

[First Reprint]

**SENATE, No. 3850**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED MAY 15, 2023

**Sponsored by:**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Co-Sponsored by:**

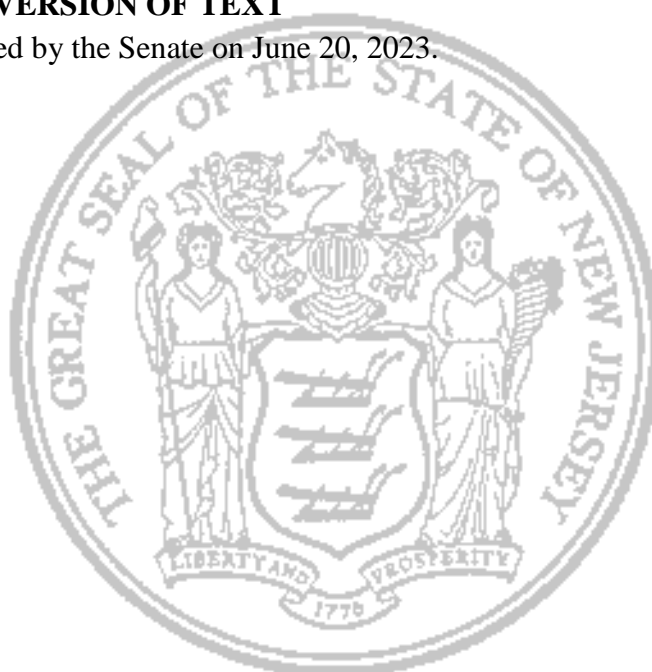
**Senators Sarlo and Lagana**

**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 amended by the Senate on June 20, 2023.



**(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

**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>Senate floor amendments adopted June 20, 2023.

1 pro rata share of the aid-in-lieu-of amount based on the number of  
2 school days in which 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  
5 the 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  
17 in the program of:

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

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

24 (3) the amount required to be disbursed by each school district  
25 to 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  
31 paragraph (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  
34 the consortium. The audit for the prior school year shall be  
35 submitted to the commissioner no later than December 1 of each  
36 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  
42 shall represent a school district participating in the program.

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

47 k.<sup>1</sup> The State Board of Education shall promulgate rules  
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a  
2 manner that comports with the provisions of the State and federal  
3 Constitutions. The rules shall include, but shall not be limited to,  
4 the process and schedule for the disbursement of funds by the  
5 school district to the consortium.

6

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