

18A:36-21 to 18A:36-23

LEGISLATIVE HISTORY CHECKLIST

WASA 18A:36-21 to 18A:36-23 (School field trips--allow trips where costs are borne by pupil)

LAWS OF 1980 CHAPTER 49

Bill No. S520

Sponsor(s) DiFrancesco

Date Introduced Pre-filed

Committee: Assembly Education

Senate Education

Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly April 28, 1980

Senate Feb. 21, 1980

Date of approval June 26, 1980

Following statements are attached if available:

Sponsor statement Yes ~~xx~~

Committee Statement: Assembly ~~xxx~~ No

Senate Yes ~~xx~~

Fiscal Note ~~xxx~~ No

Veto message ~~xxx~~ No

Message on signing ~~xxx~~ No

Following were printed:

Reports ~~xxx~~ No

Hearings ~~xxx~~ No

Attached:

Willett v. Board of Education of Colts Neck, 1966 SLD at 206.

9/1/78

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 520

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator DiFRANCESCO

AN ACT concerning education and supplementing Title 18A of the  
New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Any board of education may authorize field trips for which  
2 all or part of the costs are borne by the pupils' parents *\*or legal*  
3 *guardians\**, with the exception of pupils in special education classes  
4 and pupils with financial hardship. *\*In determining financial hard-*  
5 *ship the criteria shall be the same as the Statewide eligibility stan-*  
6 *dards for free and reduced price meals under the State school lunch*  
7 *program (N. J. A. C. 6:79-1.1 et seq.).\**

1 2. As used in this act "field trip" means a journey by a group  
2 of pupils, away from the school premises, under the supervision of  
3 a teacher **\*\*[for the purpose of affording a first-hand educational**  
4 **experience]\*\*.**

1 **\*\*3. No student shall be prohibited from attending a field trip**  
2 **due to inability to pay the fee regardless of whether or not they**  
3 **have met the financial hardship requirements set forth in section 1**  
4 **of this act.\*\***

1 **\*\*[3.]\*\* \*\*4.\*\* This act shall take effect immediately.**

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

SENATE, No. 520

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator DiFRANCESCO

AN ACT concerning education and supplementing Title 18A of the  
New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Any board of education may authorize field trips for which  
2 all or part of the costs are borne by the pupils' parents, with the  
3 exception of pupils in special education classes and pupils with  
4 financial hardship.

1 2. As used in this act "field trip" means a journey by a group  
2 of pupils, away from the school premises, under the supervision of  
3 a teacher for the purpose of affording a first-hand educational  
4 experience.

1 3. This act shall take effect immediately.

STATEMENT

As a result of the commissioner's decision, *Melvin C. Willett v. the Board of Education of the Township of Colts Neck*, boards of education have been prohibited from authorizing field trips which require parental contributions. Consequently, boards have attempted to finance the total cost of field trips from the school budget. Increasing costs of education have severely limited the number of field trips which can be sponsored by local boards.

The purpose of this bill is to counteract the limitations imposed on educational experiences offered to our children by permitting parents as well as boards to contribute to the costs of field trips.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 520**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 4, 1980

PROVISIONS:

This bill would authorize boards of education to allow parents to pay for all or part of the cost of field trips. This would not be allowed for pupils with financial hardship and pupils in special education classes.

FISCAL IMPLICATIONS:

None.

BACKGROUND:

This bill is the result of a Commissioner of Education decision, *Melvin C. Willett v. The Board of Education of the Township of Colts Neck* (December 2, 1966, affirmed by State Board of Education, April 3, 1968). That decision reads in part:

“The commissioner holds that field trips which supplement and enrich pupils’ classroom learning are an important and desirable element of the school’s program of instruction and as such are a proper cost of instruction which cannot be imposed by rule involuntarily on the parents of pupils.”

(1966 *SLD* at 206)

That decision did not prohibit payment for extra-curricular activities at which attendance is optional, nor did it prohibit organizations such as the PTA from donating money to defray the cost of such trips.

The basis for this decision is Article VIII, Section IV, Paragraph 1 of the New Jersey Constitution and N. J. S. 18A:38-1 which provide for the maintenance of free public schools.

PROBLEM ADDRESSED:

With the increasing costs of education and the restrictions imposed by the budget caps, field trips and summer school are among the first programs eliminated or severely restricted by local districts.

During the 1978-79 session of the Legislature the problem of summer school was addressed by Assembly Bill No. 1075 (P. L. 1979, c. 114). That bill would allow payment for summer school “enrichment pro-

grams." The question of payment for field trips was also discussed; however, no final action was taken.

COMMITTEE AMENDMENT:

The committee amendment defines the criteria for determining financial hardship. Essentially, the board would be responsible for those children who are eligible for a free or reduced price lunch under the State school lunch program (NJAC 6:79-1.1 et seq.).

The hearing examiner concludes that the teacher's failure to fulfill the terms of his contract of employment with the Bernards Township Board of Education is without good cause.

\* \* \* \* \*

The Commissioner has reviewed the foregoing findings and conclusion of the hearing examiner in this matter. The relevant statute is R. S. 18:13-12, which reads as follows:

"A teacher employed by a board of education, who shall, without the consent of the board, leave the school before the expiration of the term of his employment, shall be deemed guilty of unprofessional conduct. The commissioner may, upon receiving notice of that fact, suspend the certificate of the teacher for a period not exceeding one year."

The Commissioner finds and determines that Raymond F. Reehill has, without the consent of the Bernards Township Board of Education, left his teaching assignment before the expiration of the term of his employment, and is therefore guilty of unprofessional conduct. He therefore directs that Raymond F. Reehill's New Jersey teacher's certificate be and hereby is suspended for the period from September 1, 1966, to June 30, 1967.

ACTING COMMISSIONER OF EDUCATION.

November 15, 1966.

XLVII

BOARD MAY NOT ADOPT RULE REQUIRING PARENTS TO PAY COSTS OF FIELD TRIPS

MELVIN C. WILLETT,

*Petitioner,*

v.

BOARD OF EDUCATION OF THE TOWNSHIP OF COLTS NECK,  
MONMOUTH COUNTY,

*Respondent.*

For the Petitioner, Melvin C. Willett, *Pro Se*

For the Respondent, McGowan, Saling, Boglioli & Moore (R. Raymond McGowan, Esq., of Counsel)

DECISION OF THE COMMISSIONER OF EDUCATION

Petitioner brings this action to test the legality of a resolution adopted by respondent Board of Education, of which he is a member, establishing policy for the school district with respect to field trips. Petitioner disagrees with the policy adopted by respondent and asks that it be declared invalid and set aside. Respondent takes the position that the policy is within its rule-making power and is a proper exercise of its discretionary authority.

Both parties argued their contentions before the Assistant Commissioner in charge of Controversies and Disputes at the State Department of Education

Building, Trenton, on May 27, 1966. The facts underlying this controversy are not disputed.

At its meeting on November 11, 1965, the Board of Education was asked to approve several field trips to be taken by different grades to various places of interest including a turkey farm, a firehouse, and a food store. Discussion arose as to whether the pupils would pay the costs of the trip or whether the Board of Education would absorb whatever expense was incurred. The ultimate decision was that the Board would pay for the transportation for these three trips.

Prior to the next meeting of the Board, its members received a copy of a proposed policy governing transportation and admission fees for class trips. At the meeting on December 13, 1965, after some discussion, the following policy was adopted over petitioner's objections:

"9.10—FIELD TRIPS

The Board of Education will permit a limited number of field trips. Approval of all trips must be secured by the administration from the board of education.

Transportation costs and admission charges will be borne by the parents of the children, except in the case of the Beadleston class, where the education of the children is dependent upon outside experience to a greater degree than that of the other children.

It will be the responsibility of the teacher and the administration to make certain that no child is deprived of a trip due to financial hardship. In such cases, at the discretion of the administration, the expenses will be borne from petty cash funds.

The cost of transportation for students participating in (team) activities, such as sports events, music, and science programs, will be borne by the board of education."

Petitioner thereafter filed this appeal.

Petitioner takes the position that the cost of field trips should be borne by the Board of Education and should not be determined by the ability of the parents of any pupil to pay such cost. He contends that the determination of pupils' ability to pay presents difficulties, imposes an improper burden on school personnel, and may be a source of embarrassment to pupils for whom the trip is provided free. Petitioner argues that field trips are "an important and integral part of the instruction, education and school experience." (Tr. 3) He cites the constitutional and statutory mandate that public schools shall be free. *New Jersey State Constitution, Art. VIII, Section IV, paragraph 1* and *R. S. 18:14-1* It follows then, he says, that respondent exceeds its authority when it requires the payment of fees by parents in order for their children to participate in part of the school's educational program.

Respondent counters by saying that petitioner's appeal does not set forth a cause of action cognizable by the Commissioner of Education and it should therefore be dismissed. But even if it errs in that respect, respondent maintains that it has the power to make reasonable rules for the operation of its schools and that the policy at issue herein is a proper exercise of that power. In fact, respondent says, it questions whether it would have the authority to spend public funds appropriated for the operation of the schools

to underwrite the cost of field trips as petitioner suggests. Such an expenditure, it believes, might be subject to challenge as an improper use of school funds. In any event, respondent says, if boards of education are to be required to pay the cost of field trips there will be a drastic curtailment of such trips because of insufficient budget appropriations and children will thus be deprived of the advantages of these educational experiences. Respondent sees no infirmity in requiring pupils to pay the cost of the trips when in no case will anyone be deprived because of inability to pay.

The Commissioner does not agree with respondent's contention that the petition herein fails to state a cause of action cognizable before the Commissioner of Education. Petitioner herein challenges the legality of an affirmative action of respondent in the exercise of its authority to adopt rules for the government and management of the schools pursuant to R. S. 18:7-56. Such actions are subject to review by the Commissioner of Education under R. S. 18:3-7 and 18:3-14. *Laba v. Newark Board of Education*, 23 N. J. 364 (Sup. Ct. 1957); *Masiello v. State Board of Examiners*, 25 N. J. 590 (Sup. Ct. 1958); *Booker v. Plainfield Board of Education*, 45 N. J. 161 (Sup. Ct. 1965) In such cases involving findings of facts and the application thereto of the law, he is required to weigh the evidence and to make independent findings when necessary. In a matter such as that herein, however, where all that is presented for review is the propriety of the exercise of the School Board's discretion, the Commissioner is "properly guided by the principles governing the scope of judicial review of municipal action." *Boult v. Board of Education of Passaic*, 136 N. J. L. 521, 523 (E. & A. 1947) The Commissioner, therefore, will not substitute his judgment for that of the Board of Education in the instant matter but will restrict his review of its action to a determination of whether in adopting the regulation challenged herein, it exceeded its discretionary authority.

Respondent says that the subject policy constitutes a proper exercise of its discretionary power to make rules under R. S. 18:7-56, the pertinent excerpt of which reads:

"The board may make, amend and repeal rules, regulations and by-laws, not inconsistent with this Title or with the rules and regulations of the State Board of Education, for \* \* \* the government and management of the public schools \* \* \*."

While this statute grants to boards of education broad powers to make rules, it also limits the exercise of that authority to acts which are not inconsistent with other school laws comprising Title 18.

Respondent's policy fails to meet this test. R. S. 18:14-1 says:

"Public schools shall be free to the following persons over 5 and under 20 years of age: \* \* \*." (Emphasis supplied.)

R. S. 18:12-1 provides:

"Textbooks and school supplies shall be furnished free of cost for use by all pupils in the public schools.

"Every school district shall appropriate and raise annually in the same manner as other school moneys are appropriated and raised in the district an amount sufficient to pay for such textbooks and supplies." (Emphasis supplied.)

Moreover, the *New Jersey State Constitution, Article VIII, Section IV, paragraph 1* states:

"The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years." (Emphasis supplied.)

See also R. S. 18:11-1 with respect to facilities and courses of study.

The Commissioner holds that these laws indicate a clear intent to provide public education at no cost to parents. Admittedly a field trip is not a textbook or a supply but it is an integral part of the program of instruction employed by teachers as a device for teaching and learning. As such it is analogous to other instructional materials, equipment, and techniques which boards of education are required to furnish without cost to pupils. Respondent's doubt of its authority to absorb the costs of such trips is groundless. Field trips, as defined *post*, are an educationally sound and important ingredient in an instructional program and the expenses of such approved expeditions are a proper charge to instructional costs.

Respondent's final defense of its policy is that no pupil will be deprived of participation in a field trip because the board will provide the funds for those unable to pay. Such a procedure is necessary in certain aspects of a school's program. For example, children who are medically indigent are furnished various health services at public expense and others in need are provided nutritious lunches at no cost. But such allowances for economically or medically indigent children do not open the door to a classification of pupils as "instructionally" indigent. Parents, unless unable, are expected and required to assume the financial obligations for the health and nutritional needs of their children, but there is no such responsibility with respect to the cost of their education. That expense is assumed by society. The costs of public education are not imposed upon parents alone; they are borne by all taxpayers without regard to their parenthood status. To single out a part of the regular program of instruction, in this case field trips, and require that its cost be paid only by parents does violence to the basic principles upon which rest the American concept of free public schools in a democratic society.

The term "field trip" as used in this case is understood and is limited to mean a journey by a group of pupils away from the school premises under the supervision of a teacher for the purpose of affording a first-hand educational experience as an integral part of an approved course of study. For example, pupils may visit the postoffice, the firehouse, a bank, a farm, a museum, government buildings, a factory; they may take nature walks, visit a planetarium, observe examples of air and water pollution, attend a professional theatrical performance. There are many such opportunities for first-hand observation and learning and the educative value of such experiences is beyond question. Teaching is more effective and learning is enhanced when it is not confined to activities within the classroom and the school building but moves out into the child's environment and employs actual observation and experience to supplement and enrich classroom procedures. Such a field trip is a proper and desirable element of the school curriculum. It is not a holiday, a recess, a reward or a vacation from school work even though it may be a welcome change from ordinary routine, and pupils may find it

interesting, exciting, and enjoyable. Learning occurs most effectively when such conditions are present. A field trip is, or should be, a valuable learning experience, planned, carried out, and followed up as an integral part of the course of study with clearly understood objectives in terms of learning. If the trip does not meet such criteria, it is to be questioned whether it has any place in the school program. The Commissioner holds that field trips which supplement and enrich pupils' classroom learning are an important and desirable element of the school's program of instruction and as such are a proper cost of instruction which cannot be imposed by rule involuntarily on the parents of pupils.

It should be clearly understood that the Commissioner's determination herein that pupils cannot be required to bear the costs of school programs is limited to field trips and such other activities as are part of the regular classroom program of instruction or course of study. It does not extend to and is not applicable to such other school affairs as dances, concerts, dramatic productions, athletic events and the like, for which admission charges are ordinarily made. Such activities, while certainly part of the total school curriculum, are not part of the classroom teaching program. They occur after normal school hours and attendance at them is voluntary. A field trip is scheduled during normal school hours and attendance is not optional. It is the classroom made mobile. Such is not true in the case of those activities which although generally referred to as "extra-curricular" are actually curricular but are "extra-classroom." The distinction made here is between procedures which, like field trips, use of the library, assembly programs, gymnasium-playground activities, etc., are an integral part of the classroom teaching-learning process, which occur during regular school hours and in which all pupils in a class automatically participate, as contrasted with other activities which are not directly related to the classroom program, which take place outside of the normal school day, and which pupils elect to attend. The expenses of these latter elective activities are often underwritten by charging participants or spectators a fee. The Commissioner finds no infirmity in such practice although he would prefer, as would most public school educators, that all such events could be made free.

The Commissioner is aware, also, that the cost of a field trip is sometimes borne by a donation from the Parent-Teachers Association or similar group, or from use of internal funds of the school. The proscription made herein does not extend to or preclude such practices. The prohibition in this case is directed and restricted solely to the adoption of a rule by a board of education which requires parents to bear the costs of approved field trips as that term has been defined, *supra*.

The Commissioner finds and determines that the regulation adopted by the Colts Neck Board of Education on December 13, 1965, with respect to field trips is inconsistent with the school laws of New Jersey to the extent that it requires that the costs of such field trips shall be borne by parents of the participating children and, therefore, such portion of the regulation is improper and unenforceable.

ACTING COMMISSIONER OF EDUCATION.

December 2, 1966.

Pending before State Board of Education.

XLVIII  
BOARD MAY WITHDRAW ELEMENTARY SCHOOL PUPILS  
ENROLLED IN ANOTHER DISTRICT

BOARD OF EDUCATION OF THE TOWNSHIP OF HADDON,  
CAMDEN COUNTY,

*Petitioner,*

v.

BOARD OF EDUCATION OF THE BOROUGH OF COLLINGSWOOD,  
CAMDEN COUNTY,

*Respondent.*

For the Petitioner, Leonard H. Savadove, Esq.

For the Respondent, Curry, Purnell, & Greene (George Purnell, Esq., and Joseph F. Greene, Jr., Esq., of Counsel)

DECISION OF THE COMMISSIONER OF EDUCATION

Petitioner in this case has been sending, since 1905, certain of its elementary school pupils on a tuition basis to an elementary school in respondent's district. It now seeks to terminate this arrangement and, beginning in September 1967, to educate these pupils in its own schools. Respondent opposes the withdrawal of such pupils.

The facts in this case were presented in a Stipulation of Facts and in a hearing conducted at the office of the Camden County Superintendent of Schools, Pennsauken, on November 15, 1966, by a hearing examiner appointed by the Commissioner for this purpose. The report of the hearing examiner is as follows:

This matter comes before the Commissioner following an order of the Chancery Division of Superior Court enjoining petitioner herein from taking any action to effectuate a proposed withdrawal of its pupils from respondent's schools at the beginning of the 1966-67 school year. Following the defeat of its budget and a subsequent reduction of appropriations by the Township Committee in late February and March 1966, petitioner on March 14 had notified respondent of its intention to withdraw all of those elementary pupils attending respondent's Thomas Sharp School effective in the ensuing school year. Respondent thereupon applied to the Court for a restraining order, which was granted on April 1. In granting the order, the Court said:

"I do not feel it is proper for me to go beyond this budget year of 1966-'67, but I do believe that the problem of reasonableness, as to a time when, is something that the Commissioner of Education should decide." (Transcript, page 6, of proceedings before Hon. John B. Wick, J.S.C., April 1, 1966)

and elsewhere, at page 7:

"MR. GREENE: \* \* \* I seem to get the drift from the bench that Haddon Township should make an application to the Commissioner for a deter-