

[First Reprint]

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)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

Assemblymen Tully, S.Kean, Assemblywoman Pintor Marin,

Assemblymen Thomson, Sauickie, Assemblywoman Murphy,

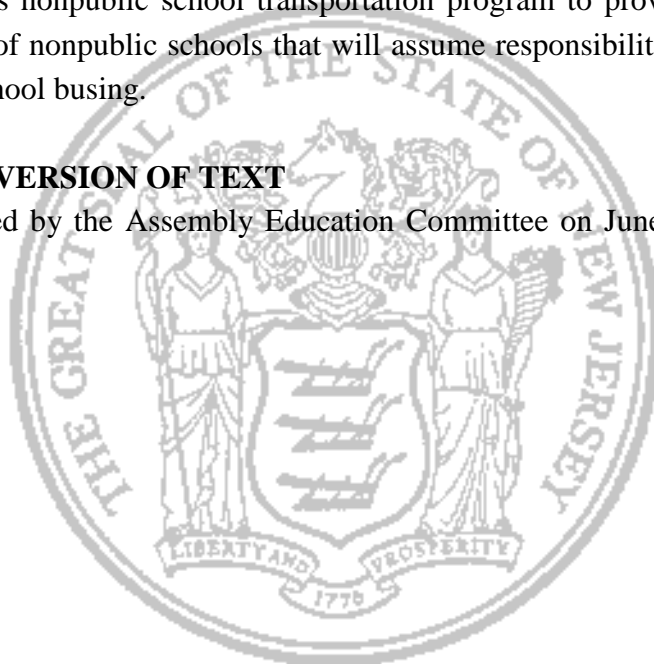
Assemblymen Spearman, Wimberly and Atkins

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 reported by the Assembly Education Committee on June 8, 2023, with amendments.



(Sponsorship Updated As Of: 6/30/2023)

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:*

7
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 whom
10 a school district is required to provide transportation pursuant to
11 N.J.S.18A:39-1 and that enter into an agreement to form a consortium
12 for the purpose of participating in the program established pursuant to
13 this section.

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted June 8, 2023.

1 the aid-in-lieu-of amount based on the number of school days in which
2 the student did not receive transportation.

3 (2) After complying with the provisions of paragraph (1) of this
4 subsection, the consortium shall refund to the school districts, after the
5 completion of the school year, any unexpended funds received
6 pursuant to the program. The consortium shall allocate the
7 unexpended funds among the school districts in proportion to the
8 number of nonpublic school pupils for whom the school district
9 distributed funds to the consortium.

10 d. A school district shall inform the consortium by May 15 of its
11 intent not to participate in the program in the following school year.

12 e. In order to participate in the program, the consortium shall
13 provide to the commissioner the necessary assurances that the
14 consortium is capable of complying with the consortium's pupil
15 transportation responsibilities under the program.

16 f. The commissioner shall notify school districts participating in
17 the program of:

18 (1) the consortium's responsibilities under the program to provide
19 pupil transportation to pupils attending a nonpublic school which is
20 part of the consortium;

21 (2) the requirement that the school district provide transportation
22 pursuant to N.J.S.18A:39-1 to pupils attending nonpublic schools that
23 are not a part of the consortium; and

24 (3) the amount required to be disbursed by each school district to
25 the consortium pursuant to subsection b. of this section.

26 g. The consortium may use up to six percent of the amounts
27 available to it under the program for its administrative costs. The
28 consortium may accept contributions and donations from public and
29 private sources for purposes of providing pupil transportation under
30 the program, including transportation provided pursuant to paragraph
31 (2) of subsection b. of this section.

32 h. The consortium shall annually enter into a contract with an
33 independent entity to audit the implementation of the program by the
34 consortium. The audit for the prior school year shall be submitted to
35 the commissioner no later than December 1 of each year.

36 i. The commissioner shall establish an oversight committee to
37 oversee the operations of each consortium in implementing the
38 program. The oversight committee shall consist of five members
39 appointed by the commissioner, one of whom shall represent a
40 nonpublic school that is part of the consortium, and one of whom shall
41 represent a school district participating in the program.

42 j. ¹Nothing in this act shall be construed to alter the amount paid
43 by the State for nonpublic school transportation costs pursuant to
44 section 2 of P.L.1981, c.57 (C.18A:39-1a) for any school district that
45 participates in the program.

46 k.¹ The State Board of Education shall promulgate rules pursuant
47 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), to effectuate the provisions of this act in a manner that comports
2 with the provisions of the State and federal Constitutions. The rules
3 shall include, but shall not be limited to, the process and schedule for
4 the disbursement of funds by the school district to the consortium.

5

6 2. This act shall take effect immediately and shall first be
7 applicable to the 2023-2024 school year.