

18A:7D-18

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:7D-18

(Non public
schools--state--clarify)

LAWS OF: 1991

CHAPTER: 128

Bill No: A3786

Sponsor(s): Cimino and Salmon

Date Introduced: September 10, 1990

Committee: Assembly: Education; Appropriations

Senate: Education

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: February 21, 1991

Senate: March 14, 1991

Date of Approval: May 2, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 9-13-90 & 1-31-91

Senate: Yes

Fiscal Note: Yes

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[THIRD REPRINT]
ASSEMBLY, No. 3786

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 10, 1990

By Assemblymen CIMINO, SALMON, Patero, McGreevey, Pascrell, Imprevuduto, Jacobson, Kenny, Kronick, Mazur, McEnroe, Casey, Cohen, Duch, Assemblywoman Ford, Assemblymen Gill, Hudak, Marsella, Mattison, Doyle, Deverin, Baer, Zangari, Assemblywoman Kalik, Assemblymen Pelly, Charles, Assemblywoman Bush, Assemblymen Menendez, Adubato, Mecca, Assemblywoman Mullen, Assemblymen Naples, Otlowski, Roberts, Scerni, Schwartz, Smith, Spadaro, Villapiano and Watson

1 **AN ACT** concerning State aid for certain nonpublic school
2 students and amending P.L.1990, c.52, P.L.1977, c.192 and
3 P.L.1977, c.193.

4

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

7 1. Section 16 of P.L.1990, c.52 (C.18A:7D-18) is amended to
8 read as follows:

9 16. Each district's State aid for transportation shall equal the
10 sum of A1, A2 and A3 determined as follows:

11

12 $A1 = R \times C + (R \times D \times W)$

13 $A2 = RS \times CS + (RS \times DS \times WS)$

14 $A3 = (R + RS) \times ((P \times PM) + (E \times EM))$

15

16 where

17

18 R is the number of pupils eligible for transportation pursuant to
19 N.J.S.18A:39-1 as of the last school day prior to October 16 of
20 the prebudget year;

21 C is the per pupil constant, which shall equal 502.27 for school
22 districts located in very high cost counties, shall equal 365.10 for
23 school districts located in high cost counties and shall equal
24 254.41 for school districts located in any other county;

25 D is the average distance between the home and school of the
26 pupils eligible for transportation pursuant to N.J.S.18A:39-1;

27 W is the regular transportation mileage weight, which shall
28 equal 21.57 for school districts located in the very high cost
29 counties and high cost counties and shall equal 14.19 for school
30 districts located in any other county;

31 RS is the number of pupils eligible for transportation pursuant

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:

¹ Assembly AED committee amendments adopted September 13, 1990.

² Assembly AAP committee amendments adopted January 31, 1991.

³ Senate SED committee amendments adopted March 11, 1991.

1 to N.J.S.18A:46-23 as of the last school day prior to October 16
2 of the prebudget year;

3 CS is the per pupil constant for N.J.S.18A:46-23
4 transportation, which shall equal 1051.72 for school districts
5 located in very high cost counties, shall equal 914.55 for school
6 districts located in high cost counties and shall equal 803.86 for
7 school districts located in any other county;

8 PM means the population density multiplier, which equals
9 .00541;

10 P means population density, calculated as the district's
11 population according to the most recent data available from the
12 Bureau of the Census divided by the number of square miles in
13 the school district;

14 DS is the average distance between the home and school of the
15 pupils eligible for transportation pursuant to N.J.S.18A:46-23;

16 WS is the mileage weight for N.J.S.18A:46-23 transportation,
17 which shall equal 64.05 for school districts located in very high
18 cost counties and high cost counties and shall equal 56.68 for
19 school districts located in any other county;

20 EM means the district size multiplier, which equals .00762; and

21 E means the resident enrollment of the district.

22 As used in this section a high cost county is a county in which
23 for the 1988-89 school year the average cost per pupil mile for
24 approved transportation, other than for handicapped pupils or
25 pupils whose parent or guardian receives a payment in lieu of
26 transportation pursuant to N.J.S.18A:39-1, exceeded the
27 Statewide average by more than 15%.

28 As used in this section a very high cost county is a county in
29 which for the 1988-89 school year the average cost per pupil mile
30 for approved transportation, other than for handicapped pupils or
31 pupils whose parent or guardian receives a payment in lieu of
32 transportation pursuant to N.J.S.18A:39-1, exceeded the
33 Statewide average by more than 85%.

34 Whenever a pupil receives transportation to and from a remote
35 nonpublic school pursuant to N.J.S.18A:39-1 or whenever the
36 parent or guardian of a pupil receives a payment in lieu of
37 transportation pursuant to N.J.S.18A:39-1, the State aid for
38 transportation received by the district for that pupil shall not
39 exceed [the amount of the payment] \$675 or the amount
40 determined pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a),
41 whichever is the greater amount.

42 For any school year in which the numerical values in this
43 section have not been altered pursuant to section 17 of this
44 amendatory and supplementary act, the State aid amount
45 calculated for a district pursuant to this section shall be
46 increased by the product of the amount calculated and the CPI.
47 (cf: P.L.1990, c.52, s.16)

48 2. Section 2 of P.L.1977, c.192 (C.18A:46A-2) is amended to
49 read as follows:

50 2. As used in this act:

1 a. "Commissioner" means the State Commissioner of
2 Education.

3 b. "Nonpublic school" means an elementary or secondary
4 school within the State, other than a public school, offering
5 education for grades kindergarten through 12, or any combination
6 of them, wherein any child may legally fulfill compulsory school
7 attendance requirements and which complies with the
8 requirements of Title VI of the Civil Rights Act of 1964
9 (P.L.88-352).

10 c. "Auxiliary services" means compensatory education
11 services³ for the improvement of students' computation skills;
12 compensatory education services for the improvement of
13 students' communication skills³ ; supportive services for
14 acquiring communication proficiency in the English language for
15 children of limited English-speaking ability; ¹[supplementary
16 instruction services;]¹ and ¹[,]¹ home instruction services.

17 d. (Deleted by P.L.1990, c.52)

18 e. "Compensatory education services" means preventive and
19 remedial programs offered during the normal school day, or in
20 programs offered beyond the normal school day or during summer
21 vacation, which are integrated and coordinated with programs
22 operated during the regular school day and year. The programs
23 shall be approved by the State Board of Education, supplemental
24 to the regular programs and designed to assist pupils who have
25 academic needs that prevent them from succeeding in regular
26 school programs.

27 (cf: P.L.1990, c.52, s.62)

28 3. Section 9 of P.L.1977, c.192 (C.18A:46A-9) is amended to
29 read as follows:

30 9. The apportionment of State aid among local school districts
31 shall be calculated by the commissioner as follows:

32 a. The per pupil aid amount for providing the equivalent
33 service to children enrolled in the public schools, shall be
34 determined by multiplying the bilingual program weight from
35 section 81 of P.L.1990, c.52 (C.18A:7D-21) or the appropriate
36 cost factor from section 14 of P.L.1990, c.52 (C.18A:7D-16) by
37 the State foundation amount as defined in section 6 of P.L.1990,
38 c.52 (C.18A:7D-6). The ²appropriate² per pupil aid amount for
39 compensatory education shall be determined by multiplying the
40 ²[appropriate at-risk grade weight from section 80 of P.L.1990,
41 c.52 (C.18A:7D-20) by the State foundation amount as defined in
42 section 6 of P.L.1990, c.52 (C.18A:7D-6)] per pupil amount of
43 compensatory education ³aid³ in the prebudget year by the PCI
44 as defined by section 3 of P.L.1990, c.52 (C.18A:7D-3)².

45 b. The appropriate per pupil aid amount shall then be
46 multiplied by the number of ³[pupils] auxiliary services received
47 for each pupil³ enrolled in the nonpublic schools who ³[have been]
48 were³ identified as eligible to receive each auxiliary service as of
49 the last school day of ³[October] June³ of the ³[current school]
50 prebudget³ year, to obtain each district's State aid for the next

1 school year.

2 ³c. The per pupil aid amount for home instruction shall be
3 determined by multiplying the State foundation amount as
4 defined in section 6 of P.L.1990 c.52 (C.18A:7D-6) by a cost
5 factor of 0.0037 by the number of hours of home instruction
6 actually provided in the prior school year.³

7 (cf: P.L.1990, c.52, s.65)

8 4. Section 6 of P.L.1977, c.193 (C.18A:46-19.4) is amended to
9 read as follows:

10 6. Each board of education shall provide ¹[for the]
11 ²[appropriate¹ services ¹[of a certified speech correctionist]¹ for
12 each child residing in the district, attending a nonpublic school
13 and classified pursuant to N.J.S.¹[18A:46-9] 18A:46-8¹ as [having
14 an articulation disorder] ¹[requiring the services of a certified
15 speech correctionist] communication handicapped¹ for the
16 services of a certified speech-language specialist for each child
17 attending a nonpublic school located in the school district and
18 classified pursuant to N.J.S.18A:46-8 as requiring the services of
19 a certified speech-language specialist².

20 (cf: P.L.1977, c.193, s.6)

21 ¹⁵. Section 14 of P.L.1977, c.193 (C.18A:46-19.8) is amended
22 to read as follows:

23 14. On November 5[, 1984 and each November 5 thereafter] of
24 each year, each board of education shall forward to the
25 commissioner an estimate of the cost of providing, during the
26 next school year, examination, classification and speech
27 correction services to nonpublic school children who attend a
28 nonpublic school located within the district ³[, and]³ who ³[have
29 been] were³ identified as eligible to receive ³[the] each of these³
30 services pursuant to this act ³[as of the last school day in
31 October] during the previous school year³. Each board of
32 education shall report the number of nonpublic school children
33 who attended a nonpublic school located within the district, who
34 were identified as eligible ³[, and received] for³ supplementary
35 instruction services during the preceeding school year. The
36 number of these pupils shall be multiplied by the appropriate cost
37 factor from section 14 of P.L.1990, c.52 (C.18A:7D-16) and by
38 the State foundation amount as defined in section 6 of P.L.1990,
39 c.52 (C.18A:7D-6). This product shall be added to the estimated
40 cost for providing examination, classification and speech
41 correction services.

42 In preparing [the] its annual budget [for the 1979-80 school
43 year and each year thereafter], each board of education shall
44 include as an expenditure the estimated cost of providing
45 [examination, classification and speech correction] services to
46 nonpublic school children pursuant to [this act] P.L.1977, c.193
47 (C.18A:46-19.1 et seq.).

48 In preparing its annual budget [for the 1979-80 school year and
49 each year thereafter], each board of education shall include as a
50 revenue State aid in an amount equal to such estimated cost of

1 providing [examination, classification and speech correction]
2 services to nonpublic school children pursuant to [this act]
3 P.L.1977, c.193 (C.18A:46-19.1 et seq).

4 During [the 1979-80] each school year [and each year
5 thereafter], each district shall receive an amount of State aid
6 equal to 10% of such estimated cost on the first day in September
7 and on the first day of each month during the remainder of the
8 school year. If a board of education requires funds prior to
9 September, the board shall file a written request with the
10 Commissioner of Education stating the need for the funds. The
11 commissioner shall review each request and forward those for
12 which need has been demonstrated to the appropriate officials for
13 payment.

14 In the event the expenditures incurred by any district are less
15 than the amount of State aid received, the district shall refund
16 the unexpended State aid after completion of the school year.
17 The refunds shall be paid no later than December 1. In any year,
18 a district may submit a request for additional aid pursuant to
19 P.L.1977, c.193 (C.18A:46-19.1 et al.). If the request is approved
20 and funds are available from refunds of the prior year, payment
21 shall be made in the current school year.¹

22 (cf: P.L.1984, c.120, s.2)

23 ¹[5.] 6.¹ This act shall take effect immediately.

24

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26 EDUCATION

27

28 Clarifies the method of determining State aid for certain
29 nonpublic school pupils.

1 5. This act shall take effect immediately.

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STATEMENT

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6 This bill amends the "Quality Education Act of 1990,"
7 P.L.1990, c.52, to clarify the manner in which State aid payments
8 for certain nonpublic school students are to be determined.

9 The bill provides that the State transportation aid paid to a
10 school district for the transportation of a nonpublic school pupil
11 shall not exceed the maximum amount that the district may
12 expend to transport that pupil pursuant to N.J.S.18A:39-1. The
13 bill also provides that State aid for compensatory education
14 services for nonpublic school pupils shall continue in the same
15 manner as obtained prior to the enactment of the "Quality
16 Education Act of 1990." The amount of State aid per pupil for
17 nonpublic school compensatory education shall equal the per pupil
18 at-risk aid provided for public school pupils.

19 The bill also amends P.L.1977, c.193 to clarify which speech
20 correction services a nonpublic school pupil may receive.

21

22

23

EDUCATION

24

25 Clarifies the method of determining State aid for certain
26 nonpublic school pupils.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3786

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 1990

The Assembly Education Committee favorably reports Assembly, No. 3786 as amended.

As amended, this bill amends the "Quality Education Act of 1990," P.L.1990, c.52, to clarify the manner in which State aid payments for certain nonpublic school students are to be determined.

The bill provides that the State transportation aid paid to a school district for the transportation of a nonpublic school pupil shall not exceed the maximum amount that the district may expend to transport that pupil pursuant to N.J.S.18A:39-1. The bill also provides that State aid for compensatory education services for nonpublic school pupils shall continue in the same manner as obtained prior to the enactment of the "Quality Education Act of 1990." The amount of State aid per pupil for nonpublic school compensatory education shall equal the per pupil at-risk aid provided for public school pupils.

The bill also amends P.L.1977, c.193 to clarify which speech correction services a nonpublic school pupil may receive.

The New Jersey Catholic Conference, the Department of Education, New Jersey Association of School Administrators, and New Jersey Principals and Supervisors Association expressed support for the bill as amended.

The committee amendments shift the funding of supplementary instruction services for handicapped nonpublic school pupils from P.L.1977, c.192 (C.18A:46A-1 et seq.) to P.L.1977, c.193 (C.18A:46-19.1). The latter statute concerns services for classified pupils, while the former does not. The committee amendments also correct technical errors in section 6 of P.L.1977, c.193 (C.18A:46-19.4).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3786

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 31, 1991

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3786 [1R] with committee amendments.

Assembly Bill No. 3786 [1R], as amended, modifies the "Quality Education Act of 1990," P.L.1990, c.52, regarding State aid payments for nonpublic school students as follows:

1. Auxiliary compensatory aid for nonpublic school pupils shall continue in substantially the same manner as obtained prior to the enactment of the "Quality Education Act of 1990"(QEA). The amount of State aid per nonpublic school pupil shall equal the per pupil amounts of compensatory education in the pre-budget year plus the percentage increase in per capita income pursuant to section 3 of P.L.1990, c.52.

2. The speech correction services aid available to nonpublic school pupils pursuant to P.L.1977, c.193 will be based upon the State foundation aid in QEA, times the appropriate cost factor in QEA. Currently the costs are estimated by the district.

3. Transportation aid paid to a school district for the transportation of a nonpublic school pupil shall not exceed the maximum amount that the district may expend to transport that pupil pursuant to N.J.S.18A:39-1.

4. The funding of supplementary instruction services for handicapped nonpublic school pupils is shifted from P.L.1977, c.192 (C.18A:46A-1 et seq.), which concerns compensatory education aid, to P.L.1977, c.193 (C.18A:46-19.1), which concerns handicapped aid.

5. Certain technical errors in section 6 of P.L.1977, c.193 (C.18A:46-19.4) are corrected.

FISCAL IMPACT

A fiscal note has not been completed on this bill at this time. The change in auxiliary compensatory aid is expected to represent an increase in cost over what would otherwise occur under the "Quality Education Act of 1990," P.L.1990, c.52, and is estimated to be approximately \$17.4 million, or \$1.2 million more than the \$16.2 million appropriated in fiscal year 1991. The remainder of the bill is estimated to add approximately \$9.6 million more to the current fiscal year cost of \$10.3 million. This additional cost may be reduced by shifting pupil count to the pre-budget year.

COMMITTEE AMENDMENTS:

The amendments change the calculation for auxiliary compensatory aid so that the nonpublic school per pupil aid will equal the amount of the previous year plus the percentage increase in per capita income. Additionally, language changes amend section 4 concerning certified speech-language specialists, as requested by the DOE.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 3786

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 1991

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

As amended, this bill amends the "Quality Education Act of 1990," P.L.1990, c.52, to clarify the manner in which State aid payments for certain nonpublic school students are to be determined.

The bill provides that the State transportation aid paid to a school district for the transportation of a nonpublic school pupil shall not exceed the maximum amount that the district may expend to transport that pupil pursuant to N.J.S.18A:39-1. The bill also provides that State aid for compensatory education services for nonpublic school pupils shall continue in the same manner as obtained prior to the enactment of the "Quality Education Act of 1990." However, the amount of State aid per nonpublic school pupil shall be determined by multiplying the per pupil amounts of compensatory education for each service received in the pre-budget year by the percentage increase in per capita income pursuant to section 3 of P.L.1990, c.52. That amount shall then be multiplied by the number of services received by pupils who were identified as eligible to receive compensatory education in the prebudget year.

Aid available for speech correction services for nonpublic school pupils pursuant to P.L.1977, c.193 will be based upon the State foundation amount in QEA, times the appropriate cost factor in QEA. This will then be multiplied by the number of pupils who were identified as eligible to receive these services in the prebudget year. Currently the costs are estimated by the district.

In addition, the bill shifts the funding of supplementary instruction services for handicapped nonpublic school pupils from P.L.1977, c.192 (C.18A:46A-1 et seq.), which concerns compensatory education aid, to P.L.1977, c.193 (C.18A:46-19.1), which concerns handicapped aid.

The committee amendments provide that to determine the total aid for both compensatory education aid and auxiliary services aid, the appropriate per pupil cost shall be multiplied by the number of pupils eligible to receive services in the prebudget year. The amendments also provide that compensatory education aid will be paid for each service received per pupil, establish a cost factor for home instruction for nonpublic school pupils at 0.0037, and clarify the definition of auxiliary services.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 3786

STATE OF NEW JERSEY

DATED: February 21, 1991

Assembly Bill No. 3786 (1R) of 1990 provides that the State transportation aid paid to a school district for the transportation of a nonpublic school pupil shall not exceed the maximum amount that the district may expend to transport that pupil pursuant to N.J.S.18A:39-1. The bill also provides that State aid for compensatory education services for nonpublic school pupils shall continue in the same manner as obtained prior to the enactment of the "Quality Education Act of 1990." The amount of State aid per pupil for nonpublic school compensatory education shall equal the per pupil at-risk aid provided for public school pupils.

The bill also amends P.L.1977, c.193 to clarify which speech correction services a nonpublic school pupil may receive.

The Office of Legislative Services (OLS) estimates the approximate cost of this bill as \$30,000,000 in FY 1992. Of these costs, \$20.3 million represents an increase in State aid for nonpublic school compensatory education pupils and \$9.6 million represents additional costs for State aid for nonpublic school handicapped pupils.

The estimate for nonpublic school compensatory education is based upon data received from the Department of Education which indicates that 25,861 pupils will be eligible for compensatory education services in FY 1992. The bill provides that this aid will be calculated utilizing the appropriate "at-risk" factor in the Quality Education Act of 1990 (P.L.1990, c.53) multiplied by the State foundation amount as defined in that act. The factors are: .18 for grades preK-5; .20 for grades 6 through 8; and, .24 for grades 9 through 12. The State foundation amount is \$6835. In the absence of enrollment data by grade level, and using an average "at risk" cost of \$1412.57, nonpublic compensatory education aid in FY 1992 is estimated at \$36,530,000, or $\$1412.57 \times 25,861$. The appropriation for this program in the current fiscal year is \$16,200,000.

The estimate for State aid for nonpublic handicapped pupils is based upon program data from the Governor's FY 1991 budget request, which indicates that 16,200 pupils received these services in FY 1990. If it is assumed that the appropriate cost factor for these services is the factor for supplementary and speech instruction, or .18, and that all pupils receive the same services, this program would cost \$19,930,860, or $\$6835 \times .18 \times 16,200$, in FY 1992. The appropriation for this program in the current fiscal year is \$10,279,000.

OLS notes, however, that the language in the bill regarding the appropriate cost factor to be used in calculating aid for nonpublic handicapped pupils is not entirely clear, and that costs could vary considerably based upon which factor is actually utilized.

OLS further notes that the section in the bill regarding transportation for nonpublic school pupils should not have any additional fiscal impact. This would only be affected if an increase in enrollment resulted in the need for additional transportation.

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.

974.901
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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

Emma Byrne
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TRENTON, N.J. 08625
Release:

Thursday
May 2, 1991

ADVISORY

Governor Jim Florio today signed the following bills:

S 3127/A 4245; Sponsored by Senator O'Connor/Assemblymen Charles and Oflowski

This bill appropriates \$6 million from the "Petroleum Overcharge Reimbursement Fund" for energy assistance to certain low income households.

A 3786/S 3305; Sponsored by Assemblymen Cimino and Salmon/Senator Paterniti

This bill provides state funding for compensatory services for certain non-public schools and serves as a companion bill to the Quality Education Act.

In signing the bill, the Governor said: "It is particularly important that children who need special services have access to those services. This legislation will ensure that children in non-public schools get the services they need."

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