

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER: 12

NJSA:18A:46-19.5

"Remedial programs -- nonpublic schools"

BILL NO: S93 (Substituted for A1634)

SPONSOR(S): Palaia

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: ~~~~

*SENATE:*Education

AMENDED DURING PASSAGE:No

DATE OF PASSAGE:

ASSEMBLY: March 23, 1998

SENATE: March 19, 1998

DATE OF APPROVAL:May 1, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

(Amendments during passage denoted by superscript numbers)

S93

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: No

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

A1634

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)
(Bill and Sponsors Statement identical to S93)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes* (Identical to Senate Statement for S93)

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at
the State Library (609) 278-2640 ext. 102 or refdesk@njstatelib.org*

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

U.S. Supreme Court decision mentioned in statements:
Agostini v. Felton, 521 U.S. , 117 S.Ct, 1997,
138 L.Ed.2d 391 (1997)

SENATE, No. 93

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

SYNOPSIS

Provides that remedial programs for nonpublic school students may be held on the premises of the nonpublic school.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S93 PALAIA

2

1 AN ACT concerning services provided to nonpublic school students
2 and amending P.L.1977, c.192 and P.L.1977, c.193.

3

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

6

7 1. Section 5 of P.L.1977, c.192 (C.18A:46A-5) is amended to read
8 as follows:

9 5. Auxiliary services shall be provided only upon the consent of the
10 parent or guardian and shall be provided in a location determined by
11 the local board of education **[**, except that no such services shall be
12 provided in a church or a sectarian school**]**.

13 (cf: P.L.1977, c.192, s.5)

14

15 2. Section 7 of P.L.1977, c.193 (C.18A:46-19.5) is amended to
16 read as follows:

17 7. Services for children enrolled in nonpublic schools shall be
18 provided only upon the consent of the parent or guardian and shall be
19 provided in a location determined by the local board pursuant to rules
20 and regulations of the State board **[**, except that no such services shall
21 be provided in a church or sectarian school**]**.

22 (cf: P.L.1977, c.193, s.7)

23

24 3. This act shall take effect immediately.

25

26 STATEMENT

27

28 This bill amends New Jersey law concerning the provision of
29 auxiliary and handicapped services to students in nonpublic schools to
30 conform it with the June 23, 1997 United States Supreme Court
31 decision, Agostini v. Felton. In that decision, the court held that
32 publicly funded programs which provide supplemental, remedial
33 instruction to nonpublic school students do not violate the
34 constitutionally required separation between church and state when
35 such programs are held on the premises of sectarian schools.

36 This decision reverses a ban on publicly funded teachers providing
37 services on sectarian school property which led to the use of trailers
38 and mobile classrooms for the provision of such services at
39 tremendous additional cost. Conforming New Jersey's law on the
40 provision of auxiliary and handicapped services will provide that time
41 will not be wasted by students traveling between schools and
42 makeshift classrooms and will ensure that funds will be more
43 appropriately spent on the actual provision of services.

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.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 93

STATE OF NEW JERSEY

DATED: MARCH 2, 1998

The Senate Education Committee reports favorably Senate Bill No. 93.

This bill amends New Jersey law concerning the provision of auxiliary and handicapped services to students in nonpublic schools to conform it with the June 23, 1997 United States Supreme Court decision, Agostini v. Felton. In that decision, the court held that publicly funded programs which provide supplemental, remedial instruction to nonpublic school students do not violate the constitutionally required separation between church and state when such programs are held on the premises of sectarian schools.

This decision reverses a ban on publicly funded teachers providing services on sectarian school property, which led to the use of trailers and mobile classrooms for the provision of the services at tremendous additional cost. Conforming New Jersey's law on the provision of auxiliary and handicapped services will provide that time will not be wasted by students traveling between schools and makeshift classrooms and will ensure that funds will be more appropriately spent on the actual provision of services.

This bill was pre-filed for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 1634

STATE OF NEW JERSEY

208TH LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Assemblyman JOHN V. KELLY
District 36 (Bergen, Essex and Passaic)
Assemblyman GUY F. TALARICO
District 38 (Bergen)

Co-Sponsored by:

Assemblywoman Vandervalk

SYNOPSIS

Provides that remedial programs for nonpublic school students may be held on the premises of the nonpublic school.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/1998)

A1634 KELLY, TALARICO

2

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2 and amending P.L.1977, c.192 and P.L.1977, c.193.

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43 appropriately spent on the actual provision of services.

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Matter underlined thus is new matter.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1634

STATE OF NEW JERSEY

DATED: MARCH 9, 1998

The Assembly Education Committee favorably reports Assembly Bill No. 1634.

This bill amends New Jersey law concerning the provision of auxiliary and handicapped services to students in nonpublic schools to conform it with the June 23, 1997 United States Supreme Court decision, Agostini v. Felton. In that decision, the court held that publicly funded programs which provide supplemental, remedial instruction to nonpublic school students do not violate the constitutionally required separation between church and state when such programs are held on the premises of sectarian schools.

This decision reverses a ban on publicly funded teachers providing services on sectarian school property, which led to the use of trailers and mobile classrooms for the provision of the services at tremendous additional cost. Conforming New Jersey's law on the provision of auxiliary and handicapped services will provide that time will not be wasted by students traveling between schools and makeshift classrooms and will ensure that funds will be more appropriately spent on the actual provision of services.

As reported by committee, this bill is identical to Senate Bill No.93.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
609-777-2600
RELEASE: May 1, 1998

Gov. Whitman Signs A-956, S-91, S-93 and S-465

Gov. Christie Whitman today signed the following pieces of legislation:

A-956, sponsored by Assembly Members Alan Augustine (R-Middlesex/Morris/Somerset/Union) and Neil Cohen (D-Union) and Senator Peter Inverso (R-Mercer/Middlesex), which provides for the licensing and regulation of money transmitters. Under current law, only foreign money transmitters and money order issuers are regulated. This new law will expand regulation to include domestic money transmitters and third party payers.

S-91, Senators Joseph Palaia (R-Monmouth) and Richard Codey (D- Essex) and Assembly Members Michael Arnone (R-Monmouth) and Claire Farragher (R-Monmouth), which expands worker's compensation coverage provided through New Jersey Horse Racing Injury Compensation Board to additional backstretch employees. Currently coverage is provided only to jockeys, jockey apprentices, exercise riders, drivers and driver-trainers.

S-93, sponsored by Senators Joseph Palaia (R-Monmouth) and Diane Allen (R-Burlington/Camden) and Assembly Members John Kelly (R- Bergen/Essex/Passaic) and Guy Talarico (R-Bergen), which provides that federal or state-funded remedial programs for nonpublic school students may be held on the premises of the nonpublic school. The new law is consistent with the U.S. Supreme Court's ruling in *Agostini v. Felton* that publicly funded programs which provide supplemental instruction to nonpublic students held on the premises of church or sectarian schools do not violate the separation between Church and State.

S-465, sponsored by Senator Martha Bark (R- Atlantic/Burlington/Camden) and Assembly Members Francis Bodine (R- Atlantic/Burlington/Camden) and Larry Chatzidakis (R- Atlantic/Burlington/Camden), which extends the expiration date of appropriation for State Transfer of Development Rights Bank administrative costs.

BODY