

18A: 7B-12

LEGISLATIVE HISTORY CHECKLIST

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(Tuition--pupils--orphans)

NJSA: 18A:7B-12

LAWS OF: 1997 CHAPTER: 202

BILL NO: S1794

SPONSOR(S): Ewing

DATE INTRODUCED: January 23, 1997

COMMITTEE: ASSEMBLY: Appropriations

SENATE: Budget; Education

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 26, 1997

SENATE: May 22, 1997

DATE OF APPROVAL: August 14, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes 4-17-97 & 2-10-97

FISCAL NOTE: Yes

VE TO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 202, *approved August 14, 1997*  
Senate, No. 1794

1 AN ACT concerning the tuition of certain pupils and amending  
2 P.L.1979, c.207.

3

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

6

7 1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to  
8 read as follows:

9 19. For school funding purposes, the Commissioner of Education  
10 shall determine district of residence as follows:

11 a. The district of residence for children in foster homes shall be the  
12 district in which the foster parents reside. If a child in a foster home  
13 is subsequently placed in a State facility or by a State agency, the  
14 district of residence of the child shall then be determined as if no such  
15 foster placement had occurred.

16 b. The district of residence for children who are in residential State  
17 facilities, or who have been placed by State agencies in group homes,  
18 private schools or out-of-State facilities, shall be the present district  
19 of residence of the parent or guardian with whom the child lived prior  
20 to his most recent admission to a State facility or most recent  
21 placement by a State agency.

22 If this cannot be determined, the district of residence shall be the  
23 district in which the child resided prior to such admission or  
24 placement.

25 c. The district of residence for children whose parent or guardian  
26 temporarily moves from one school district to another as the result of  
27 being homeless shall be the district in which the parent or guardian last  
28 resided prior to becoming homeless. For the purpose of this  
29 amendatory and supplementary act, "homeless" shall mean an  
30 individual who temporarily lacks a fixed, regular and adequate  
31 residence.

32 d. If the district of residence cannot be determined according to the  
33 criteria contained herein, or if the criteria contained herein identify a  
34 district of residence outside of the State, the State shall assume fiscal

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

**Matter underlined thus is new matter.**

1 responsibility for the tuition of the child. The tuition shall equal the  
2 approved per pupil cost established pursuant to P.L.1996, c.138  
3 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same  
4 manner as other State aid under this act. The Department of  
5 Education shall pay the amount to the Department of Human Services,  
6 the Department of Corrections or the Juvenile Justice Commission  
7 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)  
8 or, in the case of a homeless child, the Department of Education shall  
9 pay the appropriate T&E amount and any appropriate additional cost  
10 factor for special education pursuant to section 19 of P.L.1996, c.138  
11 (C.18A:7F-19) to the school district in which the child is enrolled.

12 e. If the State has assumed fiscal responsibility for the tuition of a  
13 child in a private educational facility approved by the Department of  
14 Education to serve children who are classified as needing special  
15 education services, the department shall pay to the Department of  
16 Human Services or the Juvenile Justice Commission, as appropriate,  
17 the aid specified in subsection d. of this section and in addition, such  
18 aid as required to make the total amount of aid equal to the actual cost  
19 of the tuition.

20 (cf: P.L.1996, c.138, s.44)

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22 2. This act shall take effect immediately.

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#### STATEMENT

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27 This bill requires the State to pay any difference between the  
28 amount of State aid otherwise payable and the amount of the actual  
29 cost of tuition for a pupil for whom the State has assumed fiscal  
30 responsibility when the pupil is classified as needing special education  
31 services and is in a private educational facility. The bill ensures that  
32 adequate funding of State-approved tuition will be provided for  
33 approximately 65 orphan children who have no school district of  
34 residence.

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39 Provides payment of tuition for certain children for whom the State  
40 has assumed fiscal responsibility.

[Passed Both Houses]

SENATE, No. 1794

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1997

By Senator EWING, Assemblymen Bagger, Stanley and DeSopo

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19 of residence of the parent or guardian with whom the child lived prior  
20 to his most recent admission to a State facility or most recent  
21 placement by a State agency.

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24 placement.

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37 residence.

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43 has assumed fiscal responsibility.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**SENATE, No. 1794**

**STATE OF NEW JERSEY**

DATED: JUNE 9, 1997

The Assembly Appropriations Committee reports favorably Senate Bill No. 1794.

Senate Bill No. 1794 requires the Department of Education to pay to the Department of Human Services or the Juvenile Justice Commission, as appropriate, the difference between the amount of State aid otherwise payable and the amount of the actual cost of tuition for a pupil for whom the State has assumed fiscal responsibility because the pupil is classified as needing special education services and is in a private educational facility. The bill ensures that adequate funding of State-approved tuition will be provided for approximately 59 orphan children who have no school district of residence. Currently, the source of funding for tuition for these children does not cover the full cost of the tuition of the private educational facilities which these children attend.

As reported, this bill is identical of Assembly Bill No. 2665 of 1997 (Bagger).

FISCAL IMPACT

According to the legislative fiscal estimate on this bill and information provided by the Office of Education in the Department of Human Services, enactment of this bill would cost the State approximately \$1.1 million in the 1996-97 school year, for 59 children whose districts of residence are unknown and are placed in private educational facilities. The tuition costs for these children are approximately \$1.9 million in the 1996-97 school year. The Office of Education received only \$821,898 in State aid from the State Facilities Education Act program to cover the actual tuition costs.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 1794

# STATE OF NEW JERSEY

DATED: APRIL 17, 1997

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1794.

Senate Bill No. 1794 requires the Department of Education to pay to the Department of Human Services or the Juvenile Justice Commission, as appropriate, the difference between the amount of State aid otherwise payable and the amount of the actual cost of tuition for a pupil for whom the State has assumed fiscal responsibility because the pupil is classified as needing special education services and is in a private educational facility. The bill ensures that adequate funding of State-approved tuition will be provided for approximately 59 orphan children who have no school district of residence. Currently, the source of funding for tuition for these children does not cover the full cost of the tuition of the private educational facilities which these children attend.

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SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 1794**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 1997

The Senate Education Committee reports favorably Senate Bill No. 1794.

This bill requires the State to pay any difference between the amount of State aid otherwise payable and the amount of the actual cost of tuition for a pupil for whom the State has assumed fiscal responsibility when the pupil is classified as needing special education services and is in a private educational facility. The bill ensures that adequate funding of State-approved tuition will be provided for approximately 65 orphan children who have no school district of residence.



LEGISLATIVE FISCAL ESTIMATE TO  
**SENATE, No. 1794**  
**STATE OF NEW JERSEY**

DATED: MAY 2, 1997

Senate Bill No. 1794 of 1997 requires the State to pay any difference between the amount of State aid otherwise payable and the amount of the actual cost of tuition for a pupil for whom the State has assumed fiscal responsibility when the pupil is classified as needing special education services and is in a private educational facility.

The Office of Legislative Services (OLS) estimates that the enactment of this bill would cost the State approximately \$1.1 million in the 1996-97 school year. Information provided by the Office of Education in the Department of Human Services (DHS) indicated that currently there are 59 children whose districts of residence are unknown and are placed in private educational facilities. The tuition costs for these children are approximately \$1.9 million in the 1996-97 school year. As a result of the State's under funding of the State Facilities Education Act program, the Office of Education in DHS received \$821,898 in State aid to cover the actual tuition costs. The difference between the tuition costs and State aid under the "State Facilities Education Act of 1979" is \$1.1 million in the 1996-97 school year. This bill would increase the amount of State Facilities Education Aid by \$1.1 million to fully fund the educational cost of those 59 orphaned children who are classified as needing special education services and placed in private educational facilities. In the past, the Office of Education in DHS has supported the difference between State aid and tuition costs from prior year carryforward balances which are no longer available. The Office of Education in DHS also indicated that tuition costs for the 1997-98 school year for these placements are not expected to increase significantly; therefore, OLS estimates that State costs for the 1997-98 school year would be approximately \$1.1 million.

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.