

18A:40-1

LEGISLATIVE HISTORY CHECKLIST  
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(Nonpublic  
schools--nursing  
services--require  
local school  
districts to  
provide)

LAWS OF: 1991

CHAPTER: 226

Bill No: A320/A4457

Sponsor(s): Deverin

Date Introduced: Pre-filed

Committee: Assembly: Education; Appropriations

Senate: -----

Amended during passage: No Assembly Committee Substitute enacted

Date of Passage: Assembly: June 13, 1991

Senate: June 24, 1991

Date of Approval: July 26, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 5-16-91 & 6-10-91

Senate: ~~Yes~~ No

Fiscal Note: Yes

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 320 and 4457

STATE OF NEW JERSEY

ADOPTED JUNE 10, 1991

Sponsored by Assemblymen DEVERIN,  
McENROE and McGREEVEY

1 AN ACT concerning the provision of nursing services to nonpublic  
2 schools, supplementing chapter 40 of Title 18A of the New  
3 Jersey Statutes and making an appropriation.

4

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

7 1. The Legislature hereby finds and determines that the  
8 welfare of the State requires that all school-age children be  
9 assured equal access to appropriate health care services. In order  
10 to achieve this objective, it is the intent of the Legislature to  
11 require that the State and local communities provide basic  
12 nursing services for children in both public and nonpublic schools.

13 2. As used in this act:

14 "Commissioner" means the State Commissioner of Education.

15 "Nonpublic school" means an elementary or secondary school  
16 within the State, other than a public school, offering education  
17 for grades kindergarten through 12, or any combination of them,  
18 wherein any child may legally fulfill compulsory school  
19 attendance requirements and which complies with the  
20 requirements of Title VI of the "Civil Rights Act of 1964,"  
21 Pub.L.88-352, (42 U.S.C. §2000d et seq.)

22 "Support limit" means the maximum amount which may be  
23 appropriated each year for the purposes of this act for each pupil  
24 enrolled full-time in nonpublic schools of the State.

25 3. Each board of education of a district in which a nonpublic  
26 school is located shall:

27 a. provide nursing services for pupils who are enrolled  
28 full-time in the nonpublic school. The services shall include:

29 (1) assistance with medical examinations, including dental  
30 screening;

31 (2) conducting screening of hearing examinations;

32 (3) the maintenance of student health records, and notification  
33 of local or county health officials of any student who has not  
34 been properly immunized; and

35 (4) conducting examinations of pupils between the ages of 10  
36 and 18 for the condition known as scoliosis.

37 b. adopt written policies and procedures extending the  
38 emergency care provided to public school pupils to those pupils  
39 who are enrolled full-time in the nonpublic school who are injured  
40 or become ill at school or during participation on a school team  
41 or squad.

- 1       4. Each board of education of a district in which a nonpublic  
2 school is located may:
- 3       a. within the limit of funds appropriated or otherwise made  
4 available, adopt policies and procedures to provide the pupils who  
5 are enrolled full-time in the nonpublic school with additional  
6 medical services; and
- 7       b. provide the necessary equipment, materials and services for  
8 immunizing the pupils who are enrolled full-time in the nonpublic  
9 school from the diseases which pupils are required to be  
10 immunized against by the State Sanitary Code adopted pursuant  
11 to section 7 of P.L.1947, c.177 (C.26:1A-7) or for diseases against  
12 which immunization may be recommended by the State  
13 Department of Health.
- 14       5. The nursing services provided to nonpublic schools under  
15 sections 3 and 4 of this act shall not include instructional services.
- 16       6. A board of education may join with other boards of  
17 education or contract with any public or private agency approved  
18 by the commissioner for the provision of nursing services required  
19 or permitted under sections 3 and 4 of this act.
- 20       7. A nonpublic school may decline the nursing services which  
21 are required or permitted under sections 3 and 4 of this act by  
22 submitting written notification to the board of education from  
23 the appropriate administrator of the nonpublic school.
- 24       8. A pupil who is enrolled in a nonpublic school and whose  
25 parent or guardian objects to the pupil receiving any services  
26 provided under this act shall not be compelled to receive the  
27 services except for a physical or medical examination to  
28 determine whether the pupil is ill or infected with a  
29 communicable disease.
- 30       9. a. The support limit for the 1991-92 school year shall be  
31 \$60. For each school year thereafter the commissioner shall  
32 determine the support limit by multiplying the support limit for  
33 the previous school year times the sum of 1.0 plus the average  
34 annual percentage increase in State per capita personal income as  
35 determined pursuant to section 3 of P.L.1990, c.52 (C.18A:7D-3).
- 36       b. On or before November 5 of each year, each board of  
37 education shall forward to the commissioner an estimate of the  
38 cost of providing, during the next school year, the services  
39 required pursuant to this act and the number of pupils attending  
40 nonpublic schools located within the district as of the last school  
41 day of October of the current school year, excluding those pupils  
42 who have refused nursing services pursuant to section 7 of this  
43 act. The commissioner shall provide State aid to each school  
44 district in an amount equal to the number of nonpublic school  
45 pupils within the district identified by the district on or before  
46 November 5 multiplied by the State support limit. In the event  
47 that the expenditure incurred by any district is less than the  
48 amount of State aid received, the district shall refund the  
49 unexpended State aid after the completion of the school year, but

1 not later than December 1 of the following school year.

2 c. If in any year the amount of State aid appropriated is  
3 insufficient to carry out in full the provisions of this act, the  
4 commissioner shall apportion that appropriation among the  
5 districts in proportion to the State aid each district would have  
6 received had the full amount of State aid been appropriated. In  
7 any year, no district shall be required to make expenditures for  
8 the purposes of this act in excess of the amount of State aid  
9 received for these purposes.

10 d. Any State aid provided to a school district pursuant to this  
11 section shall not be included in the calculation of the spending  
12 limitations established pursuant to section 85 of P.L. 1990, c. 52  
13 (C. 18A:7D-28).

14 10. There is appropriated from the General Fund to the  
15 Department of Education \$10,000,000 for the purposes of this act.

16 11. This act shall take effect immediately.

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#### EDUCATION

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21 Requires local school districts to provide certain nursing services  
22 to nonpublic school pupils and appropriates \$10 million.

ASSEMBLY, No. 320

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman DEVERIN

1 AN ACT concerning the provision of school nursing services to  
2 the nonpublic schools and supplementing chapter 40 of Title  
3 18A of the New Jersey Statutes.

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

7 1. The Legislature finds and determines that the security and  
8 welfare of the State require that all school-age children be  
9 assured equal access to appropriate health care services. In order  
10 to achieve this objective, it is the intent of the Legislature to  
11 require that the State and local communities identify and provide  
12 nursing services for children in both public and nonpublic schools.

13 2. As used in this act "nonpublic school" means an elementary  
14 or secondary school within the State, other than a public school,  
15 offering education for grades kindergarten through 12 or any  
16 combination thereof, wherein a child may legally fulfill  
17 compulsory school attendance requirements and which complies  
18 with the requirements of the "Civil Rights Act of 1964," Pub.L.  
19 88-352 (42 U.S.C. § 2000d).

20 3. Each board of education shall provide nursing services for  
21 each child attending a nonpublic school within the district, which  
22 are substantially equivalent to the services provided in the public  
23 schools.

24 4. If the provision of services pursuant to this act requires  
25 transportation, the board of education shall provide for the  
26 transportation and the costs shall be paid from State aid received  
27 by the district pursuant to this act.

28 5. A board of education may contract with any public or  
29 private agency approved by the Commissioner of Education for  
30 the provision of nursing services.

31 6. On October 1, 1985 and each October 1 thereafter, each  
32 board of education shall forward to the commissioner an estimate  
33 of the cost of providing nursing services during the next school  
34 year to nonpublic school children pursuant to this act.

35 In preparing the budget for the 1985-86 school year and each  
36 year thereafter, each board of education shall include as an  
37 expenditure the estimated cost of providing nursing services to  
38 nonpublic school children pursuant to this act.

39 In preparing its budget for the 1985-86 school year and each  
40 year thereafter, each board of education shall include as a  
41 revenue State aid in an amount equal to the estimated cost of

1 providing nursing services to nonpublic school children pursuant  
2 to this act.

3 Beginning with the 1985-86 school year and each year  
4 thereafter, each district shall receive an amount of State aid  
5 equal to these estimated costs. In the event the expenditures  
6 incurred vary from those anticipated, the district's State aid  
7 shall be adjusted accordingly during the second year following the  
8 receipt of aid pursuant to this section.

9 7. This act shall take effect on July 1, 1985.

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#### STATEMENT

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14 This bill requires local school districts to provide nursing  
15 services that are substantially equivalent to the services provided  
16 in the public schools to nonpublic schools.

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#### EDUCATION

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21 Requires local school districts to provide nursing services to  
22 nonpublic schools.

ASSEMBLY, No. 4457

STATE OF NEW JERSEY

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INTRODUCED JANUARY 29, 1991

By Assemblymen ADUBATO, McENROE, Mattison, Pascrell,  
Assemblywoman Bush, Assemblymen Duch, Cimino,  
Patero, Gill, Naples, Roberts, Charles, Doria,  
Menendez, Kronick, Zangari, Deverin, Hudak,  
Cohen, Franks, Zecker, Haytaian, Rocco, Kelly,  
Felice, Arnone, Assemblywoman Farragher,  
Assemblymen Kavanaugh and Penn

1 AN ACT concerning school nursing services for certain nonpublic  
2 school students and supplementing chapter 40 of Title 18A of  
3 the New Jersey Statutes.  
4

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

7 1. Each board of education of a special needs district, as  
8 defined pursuant to section 3 of P.L.1990, c.52 (C.18A:7D-3),  
9 shall provide school nursing services for each child attending a  
10 nonpublic school within the district which are substantially  
11 equivalent to the school nursing services provided in the public  
12 schools. The costs of the nursing services shall be paid by the  
13 district.

14 2. As used in this act "nonpublic school" means an elementary  
15 or secondary school within the State, other than a public school,  
16 offering education for grades kindergarten through 12 or any  
17 combination thereof, wherein a child may legally fulfill  
18 compulsory school attendance requirements and which complies  
19 with the requirements of section 601 of the "Civil Rights Act of  
20 1964," Pub.L. 88-352 (42 U.S.C. § 2000d).

21 3. If the provision of services pursuant to this act requires  
22 transportation, the board of education shall provide for the  
23 transportation and the costs shall be paid by the district.

24 4. A board of education of a special needs district may  
25 contract with any public or private agency approved by the  
26 Commissioner of Education for provision of the nursing services  
27 required under section 1 of this act.

28 5. The State Board of Education shall adopt rules and  
29 regulations pursuant to the "Administrative Procedure Act,"  
30 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the  
31 purposes of this act.

32 6. This act shall take effect on July 1 next following  
33 enactment.  
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STATEMENT

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38 This bill requires the special needs districts to provide school

1 nursing services that are substantially equivalent to the school  
2 nursing services provided in the public schools to nonpublic school  
3 students attending a nonpublic school within the district. It is the  
4 intent of the sponsor that these services are to be provided on the  
5 premises of the nonpublic school unless the services being  
6 provided are therapeutic or remedial in nature in which case they  
7 should be provided in a religiously neutral location. There are  
8 approximately 46,000 nonpublic school students in the 30 special  
9 needs districts.

10 This bill will assure that all school-age children within these  
11 districts are provided equal access to appropriate health care  
12 services. The costs of providing these services will be paid by the  
13 special needs district from aid received under the "Quality  
14 Education Act of 1990."

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#### EDUCATION

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19 Requires special needs school districts to provide nursing services  
20 to students attending a nonpublic school within the district.



ASSEMBLY EDUCATION COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 320**

**STATE OF NEW JERSEY**

DATED: MAY 16, 1991

The Assembly Education Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 320.

This substitute requires a board of education of a district in which a nonpublic school is located to provide nursing services for pupils who are enrolled full-time in the nonpublic school.

The nursing services to be provided will include assistance with physical examinations, including dental screening, the conducting of hearing and scoliosis examinations, and the maintenance of health records. In addition, the board of education must adopt written policies and procedures to extend the emergency care provided to public school pupils to nonpublic school pupils who are injured or become ill at school or during participation on a school team or squad. These nursing services are currently being provided to public school pupils in the district.

Under the substitute, a board of education may also adopt policies and procedures to provide pupils enrolled full-time in a nonpublic school with additional medical services, within the limit of funds appropriated or otherwise made available, and to provide the necessary equipment, materials and services for immunization required by the State Sanitary Code or the State Department of Health.

The nursing services which are required or permitted under the substitute are not to include instructional services.

A board may join with other boards of education or contract with any public or private agency approved by the Commissioner of Education for the provision of the nursing services which are required or permitted.

A nonpublic school may decline the services upon written notification to the board of education, and no pupil who is enrolled in a nonpublic school and whose parent or guardian objects to the pupil receiving any of the services provided will be compelled to receive the services.

Finally, the substitute sets a support limit of \$60 per nonpublic school pupil for the 1991-92 school year and provides that the limit will be increased for each school year thereafter by the average annual percentage increase in State per capita personal income. The commissioner will then distribute State aid to each school district in an amount equal to the number of nonpublic school students within the district actually receiving nursing services multiplied by the support limit. An appropriation of \$10 million is made to the Department of Education for this purpose.

Representatives of the New Jersey Catholic Conference, Our Lady of Mt. Virgin School, St. Joseph's School of Camden, Diocese of Metuchen, Our Lady Help of Christians, the New Jersey Department of Education, members of the public and a member of the legislature spoke in favor of the substitute. Representatives of the New Jersey Education Association, New Jersey School Boards Association, and New Jersey School Business Officials testified in opposition to the substitute.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 320 and 4457

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 320 and 4457.

This Assembly committee substitute requires a district board of education in which a nonpublic school is located to provide nursing services for pupils who are enrolled full-time in the nonpublic school and appropriates \$10 million to the Department of Education for State aid for these services.

The nursing services to be provided will include assistance with physical examinations, including dental screening, the conducting of hearing and scoliosis examinations, and the maintenance of health records. In addition, the board of education must adopt written policies and procedures to extend the emergency care provided to public school pupils to nonpublic school pupils who are injured or become ill at school or during participation on a school team or squad. These nursing services are currently being provided to public school pupils in the district.

The board of education may also adopt policies and procedures to provide full-time nonpublic school pupils with additional medical services, within the limit of funds appropriated or otherwise made available, and to provide the necessary equipment, materials and services for immunization required by the State Sanitary Code or the State Department of Health. A board may join with other boards of education or contract with any public or private agency approved by the Commissioner of Education for the provision of the required or permitted nursing services.

A nonpublic school may decline the services upon written notification to the board of education, and no pupil who is enrolled in a nonpublic school and whose parent or guardian objects to the pupil receiving any of the services provided will be compelled to receive the services.

This Assembly committee substitute is identical to Senate Bill No. 3526 (1R) as reported by the Senate Education Committee on June 10, 1991.

FISCAL IMPACT:

The substitute sets a support limit of \$60 per nonpublic school pupil for the 1991-92 school year and provides for an increase each school year thereafter by the average annual percentage increase in State per capita personal income. The commissioner will then distribute State aid to each school district in an amount equal to

the previous year's enrollment of nonpublic school students within the district actually receiving nursing services multiplied by the support limit. An appropriation of \$10 million is made from the General Fund to the Department of Education for this purpose. Any excess State aid must be refunded. An insufficient aid appropriation shall be apportioned to districts in the same proportion as would the full amount of aid. However, districts shall not be required to make expenditures in excess of aid received.

FISCAL NOTE TO  
ASSEMBLY, No. 320

STATE OF NEW JERSEY

DATED: September 12, 1990

Assembly Bill No. 320 of 1990 would require local school districts to provide nursing services to nonpublic schools which are substantially equivalent to the services provided to public schools. If these services require transportation, the local district shall provide for the transportation and State aid shall reimburse the districts for those costs.

The Department of Education (DOE) has estimated that the nursing services for nonpublic school students would cost the State \$15,120,000 in FY 1990-91. The average cost for nursing services in FY 1986-87 was \$62 per student. Using an annual inflation adjustment of eight percent to account for the increase in nursing salaries and medical equipment and supplies, the department estimates nursing costs of \$84 per student for FY 1990-91. There are approximately 180,000 nonpublic school students in New Jersey, resulting in the \$15,120,000 estimate (180,000 x \$84). Nursing service costs are expected to continue to increase at eight percent each year, resulting in expenditures of \$16,329,600 in FY 1991-92 and \$17,636,000 in FY 1992-93.

The Department of Education was unable to determine the transportation costs which these services would require.

The Office of Legislative Services (OLS) concurs with the Department of Education's estimate of nursing service costs. However, OLS notes that transportation costs also could be significant. The State does not currently provide transportation for nursing services to nonpublic schools and, therefore, a precise calculation of the cost is difficult. Yet, the State does provide transportation for nonpublic students who receive auxiliary services and this program's costs may be used to approximate the expense of providing transportation for nursing services. As with auxiliary services, nursing services may not be provided on the grounds of a sectarian, nonpublic school and would have to be provided in trailers. In FY 1989-90 28,200 nonpublic school students received auxiliary services and the State appropriated \$1,805,000 in transportation aid, for an average of \$64 (\$1,805,000 divided by 28,200) per student. Assuming an annual inflation rate of five percent, this per student figure could be \$67 in FY 1990-91. Not all of these 28,200 students received transportation for auxiliary services, but the DOE does not keep a record of the number that do. Therefore, the actual per student cost could be greater than \$67.

Using the \$67 per student figure, transportation for nonpublic school nursing services could cost the State \$67,000 for every 1,000 students in FY 1990-1991. This figure would vary as transportation costs for nursing services may not be the same as those for auxiliary services. The total cost would depend on the number of students in sectarian, nonpublic schools who were in need of nursing services.

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

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# OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**  
**Contact:**

Emma Byrne  
Nancy Kearney  
609/292-8956

**TRENTON, N.J. 08625**

**Release:**

Friday  
July 26, 1991

## ADVISORY

Governor Jim Florio today signed the following bills:

**A 320 ACS4457/S 3526; Sponsored by Assemblymen Thomas Deverin, Jim McGreevey and Harry McEnroe/Senator Thomas Paterniti**

This bill requires local school districts to provide equivalent nursing services to non-public schools. New Jersey schools do not currently provide school nursing services for non-public school children; Pennsylvania and New York already require such services.

**S 1816 Sca/A 2297 Aca; Sponsored by Senator John Bennett/Assemblymen D. Bennette Mazur and Michael Arnone**

Designates July 27 of each year as "Korean War Veterans' Day" which commemorates July 27, 1953, the day the truce was signed ending the Korean War.

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