except the amount to be raised by local taxation, equalization State  
80 support, the State support for approved transportation.

81 "Net current expenses per pupil" means the quotient resulting  
82 from dividing the net current expense budget by the resident en-  
83 rollment.

84 "Net debt service and budgeted capital outlay" means the  
85 balance after deducting all revenues from the school debt service  
86 and budgeted capital outlay budgets of the school district and the  
87 school debt service amount included in the municipal budget, except  
88 the amount to be raised by local taxation and State support.

89 "Objective" means a written statement of the intended outcome  
90 of a specific educational process.

91 "Pre-budget year" means the school year preceding the year in  
92 which the school budget will be implemented.

93 "Resident enrollment" means the number of pupils who are resi-  
94 dent of the district and are enrolled in day or approved evening  
95 schools on the last school day of September of the pre-budget year  
96 and are attending: (1) the public schools of the district [or]; (2)  
97 [a] another school district or a State college demonstration school  
98 to which the district of residence pays tuition; or (3) a State  
99 facility; provided that a district shall count pupils regularly attend-  
100 ing both the schools of the district and of a county vocational school  
101 in the same county on an equated full-time basis.

102 "Standards" means the process and stated levels of proficiency  
103 used in determining the extent to which goals and objectives are  
104 being met.

105 "State average net current expense budget per pupil" means  
106 the quotient resulting from dividing the total net current expense  
107 budget of all districts in the State by the total resident enrollment  
108 in the State.

109 "State average valuation per pupil" means the quotient result-  
110 ing from dividing the total equalized valuations in the State as



111 certified by the Director of the Division of Taxation on October 1  
112 by the total resident enrollment in the State. In the event that the  
113 equalized table certified by the Director of the Division of Taxation  
114 shall be revised by the Division of Tax Appeals on or before  
115 January 30 of the next succeeding year, such revised valuation shall  
116 be used in any recomputation of aid for an individual district filing  
117 such appeal but will have no effect upon the State average valua-  
118 tion per pupil.

119 "State compensatory education pupil" means a pupil who is en-  
120 rolled in preventive and remedial programs, approved by the State  
121 board, supplemental to the regular programs and designed to assist  
122 pupils who have academic, social, economic or environmental needs  
123 that prevent them from succeeding in regular school programs.

124 "*State facility*" means a *State residential facility for the*  
125 *retarded; a day training center which is operated by or under*  
126 *contract with the State and in which all the children have been*  
127 *placed by the State; a State residential youth center; a State train-*  
128 *ing school or correctional facility; a State child treatment center*  
129 *or psychiatric hospital.*

130 "State support limit" means the sixty-fifth percentile net current  
131 expense budget per pupil for the prebudget year when all district  
132 figures are ranked from low to high. The State support limit shall  
133 be calculated and applied separately for (a) limited purpose re-  
134 gional districts offering grades 9 through 12, (b) limited purpose  
135 regional districts offering grades 7 through 12, provided, however,  
136 that the figure used for such districts shall be not less than 90%  
137 of the sixty-fifth percentile for limited purpose regional districts  
138 offering grades 9 through 12, (c) constituent districts of limited  
139 purpose regional districts offering grades 9 through 12, (d) con-  
140 stituent districts of limited purpose regional districts offering  
141 grades 7 through 12, provided, however, that the figure used for  
142 such districts shall be not less than 90% of the sixty-fifth percentile  
143 for constituent districts of limited purpose regional districts offer-  
144 ing grades 9 through 12, and (e) all other districts.

1 4. Section 17 of P. L. 1975, c. 212 (C. 18A:7A-17) is amended to  
2 read as follows:

3 17. Annually, on or before October 5, the secretary of the board  
4 of education, with the approval of the superintendent of schools,  
5 or if there be no superintendent of schools, with the approval of  
6 the county superintendent of schools, shall file with the commis-  
7 sioner a report stating the number of pupils enrolled by grade  
8 [and], the number of these pupils in approved programs of (a)  
9 special education classes, (b) compensatory education, (c) bilingual

10 education and (d) local vocational education, *and the number of*  
 11 *pupils in State facilities* on the last school day of September. In  
 12 addition, districts shall file annual reports providing such informa-  
 13 tion as the commissioner may require for pupils receiving special  
 14 education services.

1 5. Section 20 of P. L. 1975, c. 212 (C. 18A:7A-20) is amended  
 2 to read as follows:

3 20. In addition to the equalization support authorized in section  
 4 18 of this act, categorical program support shall be paid in accord-  
 5 ance with the following calculations:

6 a. The number of categorical aid units shall be determined by  
 7 adding the products obtained by multiplying the pupils in each  
 8 category by the **[following]** *appropriate* additional cost factors.  
 9 *Unless the schedule of additional cost factors is or has been revised*  
 10 *pursuant to section 21 of this act, the additional cost factors shall*  
 11 *be the following:*

#### CATEGORICAL PROGRAMS

Special Education Classes	Additional Cost Factors
12 Educable .....	0.53
13 Trainable .....	0.95
14 Orthopedically handicapped .....	1.27
15 Neurologically impaired .....	1.06
16 Perceptually impaired .....	0.85
17 Visually handicapped .....	1.91
18 Auditorially handicapped .....	1.38
19 Communication handicapped .....	1.06
20 Emotionally disturbed .....	1.27
21 Socially maladjusted .....	0.95
22 Chronically ill .....	0.85
23 Multiply handicapped .....	1.27
Other Classes and Services	Additional Cost Factors
24 Approved private school tuition .....	1.0 plus the additional
25	cost factor of the handi-
26	cap
27 Supplementary and speech instruction .....	0.09 based on the num-
28	ber of pupils actually
29	receiving such instruc-
30	tion in the prior school
31	year
32 Resource room .....	0.65
33 Bilingual education .....	0.16
34 State compensatory education .....	0.11
35-36 Approved local vocational education .....	0.53

	<i>Classes in State Facilities</i>	<i>Additional Cost Factors</i>
37	<i>Residential facility for the retarded . . .</i>	<i>1.65</i>
38	<i>Day training center . . . . .</i>	<i>2.09</i>
39	<i>Residential youth center . . . . .</i>	<i>1.50</i>
40	<i>Training school or correctional facility . . .</i>	<i>0.54</i>
41	<i>Child treatment center or psychiatric</i>	
42	<i>hospital . . . . .</i>	<i>1.40</i>

43 b. The number of categorical aid units for home instruction shall  
44 be determined by multiplying the number of hours of instruction  
45 actually provided in the prior school year by 0.006.

46 c. For the purposes of this section, aid shall be paid to districts  
47 in which the pupils reside except in the case of home, supple-  
48 mentary or speech instruction where aid shall be paid to the  
49 district providing the service. No tuition may be charged for such  
50 home, supplementary or speech instruction for costs covered by  
51 State support as provided in this section.

52 d. Categorical program support shall equal the number of units  
53 of additional cost multiplied by the State average net current  
54 expense budget per pupil for the prebudget year.

55 e. *Each child in a State facility shall be eligible only for that*  
56 *categorical aid provided by the additional cost factor for that*  
57 *facility.*

1 6. (New section) For each child who is resident in a district and  
2 in a State facility on the last school day in September of the  
3 prebudget year, the Commissioner of Education shall deduct from  
4 the State aid payable to such district an amount equal to the State  
5 average net current expense budget per pupil plus the appropriate  
6 categorical program support.

7 This amount shall be forwarded to the Department of Human  
8 Services if the facility is operated by or under contract with that  
9 department, or to the Department of Corrections if the facility is  
10 operated by that department, and shall serve as payment by the  
11 district of tuition for the child. This amount shall be used solely  
12 for the support of educational programs and shall be maintained  
13 in a separate account for that purpose. No district shall be respon-  
14 sible for the tuition of any child admitted to a State facility after  
15 September 30 of the prebudget year.

1 7. (New section) For the purpose of calculating State aid for  
2 the 1979-80 school year for each school district with a resident  
3 enrollment which includes pupils in State facilities, the net current  
4 expense budget for the 1978-79 school year shall be increased for  
5 each such pupil by an amount equal to the State average net current  
6 expense budget per pupil. Such increase shall not be subject to the

7 limitations imposed by section 25 of P. L. 1975, c. 212  
8 (C. 18A:7A-25).

1 8. (New section) Funds received pursuant to this act by the  
2 Department of Human Services or by the Department of Correc-  
3 tions shall be used only for the salaries of teachers, educational  
4 administrators at the program level, child study team personnel,  
5 and paraprofessionals assigned to educational programs in State  
6 facilities, and for the costs of educational materials and supplies  
7 for these programs. No such funds shall be used for the renovation  
8 or construction of capital facilities, for the maintenance and opera-  
9 tion of educational facilities, or for custodial, habilitation or other  
10 noneducational costs.

1 9. (New section) The Commissioner of Education, with the  
2 approval of the State Board of Education, shall promulgate rules  
3 and regulations to ensure a thorough and efficient education for  
4 the children in State facilities.

5 The commissioner shall continually review the operation of edu-  
6 cational programs in State facilities. If he finds that the operation  
7 of any of these programs does not meet the educational standard  
8 required by the regulations, he shall direct that a remedial plan be  
9 prepared by the education director of the facility in which the  
10 program is located, together with the director of educational ser-  
11 vices of the department which is operating or contracting with the  
12 facility. The plan shall be submitted to the Commissioner of Edu-  
13 cation for his approval. If he approves the plan, it shall be im-  
14 plemented in a timely and effective manner. If he finds the plan  
15 or its implementation to be insufficient, he may, until the insuffi-  
16 ciency is corrected, withhold and place in a special account any  
17 State aid funds which otherwise would have been forwarded pur-  
18 suant to section 6 of this act.

1 10. (New section) All teaching staff members and administrators  
2 of the educational program in State facilities shall hold the ap-  
3 propriate certificate issued by the State Board of Examiners.

1 11. (New section) a. Any parent or guardian of a pupil in a  
2 State facility, and any pupil in a State facility between 18 and 20  
3 years of age, may request an administrative review on matters of  
4 educational classification or educational program.

5 b. The administrative review process shall include the following  
6 sequence:

7 (1) A conference with teaching staff members or child study  
8 team personnel;

9 (2) A conference with the Director of Educational Services of  
10 the Department of Human Services or the Department of Correc-  
11 tions, whichever is appropriate;

12 (3) A hearing by the Commissioner of Education pursuant to  
13 law and regulation.

14 c. The due process rights available to children, parents and  
15 guardians in the public schools on matters of educational classifi-  
16 cation or educational program shall be available to children,  
17 parents and guardians in State facilities.

18 d. The placement of a child in a particular State facility shall  
19 not be subject to an administrative review or hearing pursuant to  
20 this section.

1 12. (New section) There is hereby created and established in  
2 the Department of Corrections an Office of Education to be headed  
3 by a Director of Educational Services who shall supervise the  
4 educational programs in all State facilities operated by that de-  
5 partment and shall approve all personnel to be hired for such  
6 programs.

7 The director shall hold the appropriate certificate issued by the  
8 State Board of Examiners and shall be qualified by training and  
9 experience for his position and shall be appointed by the Commis-  
10 sioner of Corrections. He shall serve at the pleasure of the com-  
11 missioner and shall receive such salary as shall be fixed by the  
12 commissioner.

1 13. (New section) There is hereby created and established in  
2 the Department of Human Services an Office of Education to be  
3 headed by a Director of Educational Services who shall supervise  
4 the educational programs in all the State facilities operated by or  
5 under contract with that department and shall approve all per-  
6 sonnel hired by the State for such programs.

7 The director shall hold the appropriate certificate issued by the  
8 State Board of Examiners and shall be qualified by training and  
9 experience for his position and shall be appointed by the Commis-  
10 sioner of Human Services. He shall serve at the pleasure of the  
11 commissioner and shall receive such salary as shall be fixed by  
12 the commissioner.

1 14. (New section) The Commissioners of Education, Corrections  
2 and Human Services shall jointly review the current administrative  
3 practices, salary structure, operations and staffing of the Garden  
4 State School District and, with the approval of the Director of  
5 the Division of Budget and Accounting, shall establish by January  
6 1, 1979 a plan for the orderly allocation or transfer on the effective  
7 date of this act of:

8 a. All personnel employed by the Garden State School District;

9 b. All appropriations, grants, or other money available to the  
10 Garden State School District, subject to any restrictions, limita-  
11 tions, or other requirements imposed by Federal or State law;

12 c. All files, books, papers, records, equipment, or other property  
13 of the Garden State School District.

14 Nothing in this act shall be construed to deprive employees of  
15 the Garden State School District of any rights or protections pro-  
16 vided by Civil Service, pension, or retirement laws of this State.

1 15. (New section) a. This act shall not affect actions or pro-  
2 ceedings, civil or criminal, brought by or against the Garden State  
3 School District and pending on the effective date of this act, but  
4 such actions may be further prosecuted or defended in the same  
5 manner and to the same effect by the Department of Corrections,  
6 the Department of Human Services, or the Department of Edu-  
7 cation, whichever has assumed those duties, powers, and responsi-  
8 bilities which are the subject of the proceedings.

9 b. Whenever in any law, rule, regulation, order, contract, docu-  
10 ment, judicial or administrative proceedings, or otherwise, refer-  
11 ence is made to the Garden State School District, the same shall  
12 be considered and mean the Department of Corrections, the De-  
13 partment of Human Services, or the Department of Education,  
14 which has assumed those duties, powers, and responsibilities which  
15 are the subject of the reference.

1 16. Section 43 of P. L. 1975, c. 212 (C. 18A:46-18.1) is amended  
2 to read as follows:

3 43. It shall be the duty of the [State Board in concert with the]  
4 Department of [Institutions and Agencies] *Human Services* to  
5 provide suitable facilities and programs for all the children who  
6 are classified as eligible for day training, *and to provide trans-*  
7 *portation for all such children who attend day training centers.*

8 *The school district of residence shall pay tuition for each child*  
9 *classified as eligible for day training, but shall not pay the cost*  
10 *of transportation for any such child.*

1 17. Section 85 of P. L. 1965, c. 59 (C. 30:4-165.2) is amended  
2 to read as follows:

3 85. Functional services for the mentally retarded shall include  
4 both residential and nonresidential services as follows:

5 (1) Nonresidential functional services shall include but need not  
6 be limited to: evaluation, counseling of family or guardian, of  
7 employer, or of retarded person; consultative services to social,  
8 educational, or welfare and health agencies and to the courts;  
9 [and] day-care programs; and *day training programs.*

10 (2) Residential functional services shall include but need not  
11 be limited to: evaluation study, treatment, education, training,  
12 rehabilitation, care and protection provided in State schools and  
13 in other residential facilities operated by the department; family  
14 care and sheltered life programs; interim placement in approved  
15 residential facilities other than State schools. Such programs may  
16 be of short- or long-term duration as required.

1 18. Section 26 of P. L. 1951, c. 138 (C. 30:4C-26) is amended to  
2 read as follows:

3 26. *a.* Whenever the circumstances of a child are such that his  
4 needs cannot be adequately met in his own home, the Division of  
5 Youth and Family Services may effect his placement in a foster  
6 home, with or without payment of board, in a group home, or in an  
7 appropriate institution if such care is deemed essential for him.  
8 The Division of Youth and Family Services shall make every  
9 reasonable effort to select a foster home, a group home or an  
10 institution of the same religious faith as the parent or parents  
11 of such child.

12 *b.* Whenever the Division of Youth and Family Services shall  
13 place any child, as provided by this section, in any municipality  
14 and county of this State, the child shall be deemed a resident of  
15 such municipality and county for all purposes *except school fund-*  
16 *ing*, and he shall be entitled to the use and benefit of all health,  
17 [educational,] recreational, vocational and other facilities of such  
18 municipality and county in the same manner and extent as any  
19 other child living in such municipality and county.

20 *c.* Whenever the Division of Youth and Family Services shall  
21 place any child, as provided by this section, in any school district,  
22 the child shall be entitled to the educational benefits of such dis-  
23 trict; provided, however, that the district of residence, as deter-  
24 mined by the Commissioner of Education pursuant to law, shall  
25 be responsible for paying tuition for such child to the district in  
26 which he is placed.

27 *d.* No municipality shall enact a planning or zoning ordinance  
28 governing the use of land by, or for, single family dwellings which  
29 shall, by any of its terms or provisions or by any rule or regulation  
30 adopted in accordance therewith, discriminate between children  
31 who are members of such single families by reason of their rela-  
32 tionship by blood, marriage or adoption, foster children placed  
33 with such families in such dwellings by the Division of Youth and  
34 Family Services, and children placed pursuant to law with families  
35 in single family dwellings known as group homes.

36 Any planning or zoning ordinance, heretofore or hereafter en-  
37 acted by a municipality, which violates the provisions of this sec-  
38 tion, shall be invalid and inoperative.

1 19. (New section) For school funding purposes, the Commis-  
2 sioner of Education shall determine district of residence as follows:

3 a. The district of residence for children in foster homes shall be  
4 the district in which the foster parents reside. If a child in a  
5 foster home is subsequently placed in a State facility or by a State  
6 agency, the district of residence of the child shall then be deter-  
7 mined as if no such foster placement had occurred.

8 b. The district of residence for children who are in residential  
9 State facilities, or who have been placed by State agencies in group  
10 homes, private schools or out-of-state facilities, shall be the present  
11 district of residence of the parent or guardian with whom the child  
12 lived prior to his most recent admission to a State facility or most  
13 recent placement by a State agency.

14 If this cannot be determined, the district of residence shall be  
15 the district in which the child resided prior to such admission or  
16 placement.

17 If neither can be determined, the district of residence shall be  
18 the district in which the child has been placed or the district in  
19 which the State facility is located.

20 c. The Commissioner of Education shall develop appropriate  
21 criteria for determining the district of residence for those children  
22 whose district cannot be determined according to the criteria con-  
23 tained herein.

1 20. (New section) Beginning in the school year 1980-81, the  
2 Commissioner of Education shall annually report to the Legislature,  
3 describing the condition of educational programs in State facilities,  
4 the efforts of the Departments of Corrections and Human Services  
5 in meeting the standards of a thorough and efficient education in  
6 these facilities, the steps underway to correct any deficiencies in  
7 their educational programs, and the progress of the educational  
8 programs in New Jersey State facilities in comparison with those  
9 in the State facilities of other states. At that time the commis-  
10 sioner shall recommend to the Legislature any necessary or desir-  
11 able changes or modifications in this act.

1 21. P. L. 1972, c. 187 (C. 30:44A-1 et seq.) is hereby repealed.

1 22. Sections 3, 4, 7, 13, 15 and 16 shall take effect immediately  
2 for implementation during the 1978-79 school year. The remainder  
3 of the act shall take effect on July 1, 1979; provided, however, that  
4 all other necessary steps shall be taken prior to that date to  
5 facilitate the implementation of this act.



## STATEMENT

The purpose of this bill is to provide a thorough and efficient education for children in State institutions and other State facilities. This is consistent both with chapter 212 of 1975, which was intended to make such an education available to *all* children who live in New Jersey, and with recent Federal laws, which require such an education for all children who are handicapped.

In the past, these children have rarely received an adequate education. In part this resulted from inadequate appropriations, in part from insufficient emphasis on education within the facilities, and in part from ill-defined responsibilities for operating and monitoring the classes.

To solve these problems, the bill provides for these children to be treated as much as possible like pupils in the public schools. First, they will be carried on the roles of the district, and their education will be supported by Stateaid and district taxes; this will ensure a stable and sufficient source of funds and should mean that funds for their programs will be reduced only if there is a general reduction in State aid for all school districts. Second, the responsibility for providing their education will be clearly defined, and will rest either with the Department of Human Services or the Department of Corrections. And finally, the Commissioner of Education will write rules and regulations establishing standards for their education, and will monitor their classes.

The Garden State School District will be abolished. This agency is now part of the Department of Education, but it is providing the education in the correctional facilities. Its elimination will restrict the Department of Education to a monitoring role in the facilities, rather than have it try to perform the dual role of both provider and monitor of education. All employees of the Garden State School District will be transferred either to the Department of Corrections or to the Department of Human Services, or will become part of the monitoring staff of the Department of Education.

School districts have for many years been required by law to pay tuition for children in State institutions, but the law has not been enforced. Had the law been enforced under previous school funding schemes, districts would have been charged *full* tuition for these children; this would have placed a serious financial burden on a great number of districts. Under this bill, however, tuition will be financed chiefly through State aid. The amount of local tax money required for each such child will be commensurate with that spent on any other child in the district. Even this amount, however,

will be offset in many cases by an increase in the proportion of State aid which will be paid to the district because its equalized valuation per pupil will decrease with the added enrollment. District expenditures required by the bill will be budgeted in a way which will not create cap problems. And new guidelines for determining the district of residence of these children will help avoid an unfair concentration of financial responsibility on any district.

The bill would affect children ages 5 through 19 in the following facilities:

DIVISION OF MENTAL RETARDATION, Department of Human Services

Hunterdon State School  
 E. R. Johnstone Training and Research Center  
 New Lisbon State School  
 Neuropsychiatric Institute  
 North Jersey Training School  
 Vineland State School  
 Woodbridge State School  
 Woodbine State School  
 Day Training Centers

DIVISION OF MENTAL HEALTH AND HOSPITALS, Department of Human Services

Ancora Psychiatric Hospital  
 Greystone Psychiatric Hospital  
 Marlboro Psychiatric Hospital  
 Trenton Psychiatric Hospital  
 Arthur Brisbane Child Treatment Center

DIVISION OF YOUTH AND FAMILY SERVICES, Department of Human Services

Cedar Grove Residential Center  
 Ewing Residential Center  
 Vineland Residential Center  
 Woodbridge Residential Center

DEPARTMENT OF CORRECTIONS

Training School for Boys, Skillman  
 Training School for Boys and Girls, Jamesburg  
 Youth Correctional Institution, Annandale  
 Youth Reception and Correction Center, Yardville  
 New Jersey State Prison, Rahway  
 New Jersey State Prison, Trenton  
 New Jersey State Prison, Leesburg  
 Youth Correctional Institution, Bordentown  
 Correctional Institution for Women, Clinton

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SENATE EDUCATION COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 86**  
with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 25, 1978

PURPOSE & PROVISIONS

The purpose of this bill is to provide a thorough and efficient education for children in all State facilities. It applies to educational programs in State schools and day training centers for the mentally retarded, State psychiatric hospitals, State residential youth centers, and State correctional facilities. (A list of facilities appears on the last page of the bill.) Assembly No. 86 provides a funding procedure for these programs, defines the agency charged with operating the classes in each facility, and assigns responsibility for educational standards in all the facilities. It also includes two sections redefining the criteria for determining the district of residence for children in State facilities as well as for others placed by State agencies.

*Funding:* According to the bill, educational programs in State facilities will be funded through Chapter 212 of 1975. Beginning in 1979-80, school districts will receive equalization and categorical aid for each child between the ages of 5 and 20 who is a resident of the district and in a State facility; the categorical aid will be paid in accordance with new cost factors included in the bill for each type of facility. Districts, in turn, will pay tuition for the child; the tuition will be equal to the State average net current expense budget per pupil plus the categorical aid received for the child. The tuition payment will actually be paid through a deduction in districts' State aid made by the Commissioner and forwarded to the agency providing the education.

*Operational Responsibility:* The Departments of Corrections and Human Services will be charged with operating the classes in State facilities. An Office of Education, headed by a Director of Educational Services, will be created in each Department; the director will be charged with supervising the education programs in all department facilities and with approving the hiring of educational personnel, all of whom must be certified. The Garden State School District, which is now part of the Department of Education but is the educational agency in

the correctional facilities, will be abolished. The role of the Department of Education will be limited to funding, monitoring and insuring an appropriate program for every child in the facilities. All the present employees of the Garden State School District will be transferred to the Departments of Corrections or Human Services or will become part of the monitoring staff of the Department of Education.

*Responsibility for standard:* In all the facilities, the Commissioner of Education will be responsible for establishing educational standards; he will issue rules and regulations for the programs, assure their implementation, and, if the classes do not meet the standards required for a thorough and efficient education, order the development of a plan to correct the situation. In extreme cases, the commissioner can withhold educational funds from the facilities to force compliance with the regulations.

The commissioner will also hold any hearings required to determine whether a child has received the proper classification and program. The procedures for these hearings, and for the administrative review which would precede them, will be basically those which now apply to children in the public schools.

*Determining district of residence:* According to the bill, foster children will continue to be considered residents of the district in which the foster parent resides. Other children who are in State facilities or who have been placed by State agencies will be considered residents of the district in which the parent resides or, if this cannot be determined, the district in which the child himself resided before placement.

#### BACKGROUND

*Funding:* Educational programs in State facilities are now funded through the appropriations process. In previous years, all educational expenditures came out of the general appropriation to each facility; because of competing priorities, education was often insufficiently supported. The budget for the present fiscal year includes a separate line item for education in these facilities, but in most cases the appropriation remains insufficient to provide an education which meets State standards.

There is at least one lawsuit now pending to require State institutions to comply with the T & E law; in addition, there is some question whether some of the facilities can meet the requirements of a federal law (P. L. 94-142) which requires a free and appropriate education for all handicapped children. The bill should provide sufficient funds to enable compliance with both statutes.

School districts are now required by law (N. J. S. 18A:46-14) to pay tuition for any of their children who are in institutions. This law has

never been enforced, chiefly because the tuition charges would have created a serious financial burden for some districts. Under Assembly No. 86, however, the tuition will be paid chiefly with State aid; the amount of tax levy needed to support any child will be limited to the difference between the equalization aid received by the district for the child and the State average net current expense budget per pupil. On the average, the amount of tax levy required for pupils in State facilities will be the same as that for pupils attending class in the local districts. Further the total cost of tuition will be offset by a general increase in equalization aid for the district; this will result from the added enrollment and the consequent lowering of the per pupil wealth of the district.

The bill will require school districts to pay tuition for all children in State facilities, including those classified as eligible for day training. The school districts presently have no obligation to provide facilities or programs for children eligible for day training nor do they have any responsibility to pay for their education. Tuition for them will therefore be an added burden for the districts, but once again the cost in tax levy will be lessened by the State aid generated when these children are added to the rolls of the district.

*Operational Responsibility and Responsibility for Standards:* Most of the discussion at the meetings and public hearings held by the Assembly Education Committee on this bill concerned the question of who should provide the education in the facilities. Much of the testimony described the present situation in the correctional institutions, where an agency of the Department of Education (the Garden State School District) was attempting to do its job in facilities run by the Department of Corrections. The committee concluded that this situation was leading to bureaucratic conflict which had harmful educational effects. More important this situation placed the Department of Education in the position of both providing the education and monitoring it; the committee believed that these functions should be separated. As a result, the Committee's substitute bill abolished the Garden State School District and required the Departments of Corrections and Human Services to provide the education in their own facilities. The function of the Department of Education was then restricted to establishing and maintaining educational standards; its role in the facilities would therefore be analogous to its role in the public schools of the State.

*Determining district of residence:* In the past, substantial administrative problems have developed in determining the proper district of residence for children educated outside school districts. This bill

attempts to simplify the present guidelines on this subject by tying district of residence to readily available criteria, in many cases to the district of residence of the parent with whom the child resided before placement or to the last known district of residence of the child. Additionally, these new criteria should spread the financial burden for the children in State facilities; districts in which the facilities are located should not face any undue costs.

#### FISCAL IMPLICATIONS:

At 1978-79 budget levels, the estimated *additional* cost of the bill would be \$4,687,014.00 of which \$3,748,285.00 will be paid by the State and the remainder (\$938,729.00) will be paid by local districts. The additional cost for the 1980 Fiscal Year is estimated to be \$6,465,100.00 of which \$5,430,973.00 will be paid by the State and the remainder (\$1,034,127.00) will be paid by local districts.

#### COMMITTEE AMENDMENTS

Two technical amendments were necessary. One adds the words "State facilities" in section 16 of the bill, where it was inadvertently omitted. The other corrects a mistake in the section on effective dates.

A series of substantive amendments, lowering the cost factors in section 5 are necessary to make allowances for the use of federal funds to meet the cost of the bill. The applicability of these funds, and their exact amount, were not clear when the bill moved through the Assembly.

With the repeal of the Garden State School District law, the directors of education would no longer have explicit legislative authority to provide educational programs for adults. The amendments in sections 8, 12 (last paragraph) and 13 (last paragraph) will restore this authority.

The first of the two paragraphs being added to sections 12 and 13 make explicit the types of programs to be provided school age children in State facilities. In addition, it will require that diplomas, credit, etc. be given for the successful completion of courses or programs.

The employees of the Garden State School District are currently litigating the rights they contend they have under the Garden State School District Statute with regard to tenure and salaries. With the repeal of that Statute, the legal basis for their case would be wiped out. The amendments in sections 10 and 15 would restore that legal basis but would not, in the opinion of the committee, grant them any rights which they do not currently enjoy.

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SENATE COMMITTEE AMENDMENTS TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 86**

**STATE OF NEW JERSEY**

ADOPTED SEPTEMBER 25, 1978

Amend page 7, section 5, line 37, omit "1.65", insert "1.28".

Amend page 7, section 5, line 38, omit "2.09", insert "2.02".

Amend page 7, section 5, line 39, omit "1.50", insert "1.09".

Amend page 7, section 5, line 40, omit "0.54", insert "0.53".

Amend page 7, section 5, line 42, omit "1.40", insert "0.26".

Amend page 8, section 8, after line 10, insert the following paragraph:

"There are hereby authorized to be appropriated to the Departments of Human Services and Corrections such funds as may be necessary to provide for adult, post-secondary and college programs."

Amend page 8, section 10, after line 3, insert the following paragraph:

"Salary schedules for teaching staff members and administrators shall be comparable to similar positions in the Department of Education and the Marie H. Katzenbach School for the Deaf."

Amend page 9, section 12, after line 12, insert the following paragraphs:

"The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Department of Higher Education."

Amend page 9, section 13, after line 12, insert the following paragraphs:

"The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Department of Higher Education."

Amend page 10, section 15, after line 15, insert the following paragraph:

“All rights and privileges enjoyed by teaching staff members of the Garden State School District shall be enjoyed by teaching staff members employed in State facilities.”.

Amend page 10, section 16, line 8, after “child”, insert “in a State facility”.

Amend page 12, section 21, line 1, omit “C. 30:44A-1”, insert “C. 30:4AA-1”.

Amend page 12, section 22, line 1, omit “13, 15”, insert “18”; omit “16”, insert “19.”.

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[SENATE REPRINT]  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 86**  
with Senate committee amendments adopted September 25, 1978

**STATE OF NEW JERSEY**

ADOPTED JUNE 12, 1978

By Assemblyman NEWMAN

AN ACT concerning State aid for the education of children in State facilities, assigning responsibility for such education, establishing criteria for determining the school district of residence for certain children, revising parts of the statutory law and repealing P. L. 1972, c. 187.

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

1 1. This act shall be known and may be cited as "The State  
2 Facilities Education Act of 1978."

1 2. 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 fol-  
4 lowing:

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 any other state in the United States;

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

12 d. A jointure commission program;

12A 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  
18 instructional program to privately operated day classes, in New  
19 Jersey or, with the approval of the commissioner to meet particular  
20 circumstances, in any other state in the United States, the services  
21 of 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.

22 education with the consent of the commissioner it is impractical  
 23 to provide services pursuant to subsections a., b., c., d., e., or f.  
 24 otherwise;

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

30 Whenever any child shall be confined to a hospital, convalescent  
 31 home, or other institution in New Jersey or in any other state in  
 32 the United States and is enrolled in an education program approved  
 33 under this article, *or shall be placed in any other State facility as*  
 34 *defined in section three of P. L. 1975, c. 212 (C. 18A:7A-3)*, the  
 35 board of education of the district in which the child **[is domiciled]**  
 36 *resides* shall pay the tuition of said child **[in the special education**  
 37 **program]**.

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

1 3. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to  
 2 read as follows:

3 3. For the purposes of this act, unless the context clearly re-  
 4 quires a different meaning:

5 "Administrative order" means a written directive ordering  
 6 specific corrective action by a district which has shown insufficient  
 7 educational progress within a reasonable period of time in meeting  
 8 goals and standards.

9 "Approved special class pupil" means a pupil enrolled in any  
 10 class for atypical pupils pursuant to chapter 46 of Title 18A of the  
 11 New Jersey Statutes.

12 "Approved special education services pupil" means a pupil  
 13 receiving specific services pursuant to chapter 46 of Title 18A of  
 14 the New Jersey Statutes but excluding pupils attending county  
 15 special services school districts.

16 "Bilingual education pupil" means a pupil enrolled in a program  
 17 of bilingual education approved by the State board.

18 "Budgeted capital outlay" means those capital outlay expendi-  
 19 tures that are included in the annual school budget.

20 "Categorical programs" means those programs and services  
 21 recognized in this act as requiring per pupil expenditures over and  
 22 above those applicable to regular programs, as provided in section  
 23 20 of this act.

24 "Current expense" means all expenses of the school district, as  
25 enumerated in N. J. S. 18A:22-8, other than those required for  
26 interest and debt redemption charges and any budgeted capital  
27 project.

28 "Debt service" means and includes payments of principal and  
29 interest upon school bonds and other obligations issued to finance  
30 the acquisition of school sites and the acquisition, construction or  
31 reconstruction of school buildings, including furnishings, equipment  
32 and the costs of issuance of such obligations and shall include pay-  
33 ments of principal and interest upon bonds heretofore issued to  
34 fund or refund such obligations, and upon municipal bonds and  
35 other obligations which the commissioner approves as having been  
36 issued for such purposes. Debt service pursuant to the provisions  
37 of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177  
38 (C. 18A:33.2 et seq.) is excluded.

39 "District equalized valuation per pupil" means the quotient  
40 resulting from dividing the total equalized valuations in the school  
41 district by the resident enrollment of the district; provided that in  
42 the determination of the equalized valuation per pupil of a county  
43 vocational school the total equalized valuations in the county shall  
44 be divided by the total resident enrollment in all school districts  
45 of the county to obtain the county vocational school equalized valua-  
46 tion per pupil.

47 "Equalized valuations" means the equalized valuation of the  
48 taxing district or taxing districts as certified by the Director of  
49 the Division of Taxation on October 1 of the pre-budget year.

50 With respect to regional districts and their constituent districts,  
51 however, the equalized valuations as described above shall be  
52 allocated among the regional and constituent districts in proportion  
53 to the number of pupils in each of them.

54 "Evening school pupils" means the equated full-time resident  
55 enrollment of pupils enrolled in an accredited evening high school,  
56 an evening vocational high school, and in other evening schools  
57 except schools offering programs for self-improvement and social  
58 enrichment.

59 "Goals" means a written statement of educational aspirations  
60 for learner achievement and the educational process stated in  
61 general terms.

62 "Guaranteed valuation per pupil" means for the calculation of  
63 State support for the school year 1976-77, 1.3 times the State aver-  
64 age valuation per pupil, and for all school years thereafter, 1.35  
65 times the State average valuation per pupil, rounded to the nearest  
66 thousand dollars, for the year in which the calculation of aid is  
67 made except as modified by section 48 hereof.

68 "Joint Committee on the Public Schools" means the committee  
69 created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

70 "Local vocational pupils" means the full-time equivalent of  
71 pupils enrolled in approved categorical vocational programs in  
72 school districts designated as local area vocational school districts.

73 "Needs assessment" means a written analysis of the current  
74 status of an educational system in terms of achieving its goals.

75 "Net current expense budget" means the balance after deduct-  
76 ing (1) State support for categorical programs pursuant to section  
77 20 of this act, (2) the transportation amount in the current expense  
78 budget and (3) all other revenue in the current expense budget  
79 except the amount to be raised by local taxation, equalization State  
80 support, the State support for approved transportation.

81 "Net current expenses per pupil" means the quotient resulting  
82 from dividing the net current expense budget by the resident en-  
83 rollment.

84 "Net debt service and budgeted capital outlay" means the  
85 balance after deducting all revenues from the school debt service  
86 and budgeted capital outlay budgets of the school district and the  
87 school debt service amount included in the municipal budget, except  
88 the amount to be raised by local taxation and State support.

89 "Objective" means a written statement of the intended outcome  
90 of a specific educational process.

91 "Pre-budget year" means the school year preceding the year in  
92 which the school budget will be implemented.

93 "Resident enrollment" means the number of pupils who are resi-  
94 dent of the district and are enrolled in day or approved evening  
95 schools on the last school day of September of the pre-budget year  
96 and are attending: (1) the public schools of the district [or]; (2)  
97 [a] another school district or a State college demonstration school  
98 to which the district of residence pays tuition; or (3) a State  
99 facility; provided that a district shall count pupils regularly attend-  
100 ing both the schools of the district and of a county vocational school  
101 in the same county on an equated full-time basis.

102 "Standards" means the process and stated levels of proficiency  
103 used in determining the extent to which goals and objectives are  
104 being met.

105 "State average net current expense budget per pupil" means  
106 the quotient resulting from dividing the total net current expense  
107 budget of all districts in the State by the total resident enrollment  
108 in the State.

109 "State average valuation per pupil" means the quotient result-  
110 ing from dividing the total equalized valuations in the State as

111 certified by the Director of the Division of Taxation on October 1.  
 112 by the total resident enrollment in the State. In the event that the  
 113 equalized table certified by the Director of the Division of Taxation  
 114 shall be revised by the Division of Tax Appeals on or before  
 115 January 30 of the next succeeding year, such revised valuation shall  
 116 be used in any recomputation of aid for an individual district filing  
 117 such appeal but will have no effect upon the State average valua-  
 118 tion per pupil.

119 "State compensatory education pupil" means a pupil who is en-  
 120 rolled in preventive and remedial programs, approved by the State  
 121 board, supplemental to the regular programs and designed to assist  
 122 pupils who have academic, social, economic or environmental needs  
 123 that prevent them from succeeding in regular school programs.

124 "*State facility*" means a State residential facility for the  
 125 retarded; a day training center which is operated by or under  
 126 contract with the State and in which all the children have been  
 127 placed by the State; a State residential youth center; a State train-  
 128 ing school or correctional facility; a State child treatment center  
 129 or psychiatric hospital.

130 "State support limit" means the sixty-fifth percentile net current  
 131 expense budget per pupil for the prebudget year when all district  
 132 figures are ranked from low to high. The State support limit shall  
 133 be calculated and applied separately for (a) limited purpose re-  
 134 gional districts offering grades 9 through 12, (b) limited purpose  
 135 regional districts offering grades 7 through 12, provided, however,  
 136 that the figure used for such districts shall be not less than 90%  
 137 of the sixty-fifth percentile for limited purpose regional districts  
 138 offering grades 9 through 12, (c) constituent districts of limited  
 139 purpose regional districts offering grades 9 through 12, (d) con-  
 140 stituent districts of limited purpose regional districts offering  
 141 grades 7 through 12, provided, however, that the figure used for  
 142 such districts shall be not less than 90% of the sixty-fifth percentile  
 143 for constituent districts of limited purpose regional districts offer-  
 144 ing grades 9 through 12, and (e) all other districts.

1 4. Section 17 of P. L. 1975, c. 212 (C. 18A:7A-17) is amended to  
 2 read as follows:

3 17. Annually, on or before October 5, the secretary of the board  
 4 of education, with the approval of the superintendent of schools,  
 5 or if there be no superintendent of schools, with the approval of  
 6 the county superintendent of schools, shall file with the commis-  
 7 sioner a report stating the number of pupils enrolled by grade  
 8 [and], the number of these pupils in approved programs of (a)  
 9 special education classes, (b) compensatory education, (c) bilingual

10 education and (d) local vocational education, *and the number of*  
 11 *pupils in State facilities* on the last school day of September. In  
 12 addition, districts shall file annual reports providing such informa-  
 13 tion as the commissioner may require for pupils receiving special  
 14 education services.

1 5. Section 20 of P. L. 1975, c. 212 (C. 18A:7A-20) is amended  
 2 to read as follows:

3 20. In addition to the equalization support authorized in section  
 4 18 of this act, categorical program support shall be paid in accord-  
 5 ance with the following calculations:

6 a. The number of categorical aid units shall be determined by  
 7 adding the products obtained by multiplying the pupils in each  
 8 category by the **[following]** *appropriate* additional cost factors.  
 9 *Unless the schedule of additional cost factors is or has been revised*  
 10 *pursuant to section 21 of this act, the additional cost factors shall*  
 11 *be the following:*

CATEGORICAL PROGRAMS

Special Education Classes	Additional Cost Factors
12 Educable .....	0.53
13 Trainable .....	0.95
14 Orthopedically handicapped .....	1.27
15 Neurologically impaired .....	1.06
16 Perceptually impaired .....	0.85
17 Visually handicapped .....	1.91
18 Auditorially handicapped .....	1.38
19 Communication handicapped .....	1.06
20 Emotionally disturbed .....	1.27
21 Socially maladjusted .....	0.95
22 Chronically ill .....	0.85
23 Multiply handicapped .....	1.27
Other Classes and Services	
24 Approved private school tuition .....	1.0 plus the additional
25	cost factor of the handi-
26	cap
27 Supplementary and speech instruction .	0.09 based on the num-
28	ber of pupils actually
29	receiving such instruc-
30	tion in the prior school
31	year
32 Resource room .....	0.65
33 Bilingual education .....	0.16
34 State compensatory education .....	0.11
35-36 Approved local vocational education .	0.53

<i>Classes in State Facilities</i>	<i>Additional Cost Factors</i>
37 Residential facility for the retarded . . . . .	* <b>[1.65]</b> * *1.28*
38 Day training center . . . . .	* <b>[2.09]</b> * *2.02*
39 Residential youth center . . . . .	* <b>[1.50]</b> * *1.09*
40 Training school or correctional facility . . . . .	* <b>[0.54]</b> * *0.53*
41 Child treatment center or psychiatric	
42 hospital . . . . .	* <b>[1.40]</b> * *0.26*

43 b. The number of categorical aid units for home instruction shall  
44 be determined by multiplying the number of hours of instruction  
45 actually provided in the prior school year by 0.006.

46 c. For the purposes of this section, aid shall be paid to districts  
47 in which the pupils reside except in the case of home, supple-  
48 mentary or speech instruction where aid shall be paid to the  
49 district providing the service. No tuition may be charged for such  
50 home, supplementary or speech instruction for costs covered by  
51 State support as provided in this section.

52 d. Categorical program support shall equal the number of units  
53 of additional cost multiplied by the State average net current  
54 expense budget per pupil for the prebudget year.

55 e. *Each child in a State facility shall be eligible only for that*  
56 *categorical aid provided by the additional cost factor for that*  
57 *facility.*

1 6. (New section) For each child who is resident in a district and  
2 in a State facility on the last school day in September of the  
3 prebudget year, the Commissioner of Education shall deduct from  
4 the State aid payable to such district an amount equal to the State  
5 average net current expense budget per pupil plus the appropriate  
6 categorical program support.

7 This amount shall be forwarded to the Department of Human  
8 Services if the facility is operated by or under contract with that  
9 department, or to the Department of Corrections if the facility is  
10 operated by that department, and shall serve as payment by the  
11 district of tuition for the child. This amount shall be used solely  
12 for the support of educational programs and shall be maintained  
13 in a separate account for that purpose. No district shall be respon-  
14 sible for the tuition of any child admitted to a State facility after  
15 September 30 of the prebudget year.

1 7. (New section) For the purpose of calculating State aid for  
2 the 1979-80 school year for each school district with a resident  
3 enrollment which includes pupils in State facilities, the net current  
4 expense budget for the 1978-79 school year shall be increased for  
5 each such pupil by an amount equal to the State average net current  
6 expense budget per pupil. Such increase shall not be subject to the

7 limitations imposed by section 25 of P. L. 1975, c. 212  
8 (C. 18A:7A-25).

1 8. (New section) Funds received pursuant to this act by the  
2 Department of Human Services or by the Department of Correc-  
3 tions shall be used only for the salaries of teachers, educational  
4 administrators at the program level, child study team personnel,  
5 and paraprofessionals assigned to educational programs in State  
6 facilities, and for the costs of educational materials and supplies  
7 for these programs. No such funds shall be used for the renovation  
8 or construction of capital facilities, for the maintenance and opera-  
9 tion of educational facilities, or for custodial, habilitation or other  
10 noneducational costs.

11 *\*There are hereby authorized to be appropriated to the Depart-*  
12 *ments of Human Services and Corrections such funds as may be*  
13 *necessary to provide for adult, post-secondary and college pro-*  
14 *grams.\**

1 9. (New section) The Commissioner of Education, with the  
2 approval of the State Board of Education, shall promulgate rules  
3 and regulations to ensure a thorough and efficient education for  
4 the children in State facilities.

5 The commissioner shall continually review the operation of edu-  
6 cational programs in State facilities. If he finds that the operation  
7 of any of these programs does not meet the educational standard  
8 required by the regulations, he shall direct that a remedial plan be  
9 prepared by the education director of the facility in which the  
10 program is located, together with the director of educational ser-  
11 vices of the department which is operating or contracting with the  
12 facility. The plan shall be submitted to the Commissioner of Edu-  
13 cation for his approval. If he approves the plan, it shall be im-  
14 plemented in a timely and effective manner. If he finds the plan  
15 or its implementation to be insufficient, he may, until the insuffi-  
16 ciency is corrected, withhold and place in a special account any  
17 State aid funds which otherwise would have been forwarded pur-  
18 suant to section 6 of this act.

1 10. (New section) All teaching staff members and administrators  
2 of the educational program in State facilities shall hold the ap-  
3 propriate certificate issued by the State Board of Examiners.

4 *\*Salary schedules for teaching staff members and administrators*  
5 *shall be comparable to similar positions in the Department of*  
6 *Education and the Marie H. Katzenbach School for the Deaf.\**

1 11. (New section) a. Any parent or guardian of a pupil in a  
2 State facility, and any pupil in a State facility between 18 and 20



3 years of age, may request an administrative review on matters of  
4 educational classification or educational program.

5 b. The administrative review process shall include the following  
6 sequence:

7 (1) A conference with teaching staff members or child study  
8 team personnel;

9 (2) A conference with the Director of Educational Services of  
10 the Department of Human Services or the Department of Correc-  
11 tions, whichever is appropriate;

12 (3) A hearing by the Commissioner of Education pursuant to  
13 law and regulation.

14 c. The due process rights available to children, parents and  
15 guardians in the public schools on matters of educational classifi-  
16 cation or educational program shall be available to children,  
17 parents and guardians in State facilities.

18 d. The placement of a child in a particular State facility shall  
19 not be subject to an administrative review or hearing pursuant to  
20 this section.

1 12. (New section) There is hereby created and established in  
2 the Department of Corrections an Office of Education to be headed  
3 by a Director of Educational Services who shall supervise the  
4 educational programs in all State facilities operated by that de-  
5 partment and shall approve all personnel to be hired for such  
6 programs.

7 The director shall hold the appropriate certificate issued by the  
8 State Board of Examiners and shall be qualified by training and  
9 experience for his position and shall be appointed by the Commis-  
10 sioner of Corrections. He shall serve at the pleasure of the com-  
11 missioner and shall receive such salary as shall be fixed by the  
12 commissioner.

13 *\*The director shall establish primary, secondary, and vocational*  
14 *programs which meet the educational needs of school age persons*  
15 *for whom the department is responsible. Appropriate credit and*  
16 *certification shall be given for the successful completion of such*  
17 *programs.*

18 *Within any available appropriation, the program of education*  
19 *shall include adult, post-secondary and college programs offered by*  
20 *institutions licensed by the Department of Education or the De-*  
21 *partment of Higher Education.\**

1 13. (New section) There is hereby created and established in  
2 the Department of Human Services an Office of Education to be  
3 headed by a Director of Educational Services who shall supervise

4 the educational programs in all the State facilities operated by or  
5 under contract with that department and shall approve all per-  
6 sonnel hired by the State for such programs.

7 The director shall hold the appropriate certificate issued by the  
8 State Board of Examiners and shall be qualified by training and  
9 experience for his position and shall be appointed by the Commis-  
10 sioner of Human Services. He shall serve at the pleasure of the  
11 commissioner and shall receive such salary as shall be fixed by  
12 the commissioner.

13 *\*The director shall establish primary, secondary, and vocational*  
14 *programs which meet the educational needs of school age persons*  
15 *for whom the department is responsible. Appropriate credit and*  
16 *certification shall be given for the successful completion of such*  
17 *programs.*

18 *Within any available appropriation, the program of education*  
19 *shall include adult, post-secondary and college programs offered by*  
20 *institutions licensed by the Department of Education or the De-*  
21 *partment of Higher Education.\**

1 14. (New section) The Commissioners of Education, Corrections  
2 and Human Services shall jointly review the current administrative  
3 practices, salary structure, operations and staffing of the Garden  
4 State School District and, with the approval of the Director of  
5 the Division of Budget and Accounting, shall establish by January  
6 1, 1979 a plan for the orderly allocation or transfer on the effective  
7 date of this act of:

8 a. All personnel employed by the Garden State School District;

9 b. All appropriations, grants, or other money available to the  
10 Garden State School District, subject to any restrictions, limita-  
11 tions, or other requirements imposed by Federal or State law;

12 c. All files, books, papers, records, equipment, or other property  
13 of the Garden State School District.

14 Nothing in this act shall be construed to deprive employees of  
15 the Garden State School District of any rights or protections pro-  
16 vided by Civil Service, pension, or retirement laws of this State.

1 15. (New section) a. This act shall not affect actions or pro-  
2 ceedings, civil or criminal, brought by or against the Garden State  
3 School District and pending on the effective date of this act, but  
4 such actions may be further prosecuted or defended in the same  
5 manner and to the same effect by the Department of Corrections,  
6 the Department of Human Services, or the Department of Edu-  
7 cation, whichever has assumed those duties, powers, and responsi-  
8 bilities which are the subject of the proceedings.

9 b. Whenever in any law, rule, regulation, order, contract, docu-  
 10 ment, judicial or administrative proceedings, or otherwise, refer-  
 11 ence is made to the Garden State School District, the same shall  
 12 be considered and mean the Department of Corrections, the De-  
 13 partment of Human Services, or the Department of Education,  
 14 which has assumed those duties, powers, and responsibilities which  
 15 are the subject of the reference.

16 *\*All rights and privileges enjoyed by teaching staff members of*  
 17 *the Garden State School District shall be enjoyed by teaching staff*  
 18 *members employed in State facilities.\**

1 16. Section 43 of P. L. 1975, c. 212 (C. 18A:46-18.1) is amended  
 2 to read as follows:

3 43. It shall be the duty of the [State Board in concert with the]  
 4 Department of [Institutions and Agencies] *Human Services* to  
 5 provide suitable facilities and programs for all the children who  
 6 are classified as eligible for day training, *and to provide trans-*  
 7 *portation for all such children who attend day training centers.*

8 *The school district of residence shall pay tuition for each child*  
 9 *\*in a State facility\* classified as eligible for day training, but shall*  
 10 *not pay the cost of transportation for any such child.*

1 17. Section 85 of P. L. 1965, c. 59 (C. 30:4-165.2) is amended  
 2 to read as follows:

3 85. Functional services for the mentally retarded shall include  
 4 both residential and nonresidential services as follows:

5 (1) Nonresidential functional services shall include but need not  
 6 be limited to: evaluation, counseling of family or guardian, of  
 7 employer, or of retarded person; consultative services to social,  
 8 educational, or welfare and health agencies and to the courts;  
 9 [and] day-care programs; and *day training programs.*

10 (2) Residential functional services shall include but need not  
 11 be limited to: evaluation study, treatment, education, training,  
 12 rehabilitation, care and protection provided in State schools and  
 13 in other residential facilities operated by the department; family  
 14 care and sheltered life programs; interim placement in approved  
 15 residential facilities other than State schools. Such programs may  
 16 be of short- or long-term duration as required.

1 18. Section 26 of P. L. 1951, c. 138 (C. 30:4C-26) is amended to  
 2 read as follows:

3 26. a. Whenever the circumstances of a child are such that his  
 4 needs cannot be adequately met in his own home, the Division of  
 5 Youth and Family Services may effect his placement in a foster  
 6 home, with or without payment of board, in a group home, or in an

7 appropriate institution if such care is deemed essential for him.  
8 The Division of Youth and Family Services shall make every  
9 reasonable effort to select a foster home, a group home or an  
10 institution of the same religious faith as the parent or parents  
11 of such child.

12 *b.* Whenever the Division of Youth and Family Services shall  
13 place any child, as provided by this section, in any municipality  
14 and county of this State, the child shall be deemed a resident of  
15 such municipality and county for all purposes *except school fund-*  
16 *ing*, and he shall be entitled to the use and benefit of all health,  
17 [educational,] recreational, vocational and other facilities of such  
18 municipality and county in the same manner and extent as any  
19 other child living in such municipality and county.

20 *c.* Whenever the Division of Youth and Family Services shall  
21 place any child, as provided by this section, in any school district,  
22 the child shall be entitled to the educational benefits of such dis-  
23 trict; provided, however, that the district of residence, as deter-  
24 mined by the Commissioner of Education pursuant to law, shall  
25 be responsible for paying tuition for such child to the district in  
26 which he is placed.

27 *d.* No municipality shall enact a planning or zoning ordinance  
28 governing the use of land by, or for, single family dwellings which  
29 shall, by any of its terms or provisions or by any rule or regulation  
30 adopted in accordance therewith, discriminate between children  
31 who are members of such single families by reason of their rela-  
32 tionship by blood, marriage or adoption, foster children placed  
33 with such families in such dwellings by the Division of Youth and  
34 Family Services, and children placed pursuant to law with families  
35 in single family dwellings known as group homes.

36 Any planning or zoning ordinance, heretofore or hereafter en-  
37 acted by a municipality, which violates the provisions of this sec-  
38 tion, shall be invalid and inoperative.

1 19. (New section) For school funding purposes, the Commis-  
2 sioner of Education shall determine district of residence as follows:

3 *a.* The district of residence for children in foster homes shall be  
4 the district in which the foster parents reside. If a child in a  
5 foster home is subsequently placed in a State facility or by a State  
6 agency, the district of residence of the child shall then be deter-  
7 mined as if no such foster placement had occurred.

8 *b.* The district of residence for children who are in residential  
9 State facilities, or who have been placed by State agencies in group  
10 homes, private schools or out-of-state facilities, shall be the present

11 district of residence of the parent or guardian with whom the child  
12 lived prior to his most recent admission to a State facility or most  
13 recent placement by a State agency.

14 If this cannot be determined, the district of residence shall be  
15 the district in which the child resided prior to such admission or  
16 placement.

17 If neither can be determined, the district of residence shall be  
18 the district in which the child has been placed or the district in  
19 which the State facility is located.

20 c. The Commissioner of Education shall develop appropriate  
21 criteria for determining the district of residence for those children  
22 whose district cannot be determined according to the criteria con-  
23 tained herein.

1 20. (New section) Beginning in the school year 1980-81, the  
2 Commissioner of Education shall annually report to the Legislature,  
3 describing the condition of educational programs in State facilities,  
4 the efforts of the Departments of Corrections and Human Services  
5 in meeting the standards of a thorough and efficient education in  
6 these facilities, the steps underway to correct any deficiencies in  
7 their educational programs, and the progress of the educational  
8 programs in New Jersey State facilities in comparison with those  
9 in the State facilities of other states. At that time the commis-  
10 sioner shall recommend to the Legislature any necessary or desir-  
11 able changes or modifications in this act.

1 21. P. L. 1972, c. 187 (\***[C. 30:44A-1]**\* \*C. 30:44A-1\* et seq.) is  
2 hereby repealed.

1 22. Sections 3, 4, 7, \***[13, 15]**\* \*18\* and \***[16]**\* \*19\* shall take  
2 effect immediately for implementation during the 1978-79 school  
3 year. The remainder of the act shall take effect on July 1, 1979;  
4 provided, however, that all other necessary steps shall be taken  
5 prior to that date to facilitate the implementation of this act.

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SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 86**

[SENATE REPRINT]

with Committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 14, 1979

The Senate Revenue, Finance and Appropriations Committee finds the Senate Education Committee statement on this bill to be a reasonable and concise explanation of the purpose, provisions and effect of this bill and concurs in that statement except to comment on amendments.

Committee amendments are technical in nature, making minor adjustments to additional cost factors, adjusting term definitions and defer State budget impact to next fiscal year.

SENATE COMMITTEE AMENDMENTS TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 86**

[SENATE REPRINT]

**STATE OF NEW JERSEY**

ADOPTED JUNE 14, 1979

Amend page 1, section 1, line 2, omit "1978", insert "1979".

Amend page 3, section 3, lines 62-67, after "means", omit remainder of paragraph, insert "the product, rounded to the nearest dollar, of 1.344 times the State average valuation per pupil for the year in which the calculation of aid is made.".

Amend page 4, section 3, after line 72, insert:

" 'Minimum aid guaranteed valuation per pupil' means the product, rounded to the nearest whole dollar, of 11.5 times the State average equalized valuation per pupil for the year in which the calculation of aid is made.".

Amend page 7, section 5, line 37, omit "1.28", insert "1.26".

Amend page 7, section 5, line 38, omit "2.02", insert "2.07".

Amend page 7, section 5, line 39, omit "1.09", insert "1.06".

Amend page 7, section 5, line 40, omit "0.53", insert "0.27".

Amend page 7, section 5, line 42, omit "0.26", insert "0.16".

Amend page 7, section 7, line 2, omit "1979-80", insert "1980-81".

Amend page 7, section 7, line 4, omit "1978-79", insert "1979-80".

Amend page 10, section 14, line 6, omit "1979", insert "1980".

Amend page 10, section 14, lines 6 and 7, omit "on the effective date of this act".

Amend page 13, section 20, line 1, omit "1980-81", insert "1981-82".

Amend page 13, section 22, line 1, before "3", insert "1,"; before "7", insert "5,"; after "7", insert "9,"; omit "18", insert "14".

Amend page 13, section 22, line 2, omit "1978-79", insert "1979-80".

Amend page 13, section 22, line 3, omit "1979", insert "1980".

[SECOND SENATE REPRINT]  
ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 86**

with Senate committee amendments adopted September 25, 1978  
and Senate committee amendments adopted June 14, 1979

**STATE OF NEW JERSEY**

ADOPTED JUNE 12, 1978

By Assemblyman NEWMAN

AN ACT concerning State aid for the education of children in State facilities, assigning responsibility for such education, establishing criteria for determining the school district of residence for certain children, revising parts of the statutory law and repealing P. L. 1972, c. 187.

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

1 1. This act shall be known and may be cited as "The State  
2 Facilities Education Act of **\*\*[1978]\*\* \*\*1979\*\*."**

1 2. 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 fol-  
4 lowing:

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 any other state in the United States;

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

12 d. A jointure commission program;

12A 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  
18 instructional program to privately operated day classes, in New  
19 Jersey or, with the approval of the commissioner to meet particular  
20 circumstances, in any other state in the United States, the services  
21 of 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.**



22 education with the consent of the commissioner it is impractical  
23 to provide services pursuant to subsections a., b., c., d., e., or f.  
24 otherwise;

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

30 Whenever any child shall be confined to a hospital, convalescent  
31 home, or other institution in New Jersey or in any other state in  
32 the United States and is enrolled in an education program approved  
33 under this article, *or shall be placed in any other State facility as*  
34 *defined in section three of P. L. 1975, c. 212 (C. 18A:7A-3)*, the  
35 board of education of the district in which the child [is domiciled]  
36 *resides* shall pay the tuition of said child [in the special education  
37 program].

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

1 3. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to  
2 read as follows:

3 3. For the purposes of this act, unless the context clearly re-  
4 quires a different meaning:

5 "Administrative order" means a written directive ordering  
6 specific corrective action by a district which has shown insufficient  
7 educational progress within a reasonable period of time in meeting  
8 goals and standards.

9 "Approved special class pupil" means a pupil enrolled in any  
10 class for atypical pupils pursuant to chapter 46 of Title 18A of the  
11 New Jersey Statutes.

12 "Approved special education services pupil" means a pupil  
13 receiving specific services pursuant to chapter 46 of Title 18A of  
14 the New Jersey Statutes but excluding pupils attending county  
15 special services school districts.

16 "Bilingual education pupil" means a pupil enrolled in a program  
17 of bilingual education approved by the State board.

18 "Budgeted capital outlay" means those capital outlay expendi-  
19 tures that are included in the annual school budget.

20 "Categorical programs" means those programs and services  
21 recognized in this act as requiring per pupil expenditures over and  
22 above those applicable to regular programs, as provided in section  
23 20 of this act.

24 "Current expense" means all expenses of the school district, as  
25 enumerated in N. J. S. 18A:22-8, other than those required for  
26 interest and debt redemption charges and any budgeted capital  
27 project.

28 "Debt service" means and includes payments of principal and  
29 interest upon school bonds and other obligations issued to finance  
30 the acquisition of school sites and the acquisition, construction or  
31 reconstruction of school buildings, including furnishings, equipment  
32 and the costs of issuance of such obligations and shall include pay-  
33 ments of principal and interest upon bonds heretofore issued to  
34 fund or refund such obligations, and upon municipal bonds and  
35 other obligations which the commissioner approves as having been  
36 issued for such purposes. Debt service pursuant to the provisions  
37 of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177  
38 (C. 18A:33.2 et seq.) is excluded.

39 "District equalized valuation per pupil" means the quotient  
40 resulting from dividing the total equalized valuations in the school  
41 district by the resident enrollment of the district; provided that in  
42 the determination of the equalized valuation per pupil of a county  
43 vocational school the total equalized valuations in the county shall  
44 be divided by the total resident enrollment in all school districts  
45 of the county to obtain the county vocational school equalized valua-  
46 tion per pupil.

47 "Equalized valuations" means the equalized valuation of the  
48 taxing district or taxing districts as certified by the Director of  
49 the Division of Taxation on October 1 of the pre-budget year.

50 With respect to regional districts and their constituent districts,  
51 however, the equalized valuations as described above shall be  
52 allocated among the regional and constituent districts in proportion  
53 to the number of pupils in each of them.

54 "Evening school pupils" means the equated full-time resident  
55 enrollment of pupils enrolled in an accredited evening high school,  
56 an evening vocational high school, and in other evening schools  
57 except schools offering programs for self-improvement and social  
58 enrichment.

59 "Goals" means a written statement of educational aspirations  
60 for learner achievement and the educational process stated in  
61 general terms.

62 "Guaranteed valuation per pupil" means \*\*[for the calculation  
63 of State support for the school year 1976-77, 1.3 times the State  
64 average valuation per pupil, and for all school years thereafter,  
65 1.35 times the State average valuation per pupil, rounded to the  
66 nearest thousand dollars, for the year in which the calculation of

67 aid is made except as modified by section 48 hereof.】\*\* *\*\*the*  
 67A *product, rounded to the nearest dollar, of 1.344 times the State*  
 67B *average valuation per pupil for the year in which the calculation*  
 67C *of aid is made.\*\**

68 “Joint Committee on the Public Schools” means the committee  
 69 created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

70 “Local vocational pupils” means the full-time equivalent of  
 71 pupils enrolled in approved categorical vocational programs in  
 72 school districts designated as local area vocational school districts.

72A *\*\*“Minimum aid guaranteed valuation per pupil” means the*  
 72B *product, rounded to the nearest whole dollar, of 11.5 times the*  
 72C *State average equalized valuation per pupil for the year in which*  
 72D *the calculation of aid is made.\*\**

73 “Needs assessment” means a written analysis of the current  
 74 status of an educational system in terms of achieving its goals.

75 “Net current expense budget” means the balance after deduct-  
 76 ing (1) State support for categorical programs pursuant to section  
 77 20 of this act, (2) the transportation amount in the current expense  
 78 budget and (3) all other revenue in the current expense budget  
 79 except the amount to be raised by local taxation, equalization State  
 80 support, the State support for approved transportation.

81 “Net current expenses per pupil” means the quotient resulting  
 82 from dividing the net current expense budget by the resident en-  
 83 rollment.

84 “Net debt service and budgeted capital outlay” means the  
 85 balance after deducting all revenues from the school debt service  
 86 and budgeted capital outlay budgets of the school district and the  
 87 school debt service amount included in the municipal budget, except  
 88 the amount to be raised by local taxation and State support.

89 “Objective” means a written statement of the intended outcome  
 90 of a specific educational process.

91 “Pre-budget year” means the school year preceding the year in  
 92 which the school budget will be implemented.

93 “Resident enrollment” means the number of pupils who are resi-  
 94 dent of the district and are enrolled in day or approved evening  
 95 schools on the last school day of September of the pre-budget year  
 96 and are attending: (1) the public schools of the district [or]; (2)  
 97 [a] another school district or a State college demonstration school  
 98 to which the district of residence pays tuition; or (3) a State  
 99 facility; provided that a district shall count pupils regularly attend-  
 100 ing both the schools of the district and of a county vocational school  
 101 in the same county on an equated full-time basis.

102 "Standards" means the process and stated levels of proficiency  
103 used in determining the extent to which goals and objectives are  
104 being met.

105 "State average net current expense budget per pupil" means  
106 the quotient resulting from dividing the total net current expense  
107 budget of all districts in the State by the total resident enrollment  
108 in the State.

109 "State average valuation per pupil" means the quotient result-  
110 ing from dividing the total equalized valuations in the State as  
111 certified by the Director of the Division of Taxation on October 1  
112 by the total resident enrollment in the State. In the event that the  
113 equalized table certified by the Director of the Division of Taxation  
114 shall be revised by the Division of Tax Appeals on or before  
115 January 30 of the next succeeding year, such revised valuation shall  
116 be used in any recomputation of aid for an individual district filing  
117 such appeal but will have no effect upon the State average valua-  
118 tion per pupil.

119 "State compensatory education pupil" means a pupil who is en-  
120 rolled in preventive and remedial programs, approved by the State  
121 board, supplemental to the regular programs and designed to assist  
122 pupils who have academic, social, economic or environmental needs  
123 that prevent them from succeeding in regular school programs.

124 "*State facility*" means a *State residential facility for the*  
125 *retarded; a day training center which is operated by or under*  
126 *contract with the State and in which all the children have been*  
127 *placed by the State; a State residential youth center; a State train-*  
128 *ing school or correctional facility; a State child treatment center*  
129 *or psychiatric hospital.*

130 "State support limit" means the sixty-fifth percentile net current  
131 expense budget per pupil for the prebudget year when all district  
132 figures are ranked from low to high. The State support limit shall  
133 be calculated and applied separately for (a) limited purpose re-  
134 gional districts offering grades 9 through 12, (b) limited purpose  
135 regional districts offering grades 7 through 12, provided, however,  
136 that the figure used for such districts shall be not less than 90%  
137 of the sixty-fifth percentile for limited purpose regional districts  
138 offering grades 9 through 12, (c) constituent districts of limited  
139 purpose regional districts offering grades 9 through 12, (d) con-  
140 stituent districts of limited purpose regional districts offering  
141 grades 7 through 12, provided, however, that the figure used for  
142 such districts shall be not less than 90% of the sixty-fifth percentile  
143 for constituent districts of limited purpose regional districts offer-  
144 ing grades 9 through 12, and (e) all other districts.

1 4. Section 17 of P. L. 1975, c. 212 (C. 18A:7A-17) is amended to  
2 read as follows:

3 17. Annually, on or before October 5, the secretary of the board  
4 of education, with the approval of the superintendent of schools,  
5 or if there be no superintendent of schools, with the approval of  
6 the county superintendent of schools, shall file with the commis-  
7 sioner a report stating the number of pupils enrolled by grade  
8 [and], the number of these pupils in approved programs of (a)  
9 special education classes, (b) compensatory education, (c) bilingual  
10 education and (d) local vocational education, *and the number of*  
11 *pupils in State facilities* on the last school day of September. In  
12 addition, districts shall file annual reports providing such informa-  
13 tion as the commissioner may require for pupils receiving special  
14 education services.

1 5. Section 20 of P. L. 1975, c. 212 (C. 18A:7A-20) is amended  
2 to read as follows:

3 20. In addition to the equalization support authorized in section  
4 18 of this act, categorical program support shall be paid in accord-  
5 ance with the following calculations:

6 a. The number of categorical aid units shall be determined by  
7 adding the products obtained by multiplying the pupils in each  
8 category by the [following] *appropriate* additional cost factors.  
9 *Unless the schedule of additional cost factors is or has been revised*  
10 *pursuant to section 21 of this act, the additional cost factors shall*  
11 *be the following:*

CATEGORICAL PROGRAMS

	Special Education Classes	Additional Cost Factors
12	Educable .....	0.53
13	Trainable .....	0.95
14	Orthopedically handicapped .....	1.27
15	Neurologically impaired .....	1.06
16	Perceptually impaired .....	0.85
17	Visually handicapped .....	1.91
18	Auditorially handicapped .....	1.38
19	Communication handicapped .....	1.06
20	Emotionally disturbed .....	1.27
21	Socially maladjusted .....	0.95
22	Chronically ill .....	0.85
23	Multiply handicapped .....	1.27
	Other Classes and Services	Additional Cost Factors
24	Approved private school tuition .....	1.0 plus the additional
25		cost factor of the handi-
26		cap

Special Education Classes	Additional Cost Factors
27 Supplementary and speech instruction .	0.09 based on the num-
28	ber of pupils actually
29	receiving such instruc-
30	tion in the prior school
31	year
32 Resource room . . . . .	0.65
33 Bilingual education . . . . .	0.16
34 State compensatory education . . . . .	0.11
35-36 Approved local vocational education . .	0.53

<i>Classes in State Facilities</i>	<i>Additional Cost Factors</i>
37 Residential facility for the retarded * <b>[1.65]</b> * ** <b>[*1.28*]</b> ** **1.26**	
38 Day training center . . . . . * <b>[2.09]</b> * ** <b>[*2.02*]</b> ** **2.07**	
39 Residential youth center . . . . . * <b>[1.50]</b> * ** <b>[*1.09*]</b> ** **1.06**	
40 Training school or correctional	
40A facility . . . . . * <b>[0.54]</b> * ** <b>[*0.53*]</b> ** **0.27**	
41 Child treatment center or psychiatric	
42 hospital . . . . . * <b>[1.40]</b> * ** <b>[*0.26*]</b> ** **0.16**	

43 b. The number of categorical aid units for home instruction shall  
 44 be determined by multiplying the number of hours of instruction  
 45 actually provided in the prior school year by 0.006.

46 c. For the purposes of this section, aid shall be paid to districts  
 47 in which the pupils reside except in the case of home, supple-  
 48 mentary or speech instruction where aid shall be paid to the  
 49 district providing the service. No tuition may be charged for such  
 50 home, supplementary or speech instruction for costs covered by  
 51 State support as provided in this section.

52 d. Categorical program support shall equal the number of units  
 53 of additional cost multiplied by the State average net current  
 54 expense budget per pupil for the prebudget year.

55 e. Each child in a State facility shall be eligible only for that  
 56 categorical aid provided by the additional cost factor for that  
 57 facility.

1 6. (New section) For each child who is resident in a district and  
 2 in a State facility on the last school day in September of the  
 3 prebudget year, the Commissioner of Education shall deduct from  
 4 the State aid payable to such district an amount equal to the State  
 5 average net current expense budget per pupil plus the appropriate  
 6 categorical program support.

7 This amount shall be forwarded to the Department of Human  
 8 Services if the facility is operated by or under contract with that  
 9 department, or to the Department of Corrections if the facility is  
 10 operated by that department, and shall serve as payment by the

11 district of tuition for the child. This amount shall be used solely  
12 for the support of educational programs and shall be maintained  
13 in a separate account for that purpose. No district shall be respon-  
14 sible for the tuition of any child admitted to a State facility after  
15 September 30 of the prebudget year.

1 7. (New section) For the purpose of calculating State aid for  
2 the **\*\*[1979-80]\*\*** **\*\*1980-81\*\*** school year for each school district  
3 with a resident enrollment which includes pupils in State facilities,  
4 the net current expense budget for the **\*\*[1978-79]\*\*** **\*\*1979-80\*\***  
5 school year shall be increased for each such pupil by an amount  
6 equal to the State average net current expense budget per pupil.  
7 Such increase shall not be subject to the limitations imposed by  
8 section 25 of P. L. 1975, c. 212 (C. 18A:7A-25).

1 8. (New section) Funds received pursuant to this act by the  
2 Department of Human Services or by the Department of Correc-  
3 tions shall be used only for the salaries of teachers, educational  
4 administrators at the program level, child study team personnel,  
5 and paraprofessionals assigned to educational programs in State  
6 facilities, and for the costs of educational materials and supplies  
7 for these programs. No such funds shall be used for the renovation  
8 or construction of capital facilities, for the maintenance and opera-  
9 tion of educational facilities, or for custodial, habilitation or other  
10 noneducational costs.

11 *\*There are hereby authorized to be appropriated to the Depart-*  
12 *ments of Human Services and Corrections such funds as may be*  
13 *necessary to provide for adult, post-secondary and college pro-*  
14 *grams.\**

1 9. (New section) The Commissioner of Education, with the  
2 approval of the State Board of Education, shall promulgate rules  
3 and regulations to ensure a thorough and efficient education for  
4 the children in State facilities.

5 The commissioner shall continually review the operation of edu-  
6 cational programs in State facilities. If he finds that the operation  
7 of any of these programs does not meet the educational standard  
8 required by the regulations, he shall direct that a remedial plan be  
9 prepared by the education director of the facility in which the  
10 program is located, together with the director of educational ser-  
11 vices of the department which is operating or contracting with the  
12 facility. The plan shall be submitted to the Commissioner of Edu-  
13 cation for his approval. If he approves the plan, it shall be im-  
14 plemented in a timely and effective manner. If he finds the plan  
15 or its implementation to be insufficient, he may, until the insuffi-

16 ciency is corrected, withhold and place in a special account any  
17 State aid funds which otherwise would have been forwarded pur-  
18 suant to section 6 of this act.

1 10. (New section) All teaching staff members and administrators  
2 of the educational program in State facilities shall hold the ap-  
3 propriate certificate issued by the State Board of Examiners.

4 *\*Salary schedules for teaching staff members and administrators*  
5 *shall be comparable to similar positions in the Department of*  
6 *Education and the Marie H. Katzenbach School for the Deaf.\**

1 11. (New section) a. Any parent or guardian of a pupil in a  
2 State facility, and any pupil in a State facility between 18 and 20  
3 years of age, may request an administrative review on matters of  
4 educational classification or educational program.

5 b. The administrative review process shall include the following  
6 sequence:

7 (1) A conference with teaching staff members or child study  
8 team personnel;

9 (2) A conference with the Director of Educational Services of  
10 the Department of Human Services or the Department of Correc-  
11 tions, whichever is appropriate;

12 (3) A hearing by the Commissioner of Education pursuant to  
13 law and regulation.

14 c. The due process rights available to children, parents and  
15 guardians in the public schools on matters of educational classifi-  
16 cation or educational program shall be available to children,  
17 parents and guardians in State facilities.

18 d. The placement of a child in a particular State facility shall  
19 not be subject to an administrative review or hearing pursuant to  
20 this section.

1 12. (New section) There is hereby created and established in  
2 the Department of Corrections an Office of Education to be headed  
3 by a Director of Educational Services who shall supervise the  
4 educational programs in all State facilities operated by that de-  
5 partment and shall approve all personnel to be hired for such  
6 programs.

7 The director shall hold the appropriate certificate issued by the  
8 State Board of Examiners and shall be qualified by training and  
9 experience for his position and shall be appointed by the Commis-  
10 sioner of Corrections. He shall serve at the pleasure of the com-  
11 missioner and shall receive such salary as shall be fixed by the  
12 commissioner.



13     *\*The director shall establish primary, secondary, and vocational*  
 14 *programs which meet the educational needs of school age persons*  
 15 *for whom the department is responsible. Appropriate credit and*  
 16 *certification shall be given for the successful completion of such*  
 17 *programs.*

18     *Within any available appropriation, the program of education*  
 19 *shall include adult, post-secondary and college programs offered by*  
 20 *institutions licensed by the Department of Education or the De-*  
 21 *partment of Higher Education.\**

1     13. (New section) There is hereby created and established in  
 2 the Department of Human Services an Office of Education to be  
 3 headed by a Director of Educational Services who shall supervise  
 4 the educational programs in all the State facilities operated by or  
 5 under contract with that department and shall approve all per-  
 6 sonnel hired by the State for such programs.

7     The director shall hold the appropriate certificate issued by the  
 8 State Board of Examiners and shall be qualified by training and  
 9 experience for his position and shall be appointed by the Commis-  
 10 sioner of Human Services. He shall serve at the pleasure of the  
 11 commissioner and shall receive such salary as shall be fixed by  
 12 the commissioner.

13     *\*The director shall establish primary, secondary, and vocational*  
 14 *programs which meet the educational needs of school age persons*  
 15 *for whom the department is responsible. Appropriate credit and*  
 16 *certification shall be given for the successful completion of such*  
 17 *programs.*

18     *Within any available appropriation, the program of education*  
 19 *shall include adult, post-secondary and college programs offered by*  
 20 *institutions licensed by the Department of Education or the De-*  
 21 *partment of Higher Education.\**

1     14. (New section) The Commissioners of Education, Corrections  
 2 and Human Services shall jointly review the current administrative  
 3 practices, salary structure, operations and staffing of the Garden  
 4 State School District and, with the approval of the Director of  
 5 the Division of Budget and Accounting, shall establish by January  
 6 1, **\*\*[1979]\*\* \*\*1980\*\*** a plan for the orderly allocation or transfer  
 7 **\*\*[on the effective date of this act]\*\*** of:

- 8     a. All personnel employed by the Garden State School District;
- 9     b. All appropriations, grants, or other money available to the  
 10 Garden State School District, subject to any restrictions, limita-  
 11 tions, or other requirements imposed by Federal or State law;
- 12     c. All files, books, papers, records, equipment, or other property  
 13 of the Garden State School District.

14 Nothing in this act shall be construed to deprive employees of  
 15 the Garden State School District of any rights or protections pro-  
 16 vided by Civil Service, pension, or retirement laws of this State.

1 15. (New section) a. This act shall not affect actions or pro-  
 2 ceedings, civil or criminal, brought by or against the Garden State  
 3 School District and pending on the effective date of this act, but  
 4 such actions may be further prosecuted or defended in the same  
 5 manner and to the same effect by the Department of Corrections,  
 6 the Department of Human Services, or the Department of Edu-  
 7 cation, whichever has assumed those duties, powers, and responsi-  
 8 bilities which are the subject of the proceedings.

9 b. Whenever in any law, rule, regulation, order, contract, docu-  
 10 ment, judicial or administrative proceedings, or otherwise, refer-  
 11 ence is made to the Garden State School District, the same shall  
 12 be considered and mean the Department of Corrections, the De-  
 13 partment of Human Services, or the Department of Education,  
 14 which has assumed those duties, powers, and responsibilities which  
 15 are the subject of the reference.

16 \*All rights and privileges enjoyed by teaching staff members of  
 17 the Garden State School District shall be enjoyed by teaching staff  
 18 members employed in State facilities.\*

1 16. Section 43 of P. L. 1975, c. 212 (C. 18A:46-18.1) is amended  
 2 to read as follows:

3 43. It shall be the duty of the [State Board in concert with the]  
 4 Department of [Institutions and Agencies] *Human Services* to  
 5 provide suitable facilities and programs for all the children who  
 6 are classified as eligible for day training, and to provide trans-  
 7 portation for all such children who attend day training centers.

8 *The school district of residence shall pay tuition for each child*  
 9 *\*in a State facility\* classified as eligible for day training, but shall*  
 10 *not pay the cost of transportation for any such child.*

1 17. Section 85 of P. L. 1965, c. 59 (C. 30:4-165.2) is amended  
 2 to read as follows:

3 85. Functional services for the mentally retarded shall include  
 4 both residential and nonresidential services as follows:

5 (1) Nonresidential functional services shall include but need not  
 6 be limited to: evaluation, counseling of family or guardian, of  
 7 employer, or of retarded person; consultative services to social,  
 8 educational, or welfare and health agencies and to the courts;  
 9 [and] day-care programs; and *day training programs*.

10 (2) Residential functional services shall include but need not  
 11 be limited to: evaluation study, treatment, education, training,

12 rehabilitation, care and protection provided in State schools and  
13 in other residential facilities operated by the department; family  
14 care and sheltered life programs; interim placement in approved  
15 residential facilities other than State schools. Such programs may  
16 be of short- or long-term duration as required.

1 18. Section 26 of P. L. 1951, c. 138 (C. 30:4C-26) is amended to  
2 read as follows:

3 26. *a.* Whenever the circumstances of a child are such that his  
4 needs cannot be adequately met in his own home, the Division of  
5 Youth and Family Services may effect his placement in a foster  
6 home, with or without payment of board, in a group home, or in an  
7 appropriate institution if such care is deemed essential for him.  
8 The Division of Youth and Family Services shall make every  
9 reasonable effort to select a foster home, a group home or an  
10 institution of the same religious faith as the parent or parents  
11 of such child.

12 *b.* Whenever the Division of Youth and Family Services shall  
13 place any child, as provided by this section, in any municipality  
14 and county of this State, the child shall be deemed a resident of  
15 such municipality and county for all purposes *except school fund-*  
16 *ing*, and he shall be entitled to the use and benefit of all health,  
17 [educational,] recreational, vocational and other facilities of such  
18 municipality and county in the same manner and extent as any  
19 other child living in such municipality and county.

20 *c.* Whenever the Division of Youth and Family Services shall  
21 place any child, as provided by this section, in any school district,  
22 the child shall be entitled to the educational benefits of such dis-  
23 trict; provided, however, that the district of residence, as deter-  
24 mined by the Commissioner of Education pursuant to law, shall  
25 be responsible for paying tuition for such child to the district in  
26 which he is placed.

27 *d.* No municipality shall enact a planning or zoning ordinance  
28 governing the use of land by, or for, single family dwellings which  
29 shall, by any of its terms or provisions or by any rule or regulation  
30 adopted in accordance therewith, discriminate between children  
31 who are members of such single families by reason of their rela-  
32 tionship by blood, marriage or adoption, foster children placed  
33 with such families in such dwellings by the Division of Youth and  
34 Family Services, and children placed pursuant to law with families  
35 in single family dwellings known as group homes.

36 Any planning or zoning ordinance, heretofore or hereafter en-  
37 acted by a municipality, which violates the provisions of this sec-  
38 tion, shall be invalid and inoperative.

1 19. (New section) For school funding purposes, the Commis-  
2 sioner of Education shall determine district of residence as follows:

3 a. The district of residence for children in foster homes shall be  
4 the district in which the foster parents reside. If a child in a  
5 foster home is subsequently placed in a State facility or by a State  
6 agency, the district of residence of the child shall then be deter-  
7 mined as if no such foster placement had occurred.

8 b. The district of residence for children who are in residential  
9 State facilities, or who have been placed by State agencies in group  
10 homes, private schools or out-of-state facilities, shall be the present  
11 district of residence of the parent or guardian with whom the child  
12 lived prior to his most recent admission to a State facility or most  
13 recent placement by a State agency.

14 If this cannot be determined, the district of residence shall be  
15 the district in which the child resided prior to such admission or  
16 placement.

17 If neither can be determined, the district of residence shall be  
18 the district in which the child has been placed or the district in  
19 which the State facility is located.

20 c. The Commissioner of Education shall develop appropriate  
21 criteria for determining the district of residence for those children  
22 whose district cannot be determined according to the criteria con-  
23 tained herein.

1 20. (New section) Beginning in the school year **\*\*[1980-81]\*\***  
2 **\*\*1981-82\*\***, the Commissioner of Education shall annually report  
3 to the Legislature, describing the condition of educational pro-  
4 grams in State facilities, the efforts of the Departments of Cor-  
5 rections and Human Services in meeting the standards of a  
6 thorough and efficient education in these facilities, the steps under-  
7 way to correct any deficiencies in their educational programs, and  
8 the progress of the educational programs in New Jersey State  
9 facilities in comparison with those in the State facilities of other  
10 states. At that time the commissioner shall recommend to the  
11 Legislature any necessary or desirable changes or modifications in  
12 this act.

1 21. P. L. 1972, c. 187 (**\*[C. 30:44A-1]\*** *\*C. 30:44A-1\** et seq.) is  
2 hereby repealed.

1 22. Sections **\*\*1,\*\*** 3, 4, **\*\*5,\*\*** 7, **\*\*9,\*\*** **\*[13, 15]\*** **\*\*[\*18\*]\*\***  
2 **\*\*14\*\*** and **\*[16]\*** **\*19\*** shall take effect immediately for imple-  
3 mentation during the **\*\*[1978-79]\*\*** **\*\*1979-80\*\*** school year. The  
4 remainder of the act shall take effect on July 1, **\*\*[1979]\*\***  
5 **\*\*1980\*\***; provided, however, that all other necessary steps shall be  
6 taken prior to that date to facilitate the implementation of this act.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

SEPTEMBER 25, 1979

KATHRYN FORSYTH

Governor Brendan Byrne today signed A-86, "The State Facilities Education Act of 1979," to assure a thorough and efficient education for all children in State facilities.

The bill, sponsored by Assemblyman Daniel F. Newman (D-Ocean), covers children in state residential facilities for the retarded, day training centers operated by or under contract with the state in which all the children have been placed by the state, state training schools or correctional facilities and state child treatment centers or psychiatric hospitals.

The bill makes three major changes in the administration and funding of educational programs for children in state facilities.

-- It establishes a system to integrate full operational responsibility for the education programs to the Departments of Corrections and Human Services. An Office of Education is designated within each of these departments to supervise the programs and the Commissioner of Education is authorized to set educational standards and monitor educational programs in the state facilities just as he does for the educational programs of local school districts.

Under prior law and through a dual administrative system, the Garden State School District in the Department of Education was responsible for the operation of the educational programs in the institutions while the Departments of Corrections and Human Services were responsible for the general operation of the institutions within their jurisdiction.

-- It uses the funding mechanism established by the "Thorough and Efficient Education Act" of 1976 to pay for the educational costs of children in state facilities. Under prior law, the educational costs were funded by line-item state appropriations for each facility.

--more--

Under this bill, children in state facilities are included in the enrollment count of their school district of residence and thereby generate state equalization and categorical aid.

Local school districts will be required to pay tuition for children from their districts in state facilities. Tuition will be equal to the average net current expense budget per pupil attending a regular school, and since children in state facilities are eligible for categorical aid, the balance of the cost will be paid primarily by the state.

-- It simplifies the procedure for determining the district of residence of a child in a state facility by directing the Commissioner of Education to determine the district of residence using readily available criteria, such as the district of residence of the parent with whom the child lived before being placed in the facility or the last known district of residence of the child.

This procedure will avoid placing an undue burden on the municipality in which the state facility is located.

The Governor also signed A-1404, sponsored by Assemblyman Richard Van Wagner (D-Monmouth), which authorizes the Division of Youth and Family Services to use state funds to continue to provide for the emergency needs of children in harmful domestic situations without removing the children from their homes.

Under a federal grant made possible by the Child Abuse Prevention and Treatment Act, the Division currently pays for expenditure for shelter, utilities, food, repairs and other expenditures necessary to remedy emergency domestic situations which are potentially harmful to children under the Division's care but still living at home.

This bill will permit the continued funding of the emergency fund, which expired under the federal act in June, 1979.

The FY 1980 budget includes a \$250,000 appropriation for the fund.

# # # # #