

[Second 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)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Assemblymen Tully, S.Kean, Assemblywoman Pintor Marin,**

**Assemblymen Thomson, Sauickie, Assemblywoman Murphy,**

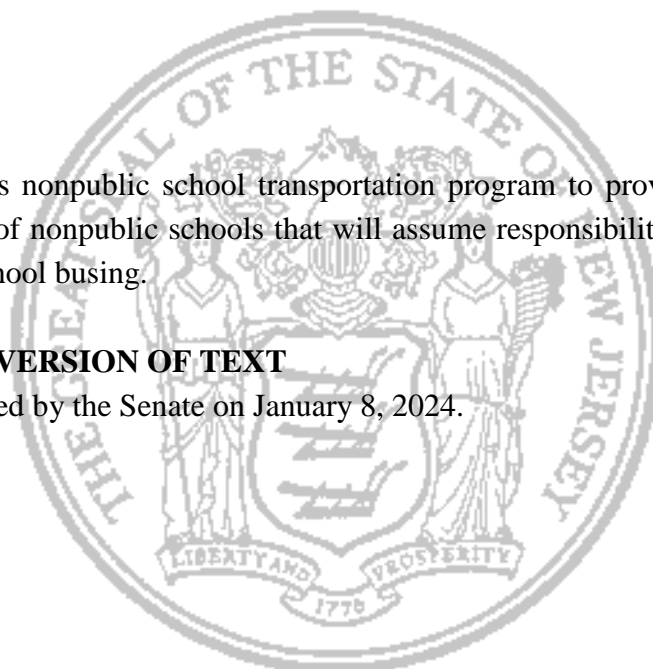
**Assemblymen Spearman, Wimberly, Atkins, Senators Sarlo and Lagana**

**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 amended by the Senate on January 8, 2024.



**(Sponsorship Updated As Of: 1/8/2024)**

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

**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:

<sup>1</sup>Assembly AED committee amendments adopted June 8, 2023.

<sup>2</sup>Senate floor amendments adopted January 8, 2024.

1 The amount refunded to the school district shall be a pro rata share of  
2 the aid-in-lieu-of amount based on the number of school days in which  
3 the student did not receive transportation.

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

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

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

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

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

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

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

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

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

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

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

1        k.<sup>1</sup> The State Board of Education shall promulgate rules pursuant  
2 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
3 seq.), to effectuate the provisions of this act in a manner that comports  
4 with the provisions of the State and federal Constitutions. The rules  
5 shall include, but shall not be limited to, the process and schedule for  
6 the disbursement of funds by the school district to the consortium.

7  
8        <sup>2</sup>2. Three years following the establishment of the nonpublic  
9 school consortium transportation program, the commissioner, in  
10 consultation with the oversight committee established pursuant to  
11 subsection i. of section 1 of P.L. , c. (C. ) (pending before  
12 the Legislature as this bill), shall submit a report to the Governor,  
13 and to the Legislature pursuant to section 2 of P.L.1991, c.164  
14 (C.52:14-19.1) on the implementation of the program.<sup>2</sup>

15  
16        <sup>2</sup>[2.] <sup>2</sup>3. This act shall take effect immediately <sup>2</sup>[and] <sup>2</sup>1, shall  
17 first be applicable to the 2023-2024 school year <sup>2</sup>, and shall expire  
18 three years after the effective date<sup>2</sup>.