

18A:39-1

**LEGISLATIVE HISTORY CHECKLIST**  
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(Pupil transportation to  
nonpublic schools)

NJSA: 18A:39-1

LAWS OF: 1992 CHAPTER: 33

BILL NO: S613

SPONSOR(S): Ewing

DATE INTRODUCED: March 23, 1992

COMMITTEE: ASSEMBLY: ---

SENATE: Budget, Education

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 29, 1992

SENATE: June 29, 1992

DATE OF APPROVAL: June 30, 1992

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: ~~Yes~~ No

SENATE: Yes 6-22-92 & 6-4-92

FISCAL NOTE: Yes

VETO MESSAGE:

MESSAGE ON SIGNING: No

**FOLLOWING WERE PRINTED:**

REPORTS: No

HEARINGS: No

KBG:pp

[SECOND REPRINT]

SENATE, No. 613

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1992

By Senator EWING

1 AN ACT concerning <sup>2</sup>[aid] payments<sup>2</sup> in lieu of transportation to  
2 parents, guardians or other persons having legal custody of  
3 pupils attending schools other than public schools <sup>1</sup>[and]  
4 <sup>1</sup>, amending N.J.S.18A:39-1 <sup>1</sup>and P.L.1981, c.57 and  
5 supplementing chapter 39 of Title 18A of the New Jersey  
6 Statutes<sup>1</sup>.

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

10 1. N.J.S.18A:39-1 is amended to read as follows:

11 18A:39-1. Whenever in any district there are elementary  
12 school pupils who live more than two miles from their public  
13 school of attendance or secondary school pupils who live more  
14 than 2 1/2 miles from their public school of attendance, the  
15 district shall provide transportation to and from school for these  
16 pupils.

17 When any school district provides any transportation for public  
18 school pupils to and from school pursuant to this section,  
19 transportation shall be supplied to school pupils residing in such  
20 school district in going to and from any remote school other than  
21 a public school, not operated for profit in whole or in part,  
22 located within the State not more than 20 miles from the  
23 residence of the pupil; except that if the district is located in a  
24 county of the third class with a population of not less than 80,000  
25 and not more than 120,000 transportation shall be provided to a  
26 nonpublic school located outside the State not more than 20 miles  
27 from the residence of the pupil, if there is no appropriate  
28 nonpublic school within the State located closer to the residence  
29 of the pupil; provided the per pupil cost of the lowest bid  
30 received does not exceed <sup>1</sup>[the lesser of:]<sup>1</sup> \$675 for <sup>1</sup>[1991-92]  
31 the 1992-93<sup>1</sup> school year or the amount determined for  
32 subsequent years pursuant to section 2 of P.L.1981, c.57  
33 (C.18A:39-1a), <sup>1</sup>[ or the per pupil amount of State aid as  
34 determined pursuant to the formula contained in section 16 of  
35 P.L.1990, c.52 (C.18A:7D-18),]<sup>1</sup> and if such bid shall exceed [said]  
36 that cost then the parent, guardian or other person having legal  
37 custody of the pupil shall be eligible to receive [said] <sup>1</sup>[the lesser  
38 of: ]<sup>1</sup> \$675 for the <sup>1</sup>[1991-92] 1992-93<sup>1</sup> school year or the amount  
39 determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a)  
40 for subsequent years <sup>1</sup>[, or the per pupil amount of State aid as  
41 determined pursuant to the formula contained in section 16 of  
42 P.L.1990, c.52 (C.18A:7D-18)]<sup>1</sup> toward the cost of his  
43 transportation to a qualified school other than a public school,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SED committee amendments adopted June 4, 1992.

<sup>2</sup> Senate SBA committee amendments adopted June 22, 1992.

1 regardless of whether such transportation is along established  
2 public school routes. It shall be the obligation of the parent,  
3 guardian or other person having legal custody of the pupil  
4 attending a remote school, other than a public school, not  
5 operating for profit in whole or in part, to register said pupil with  
6 the office of the secretary of the board of education at the time  
7 and in the manner specified by rules and regulations of the State  
8 board in order to be eligible for the transportation provided by  
9 this section. If the registration of any such pupil is not completed  
10 by September 1 of the school year and if it is necessary for the  
11 board of education to enter into a contract establishing a new  
12 route in order to provide such transportation, then the board shall  
13 not be required to provide it, but in lieu thereof the parent,  
14 guardian or other person having legal custody of the pupil shall be  
15 eligible to receive [\$675 or the amount determined pursuant to  
16 section 2 of P.L.1981, c.57 (18A:39-1a), or] <sup>1</sup>\$675 or the amount  
17 determined pursuant to section 2 of P.L.1981, c.57 (18A:39-1a),  
18 or<sup>1</sup> an amount computed by multiplying 1/180 times the number  
19 of school days remaining in the school year at the time of  
20 registration, times \$675 for the <sup>1</sup>[1991-92] 1992-93<sup>1</sup> school year  
21 or the amount determined pursuant to section 2 of P.L.1981, c.57  
22 (C.18A:39-1a) for subsequent years, <sup>1</sup>[or an amount computed by  
23 multiplying 1/180 times the number of school days remaining in  
24 the school year at the time of registration, times the per pupil  
25 amount of State aid as determined pursuant to the formula  
26 contained in section 16 of P.L.1990, c.52 (C.18A:7D-18)]<sup>1</sup>,  
27 whichever is the smaller amount. Whenever any regional school  
28 district provides any transportation for pupils attending schools  
29 other than public schools pursuant to this section, said regional  
30 district shall assume responsibility for the transportation of all  
31 such pupils, and the cost of such transportation for pupils below  
32 the grade level for which the regional district was organized shall  
33 be prorated by the regional district among the constituent  
34 districts on a per pupil basis, after approval of such costs by the  
35 county superintendent. This section shall not require school  
36 districts to provide any transportation for pupils attending a  
37 school other than a public school, where the only transportation  
38 presently provided by said district is for school children  
39 transported pursuant to chapter 46 of Title 18A of the New  
40 Jersey Statutes or for pupils transported to a vocational,  
41 technical or other public school offering a specialized program.  
42 Any transportation to a school, other than a public school, shall  
43 be pursuant to the same rules and regulations promulgated by the  
44 State board as governs transportation to any public school.

45 The board of education may make rules and contracts for the  
46 pupil transportation provided pursuant to this section.

47 Nothing in this section shall be so construed as to prohibit a  
48 board of education from making contracts for the transportation  
49 of pupils to a school in an adjoining district, when such pupils are  
50 transferred to the district by order of the county superintendent,  
51 or when any pupils shall attend school in a district other than that  
52 in which they shall reside by virtue of an agreement made by the  
53 respective boards of education.

54 Nothing herein contained shall limit or diminish in any way any

1 of the provisions for transportation for children pursuant to  
2 chapter 46 of this Title.  
3 (cf: P.L.1990, c.52, s.50)

4 <sup>1</sup>2. Section 2 of P.L.1981, c.57 (C.18A:39-1a) is amended to  
5 read as follows:

6 2. Beginning in the [1992-1993] 1993-94 school year and in  
7 each subsequent year, the maximum amount of nonpublic school  
8 transportation costs per pupil provided for in N.J.S.18A:39-1 shall  
9 be increased or decreased in direct proportion to the increase or  
10 decrease in the State transportation aid per pupil in the year  
11 prior to the prebudget year compared to the amount for the  
12 prebudget year. As used in this section, State transportation aid  
13 per pupil shall equal the total State aid payments made pursuant  
14 to section 16 of [this amendatory and supplementary act]  
15 P.L.1990, c.52 (C.18A:7D-18) divided by the number of pupils  
16 eligible for transportation.<sup>1</sup>

17 (cf: P.L.1981, c.57, s.2)

18 <sup>1</sup>3. (New section) Each school district shall furnish to the  
19 Department of Education the information necessary for the  
20 department to complete a comparison of transportation costs, so  
21 that equitable adjustments may be made in the amount of the  
22 payments in lieu of transportation required pursuant to  
23 N.J.S.18A:39-1.<sup>1</sup>

24 <sup>1</sup>[2.] 4.<sup>1</sup> This act shall take effect immediately and shall first  
25 apply to the calculation of <sup>2</sup>[aid] payments<sup>2</sup> in lieu of  
26 transportation in the <sup>1</sup>[1993-94] 1992-93<sup>1</sup> school year.

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31 Limits payments in lieu of transportation to \$675 for the 1992-93  
32 school year.

1 the calculation of aid in lieu of transportation in the 1993-94  
2 school year.

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5 STATEMENT

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7 The purpose of this bill is to more closely equalize the amount  
8 of financial support provided by school boards to public and  
9 non-public education. This bill limits the amount of aid in lieu of  
10 transportation for which pupils attending non-public schools are  
11 eligible to the statutory amount, which was \$675 for the 1991-92  
12 school year, or to the amount of per-pupil transportation aid  
13 received by the district, whichever is less. Accordingly, the  
14 district will not be responsible for reimbursing students more  
15 than the per pupil state aid it received.

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20 Limits amount of aid in lieu of transportation to lesser of  
21 per-pupil transportation aid received by a district, or statutory  
22 amount.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**SENATE, No. 613**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 22, 1992

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 613 (1R), with committee amendments.

Senate Bill No. 613 (1R), as amended, freezes the value of payments in lieu of transportation for which pupils attending non-public schools are eligible at \$675 for the 1992-93 year. Under existing law, this amount would have risen to \$836 for the 1992-93 school year. Payments in lieu of transportation are made by school districts to parents or guardians of eligible non-public school pupils when the cost to the school district of transporting the pupil to and from school would exceed the in lieu-of-transportation amount.

The bill also requires each school district to supply information to the Department of Education regarding the costs of transportation, so that a comparison can be made of the costs of transporting public and nonpublic school children. This information will be used in the consideration of future adjustments to the amount of payment in lieu-of-transportation.

COMMITTEE AMENDMENTS

The committee amendments clarify the reference to payments in lieu of transportation.

FISCAL IMPACT

This bill will have no impact on State funds and will not affect the amount of State aid paid to school districts. In some cases, it will reduce the expenditure by a school district for non-public school pupil transportation.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 613**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 4, 1992

The Senate Education Committee favorably reports this bill with committee amendments.

As amended, the bill would more closely equalize the amount of financial support provided by school boards to public and non-public education. The bill freezes the amount of payments for in lieu-of-transportation for which pupils attending non-public schools are eligible to \$675 for the 1992-93 year.

The committee amended the bill to limit for the 1992-93 school year the amount of payments in lieu of transportation to \$675, the same amount required under statute for the 1991-92 school year. Prior to the amendments, this amount would have risen to \$836 for the 1992-93 school year. The committee also amended the bill to require each school district to supply information to the Department of Education regarding the costs of transportation, so that a comparison can be made of the costs of transporting public and nonpublic school children. This information will enable an informed analysis to be performed as to the necessity of adjusting the amount of payment in lieu-of-transportation.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

SENATE, No. 613

STATE OF NEW JERSEY

DATED: June 24, 1992

Senate Bill No. 613 [1R] of 1992 freezes the amount of payment in lieu of transportation for which the parents of pupils attending non-public schools are eligible at \$675 for the 1992-93 fiscal year. Under current law, the payment would increase to \$836. These payments are made to parents who take their own children to and from a non-public school whenever a district does not provide a school bus route because of excess cost. This payment is made by the local school district, and is partially reimbursed through State transportation aid.

The bill also requires each school district to provide the information necessary for the Department of Education to complete a comparison of transportation costs so that equitable adjustments can be made in the amount of the payments in lieu of transportation beginning with the 1993-94 school year.

The Office of Legislative Services (OLS) estimates that there will be no additional cost and no additional savings to the State as a result of this bill. State transportation aid has already been certified to local school districts through the formula in the Quality Education Act (QEA) which bases aid entitlements on what it should cost to transport a given number of pupils over a certain distance. This formula does not differentiate between public and non-public school pupils, and there is no specific State appropriation for payments in lieu of transportation.

The OLS further estimates that there will be no additional cost and no additional overall savings to local school districts as a consequence of this bill, since local budgets have already been approved and school tax rates established, predicated upon a payment in lieu of transportation of \$836. However, there could be a redistribution of expenditures within local school budgets. Any savings realized in the transportation account resulting from freezing the payment in lieu amount could be used to support unexpected transportation costs or transferred to other line items and program categories pursuant to N.J.S.A.18A:22-8.1. In addition, a local board of education could choose to keep all or part of the savings as surplus.

The OLS also notes that there could be an increase in the number of pupils eligible for these payments since eligibility is based upon per pupil transportation costs in excess of the amount of the payment in lieu. If the number of pupils were to increase as a result of reducing that threshold, it could offset all or a portion of the savings, and might lead to an increase in transportation costs in certain districts. However, since all of these variables are based upon local contracts and prospective actions by local boards of education, the OLS cannot estimate the amount and the distribution of any potential savings in transportation costs, nor can the OLS determine the impact of the possible increase in eligibility.



The OLS notes further that the bill requires that data on actual transportation costs be provided to the department. This will permit the development of a formula for establishing the amount of these payments that reflects actual costs. The current formula is based upon the State aid provisions of P.L.1975, c.212 (the "T & E" law), and should be reexamined in the context of the new transportation aid provisions of the QEA.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.