

ASSEMBLY, No. 5412

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MAY 8, 2023

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

SYNOPSIS

Establishes nonpublic school transportation program to provide funding to consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2023)

1 AN ACT concerning a nonpublic school pupil transportation
2 program and supplementing chapter 39 of Title 18A of the New
3 Jersey Statutes.

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

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8 1. a. As used in this section, “consortium” means a group of
9 nonpublic schools in one or more counties that enroll pupils for
10 whom a school district is required to provide transportation
11 pursuant to N.J.S.18A:39-1 and that enter into an agreement to form
12 a consortium for the purpose of participating in the program
13 established pursuant to this section.

14 b. (1) The Commissioner of Education shall establish a
15 nonpublic school consortium transportation program.
16 Notwithstanding any section of law to the contrary, a school district
17 that chooses to participate in the program shall disburse to the
18 consortium an amount equal to the aid in-lieu-of transportation
19 amount for each nonpublic school pupil who is attending a
20 nonpublic school which is a part of the consortium and who is
21 required to be transported by the school district pursuant to
22 N.J.S.18A:39-1. The consortium shall assume all of the
23 responsibilities of the school district under N.J.S.18A:39-1 for
24 transporting to and from nonpublic schools the pupils for whom the
25 consortium received an aid in-lieu-of transportation amount under
26 the program. If the per pupil cost of the lowest bid received
27 exceeds the aid in-lieu-of transportation amount, then the parent or
28 guardian of the student shall be eligible to receive the aid in-lieu-of
29 transportation amount from the consortium for that school year.

30 (2) The consortium may transport a nonpublic school pupil who
31 is attending a nonpublic school which is part of the consortium and
32 who is not eligible for transportation services pursuant to
33 N.J.S.18A:39-1, provided the pupil does not live more than 20
34 miles from the nonpublic school. If the parent or guardian elects to
35 have the pupil transported, the parent or guardian shall pay all of
36 the costs of the transportation including, but not limited to, the cost
37 of fuel, driver salaries, and insurance. However, the cost of the
38 transportation paid by the parent or guardian shall be no more than
39 the per pupil cost of the route and shall be paid at the time and in
40 the manner determined by the consortium.

41 c. (1) The consortium shall refund to a school district, after the
42 completion of the school year, a portion of the aid-in-lieu-of
43 amount provided by that school district to the consortium for a
44 nonpublic school pupil who did not receive transportation for the
45 entire year. The amount refunded to the school district shall be a
46 pro rata share of the aid-in-lieu-of amount based on the number of
47 school days in which the student did not receive transportation.

48 (2) After complying with the provisions of paragraph (1) of this

- 1 subsection, the consortium shall refund to the school districts, after
2 the completion of the school year, any unexpended funds received
3 pursuant to the program. The consortium shall allocate the
4 unexpended funds among the school districts in proportion to the
5 number of nonpublic school pupils for whom the school district
6 distributed funds to the consortium.
- 7 d. A school district shall inform the consortium by May 15 of its
8 intent not to participate in the program in the following school year.
- 9 e. In order to participate in the program, the consortium shall
10 provide to the commissioner the necessary assurances that the
11 consortium is capable of complying with the consortium's pupil
12 transportation responsibilities under the program.
- 13 f. The commissioner shall notify school districts participating
14 in the program of:
- 15 (1) the consortium's responsibilities under the program to
16 provide pupil transportation to pupils attending a nonpublic school
17 which is part of the consortium;
- 18 (2) the requirement that the school district provide
19 transportation pursuant to N.J.S.18A:39-1 to pupils attending
20 nonpublic schools that are not a part of the consortium; and
- 21 (3) the amount required to be disbursed by each school district
22 to the consortium pursuant to subsection b. of this section.
- 23 g. The consortium may use up to six percent of the amounts
24 available to it under the program for its administrative costs. The
25 consortium may accept contributions and donations from public and
26 private sources for purposes of providing pupil transportation under
27 the program, including transportation provided pursuant to
28 paragraph (2) of subsection b. of this section.
- 29 h. The consortium shall annually enter into a contract with an
30 independent entity to audit the implementation of the program by
31 the consortium. The audit for the prior school year shall be
32 submitted to the commissioner no later than December 1 of each
33 year.
- 34 i. The commissioner shall establish an oversight committee to
35 oversee the operations of each consortium in implementing the
36 program. The oversight committee shall consist of five members
37 appointed by the commissioner, one of whom shall represent a
38 nonpublic school that is part of the consortium, and one of whom
39 shall represent a school district participating in the program.
- 40 j. The State Board of Education shall promulgate rules
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
42 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a
43 manner that comports with the provisions of the State and federal
44 Constitutions. The rules shall include, but shall not be limited to,
45 the process and schedule for the disbursement of funds by the
46 school district to the consortium.

