

ASSEMBLY, No. 5401

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Provides additional State pupil transportation aid to districts that meet certain criteria.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning pupil transportation and supplementing
2 P.L.2007, c.260 (C.18A:7F-43 et al.).

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

6
7 1. A school district shall receive 100 percent of pupil
8 transportation costs for regular education nonpublic school pupils
9 eligible for transportation pursuant to N.J.S.18A:39-1 or the aid-in-
10 lieu of transportation amount, as appropriate, provided that based
11 on the October District Report of Transported Resident Students:

12 a. the number of students qualified for nonpublic school
13 transportation or aid-in-lieu of transportation payments in the
14 school district increased by over 100 percent in the five-year period
15 prior to the 2022-2023 school year;

16 b. in any single school year, the costs for nonpublic school
17 transportation or aid-in-lieu of transportation increased by over 20
18 percent; and

19 c. at least 20 percent of the school district's transportation
20 budget was allocated for nonpublic school student transportation
21 costs in the 2023-2024 school year.

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23 2. This act shall take effect immediately.
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26 STATEMENT

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28 This bill provides additional pupil transportation aid for any
29 school district in which:

- 30 • the number of students who qualified for nonpublic school
31 transportation or aid-in-lieu of transportation payments in
32 the school district increased by over 100 percent in the five-
33 year period prior to the 2023-2024 school year;
- 34 • in a single school year the costs for nonpublic school
35 transportation or aid-in-lieu of transportation increased by
36 over 20 percent; and
- 37 • at least 20 percent of the school district's transportation
38 budget was allocated for nonpublic school transportation
39 costs in the 2023-2024 school year.

40 A district that meets these criteria is to receive 100 percent of
41 pupil transportation costs for regular education nonpublic school
42 pupils.

43 The sponsor believes that the State school funding law as revised
44 under P.L.2018, c.67 (commonly referred to as "S2") is faulty and,
45 if its implementation continues, will reduce the educational and
46 extracurricular opportunities available to students and cause
47 potentially irreversible damage to many school districts across the
48 State. The formula for providing transportation aid fails to take into

1 account unforeseen developments and therefore unreasonably
2 creates additional stress on certain school district budgets that may
3 be inconsistent with the State's constitutional responsibility to
4 provide for a thorough and efficient education for all students.

5 It is the sponsor's intent through the provisions of this bill to
6 provide additional State aid to certain school districts that are
7 experiencing exceptional demographic changes. In the recent New
8 Jersey Appellate Division case of Alcantara v. Allen-McMillan,
9 Docket No. A-3693-20, the court reviewed a decision by the
10 Commissioner of Education in regard to the contention of parents of
11 Lakewood School District students that the district was not
12 providing a thorough and efficient education and this was due to a
13 failure to adequately fund the district. The court reversed the
14 commissioner's decision that the district was in fact providing a
15 thorough and efficient education and remanded the case for
16 consideration of the State school funding law and its
17 constitutionality as applied to Lakewood. The court's decision was
18 based in large part on the demographic trends in the district. The
19 provisions of this bill recognize the fact that other districts, in
20 addition to Lakewood, are experiencing unique demographic shifts
21 that make the provision of a constitutionally adequate thorough and
22 efficient education impossible without additional State aid.