

# SENATE, No. 3850

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 15, 2023

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

**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 introduced.



**(Sponsorship Updated As Of: 6/20/2023)**

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  
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.

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

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

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

14      f. The commissioner shall notify school districts participating  
15 in the program of:

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

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

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

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

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

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

41      j. The State Board of Education shall promulgate rules  
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
43 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a  
44 manner that comports with the provisions of the State and federal  
45 Constitutions. The rules shall include, but shall not be limited to,  
46 the process and schedule for the disbursement of funds by the  
47 school district to the consortium.



**S3850 GOPAL, SINGER**

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- 1       The bill takes effect immediately and provides that the program
- 2       will first be applicable in the 2023-2024 school year.