

ASSEMBLY, No. 4854

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED SEPTEMBER 23, 2024

Sponsored by:

Assemblyman ALEXANDER "AVI" SCHNALL

District 30 (Monmouth and Ocean)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Fantasia

SYNOPSIS

Modifies method of allocating State aid for providing auxiliary and remedial services to nonpublic school students.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/9/2024)

1 AN ACT concerning auxiliary and remedial services for nonpublic
2 school students, amending and supplementing P.L.1977, c.192
3 and P.L.1977, c.193, and repealing various parts of the statutory
4 law.

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

8
9 1. Section 8 of P.L.1977, c.193 (C.18A:46-19.6) is amended to
10 read as follows:

11 8. If the provision of services, pursuant to **[this act]** P.L.1977,
12 c.193 (C.18A:46-19.1 et al.) requires transportation or the
13 maintenance of vehicular classrooms, the board of education of a
14 district in which a nonpublic school is located shall provide for such
15 transportation and maintenance and the cost shall be **[paid from]**
16 reimbursed to the district in the form of State aid received by the
17 district for the purpose of [this act] P.L.1977, c.193 (C.18A:46-
18 19.1 et al.).

19 (cf: P.L.1984, c.120, s.1)

20
21 2. Section 14 of P.L.1977, c.193 (C.18A:46-19.8) is amended to
22 read as follows:

23 14. a. On November 5 of each year, each board of education
24 shall report the number of nonpublic school children who attended a
25 nonpublic school located within the district who were identified as
26 eligible to receive examination, classification, and speech
27 correction services pursuant to **[this act]** P.L.1977, c.193
28 (C.18A:46-19.1 et al.) during the previous school year. **[The**
29 **number of these pupils requiring an initial evaluation or**
30 **reevaluation for examination and classification shall be multiplied**
31 **by \$990.73. The number of these pupils requiring an annual review**
32 **for examination and classification shall be multiplied by \$297.06.**
33 **The number requiring speech correction shall be multiplied by**
34 **\$786.70. These products shall be added to determine the estimated**
35 **cost for providing examination, classification, and speech**
36 **corrections services to nonpublic school children during the next**
37 **school year. Each board of education shall report the number of**
38 **nonpublic school children who attended a nonpublic school located**
39 **within the district, who were identified as eligible for**
40 **supplementary instruction services during the preceding school**
41 **year. The number of these pupils shall be multiplied by \$752.41.**
42 **This product shall be added to the estimated cost for providing**
43 **examination, classification and speech correction services.**

44 In preparing its annual budget, each board of education shall
45 include as an expenditure the estimated cost of providing services to

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.

1 nonpublic school children pursuant to P.L.1977, c.193 (C.18A:46-
2 19.1 et al.).

3 In preparing its annual budget, each board of education shall
4 include as a revenue State aid in an amount equal to the estimated
5 cost of providing services to nonpublic school children pursuant to
6 P.L.1977, c.193 (C.18A:46-19.1 et al.).

7 During each school year, each district shall receive an amount of
8 State aid equal to 10% of the estimated cost on the first day in
9 September and on the first day of each month during the remainder
10 of the school year. If a board of education requires funds prior to
11 September, the board shall file a written request with the
12 Commissioner of Education stating the need for the funds. The
13 commissioner shall review each request and forward those for
14 which need has been demonstrated to the appropriate officials for
15 payment. In the event the expenditures incurred by any district are
16 less than the amount of State aid received, the district shall refund
17 the unexpended State aid after completion of the school year. The
18 refunds shall be paid no later than December 1. In any year, a
19 district may submit a request for additional aid pursuant to
20 P.L.1977, c.193 (C.18A:46-19.1 et al.). If the request is approved
21 and funds are available from refunds of the prior year, payment
22 shall be made in the current school year **】** The commissioner may
23 require any additional data collection as may be necessary to ensure
24 that the maximum per service aid amounts established pursuant to
25 subsection c. of this section are reflective of the number of students
26 eligible for each applicable service provided pursuant to P.L.1977,
27 c.193 (C.18A:46-19.1 et al.).

28 b. For the purposes of **【the report】** any report or other data
29 provided pursuant to subsection a. of this section, a board of
30 education shall include a pupil enrolled in a nonpublic school
31 located within the district who does not reside in the State in the
32 number of pupils requiring an initial evaluation or reevaluation for
33 examination and classification or requiring an annual review for
34 examination and classification.

35 Notwithstanding the provisions of N.J.S.18A:46-6,
36 N.J.S.18A:46-8, or any other section of law to the contrary, a school
37 district may **【use State aid received】** seek reimbursement from the
38 State pursuant to the provisions of P.L.1977, c.193 (C.18A:46-19.1
39 et al.) for the initial evaluation or reevaluation for examination and
40 classification or annual review for examination and classification of
41 a nonpublic school pupil who is not a resident of the State.

42 c. The allocation of State aid to local school districts to provide
43 services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) shall be
44 determined by the commissioner in a manner consistent with the
45 provisions of this subsection, and the aid shall be distributed to
46 school districts pursuant to section 3 of P.L. , c. (C.)
47 (pending before the Legislature as this bill). In allocating State aid,
48 the commissioner shall establish maximum per service aid amounts

1 for an initial evaluation or reevaluation for examination and
2 classification, an annual review for examination and classification,
3 speech correction, and supplementary instruction services. The
4 maximum per service aid amounts shall be established in a manner
5 to be determined by the commissioner, provided that the method by
6 which the commissioner establishes the maximum per service aid
7 amounts is based on projected estimates, for the upcoming school
8 year, of the number of services to be provided, students eligible for
9 each service pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.), and
10 the costs to provide the services. The estimates used by the
11 commissioner to establish the maximum per service aid amounts
12 shall be based on trends from recent school years in the number of
13 services provided, eligible students, and service costs. The method
14 by which the commissioner establishes the maximum per service
15 aid amounts shall also ensure that, to the greatest extent possible,
16 the amounts annually appropriated for services provided pursuant
17 P.L.1977, c.193 (C.18A:46-19.1 et al.) are fully exhausted by the
18 end of the school year for which the maximum amounts are
19 established. The maximum per service aid amounts shall be
20 disseminated by the commissioner to school districts and nonpublic
21 schools no later than July 15 prior to the beginning of the school
22 year.

23 d. A school district seeking State aid for services provided
24 pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) shall apply for
25 reimbursement of the costs to provide the services in accordance
26 with the process established by the commissioner in section 3 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).
28 (cf: P.L.2010, c.71, s.1)

29
30 3. (New section) a. The commissioner shall establish a process
31 by which school districts are reimbursed for costs, within the limits
32 of available appropriations and the applicable maximum per service
33 aid amounts established pursuant to subsection c. of section 14 of
34 P.L.1977, c.193 (C.18A:46-19.8), that are incurred to provide
35 services for all eligible nonpublic school pupils pursuant to
36 P.L.1977, c.193 (C.18A:46-19.1 et al.). The process to be
37 established by the commissioner shall permit school districts to
38 apply for reimbursement payments on a monthly basis in a manner
39 to be determined by the commissioner. School districts seeking
40 reimbursement for services pursuant to this section shall submit
41 applications for reimbursement on a monthly basis and adhere to all
42 submission guidelines, accounting and budgeting guidance,
43 documentation requirements, and defined timelines for
44 reimbursement as determined by the commissioner.

45 b. No later than July 15 prior to the beginning of the school
46 year, the commissioner shall notify school districts and nonpublic
47 schools of the details concerning the reimbursement process
48 established pursuant to subsection a. of this section, which details

1 shall include submission guidelines, accounting and budgeting
2 guidance, documentation requirements, and defined timelines for
3 reimbursement. School districts shall be able to first apply for
4 reimbursement beginning on September 1. Notwithstanding the
5 reimbursement process first opening on September 1, a district shall
6 be able to apply for reimbursement for costs incurred prior to
7 September 1, provided that the costs are within the applicable
8 maximum per service aid amounts established pursuant to
9 subsection c. of section 14 of P.L.1977, c.193 (C.18A:46-19.8).
10 Reimbursements shall be made to school districts throughout the
11 school year until the amount annually appropriated as State aid for
12 services provided pursuant to P.L.1977, c.193 (C.18A:46-19.1 et
13 al.) has been fully expended in the school year for which the
14 appropriation has been made.

15 c. Notwithstanding the provisions of any other law, rule, or
16 regulation to the contrary, the commissioner is authorized to
17 withhold all or a portion of the amount of aid that may be retained
18 by a school district for administrative purposes, if the commissioner
19 finds that the district did not apply for reimbursement of costs in a
20 timely manner, in accordance with the defined timelines for
21 reimbursement established by the commissioner pursuant to
22 subsection b. of this section, or otherwise did not properly or
23 efficiently administer funds allocated to the district pursuant to
24 P.L.1977, c.193 (C.18A:46-19.1 et al.).

25
26 4. Section 6 of P.L.1977, c.192 (C.18A:46A-6) is amended to
27 read as follows:

28 6. If the provision of services pursuant to **【this act】** P.L.1977,
29 c.192 (C.18A:46A-1 et seq.) requires transportation or the
30 maintenance of vehicular classrooms, the board of education of the
31 district in which a nonpublic school is located shall provide for
32 such transportation and maintenance, and the cost shall be **【paid**
33 **from】** reimbursed to the district in the form of additional State aid
34 received by the district for the purpose of **【this act】** P.L.1977,
35 c.192 (C.18A:46A-1 et seq.).

36 (cf: P.L.1984. c.122, s.2)

37

38 5. Section 8 of P.L.1977, c.192 (C.18A:46A-8) is amended to
39 read as follows:

40 8. No more than **【6%】** six percent of the aid received by any
41 district pursuant to **【this act】** P.L.1977, c.192 (C.18A:46A-1 et
42 seq.) shall be used by **【such】** the district for administration of the
43 act, and no more than **【18%】** 18 percent of **【such】** the aid shall be
44 used to rent facilities needed to implement the provisions of **【this**
45 **act】** P.L.1977, c.192 (C.18A:46A-1 et seq.). Notwithstanding the
46 provisions of any other law, rule, or regulation to the contrary, the
47 commissioner is authorized to withhold all or a portion of the

1 amount of aid retained by a school district pursuant to this section,
2 if the commissioner finds that the district did not apply for
3 reimbursement of costs in a timely manner, in accordance with the
4 defined timelines for reimbursement established by the
5 commissioner pursuant to section 7 of P.L. , c. (C.), or
6 otherwise did not properly or efficiently administer funds allocated
7 to the district pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.).
8 (cf: P.L.1977, c.192, s.8)

9
10 6. Section 9 of P.L.1977, c.192 (C.18A:46A-9) is amended to
11 read as follows:

12 9. The **【apportionment】** allocation of State aid **【among】** to
13 local school districts for services provided pursuant to P.L.1977,
14 c.192 (C.18A:46A-1 et seq.) shall be **【calculated】** determined by
15 the commissioner **【as follows:】** in a manner consistent with the
16 provisions of this section, and the aid shall be distributed to school
17 districts pursuant to section 7 of P.L. , c. (C.) (pending
18 before the Legislature as this bill). In allocating State aid, the
19 commissioner shall establish maximum per service aid amounts for
20 providing the equivalent service to children of limited English-
21 speaking ability, compensatory education, and home instruction.
22 The maximum per service aid amounts shall be established in a
23 manner to be determined by the commissioner, provided that the
24 method by which the commissioner establishes the maximum per
25 service aid amounts is based on projected estimates, for the
26 upcoming school year, of the number of services to be provided,
27 students eligible for each service pursuant to P.L.1977, c.192
28 (C.18A:46A-1 et seq.), and the costs to provide the services. The
29 estimates used by the commissioner to establish the maximum per
30 service aid amounts shall be based on trends from recent school
31 years in the number of services provided, eligible students, and
32 service costs. The method by which the commissioner establishes
33 the maximum per service aid amounts shall also ensure that, to the
34 greatest extent possible, the amounts annually appropriated for
35 services provided pursuant P.L.1977, c.192 (C.18A:46A-1 et seq.)
36 are fully exhausted by the end of the school year for which the
37 maximum amounts are established. The maximum per service aid
38 amounts shall be disseminated by the commissioner to school
39 districts and nonpublic schools no later than July 15 prior to the
40 beginning of the school year.

41 A school district seeking State aid for services provided pursuant
42 to P.L.1977, c.192 (C.18A:46A-1 et seq.) shall apply for
43 reimbursement of the costs to provide the services in accordance
44 with the process established by the commissioner in section 7 of
45 P.L. , c. (C.) (pending before the Legislature as this bill).

46 a. **【**The per pupil aid amount for providing the equivalent
47 service to children of limited English-speaking ability enrolled in
48 the public schools, shall be \$1274.03. The appropriate per pupil aid

1 amount for compensatory education shall be \$628.71.】 (Deleted
2 by amendment, P.L. , c.) (pending before the Legislature as this
3 bill)

4 b. 【The appropriate per pupil aid amount shall then be
5 multiplied by the number of auxiliary services received for each
6 pupil enrolled in the nonpublic schools who were identified as
7 eligible to receive each auxiliary service as of the last school day of
8 June of the prebudget year, to obtain each district's State aid for the
9 next school year.】 (Deleted by amendment, P.L. , c.) (pending
10 before the Legislature as this bill)

11 c. 【The per pupil aid amount for home instruction shall be
12 determined by multiplying the base per pupil amount by a cost
13 factor of 0.0037 by the number of hours of home instruction
14 actually provided in the prior school year.】 (Deleted by
15 amendment, P.L. , c.) (pending before the Legislature as this
16 bill)

17 (cf: P.L.2007, c.260, s.74)

18

19 7. (New section) a. The commissioner shall establish a process
20 by which school districts are reimbursed for costs, within the limits
21 of available appropriations and the applicable maximum per service
22 aid amounts established pursuant to section 9 of P.L.1977, c.192
23 (C.18A:46A-9), that are incurred to provide services for eligible
24 nonpublic school students pursuant to P.L.1977, c.192 (C.18A:46A-
25 1 et seq.). The process to be established by the commissioner shall
26 permit school districts to apply for reimbursement payments on a
27 monthly basis in a manner to be determined by the commissioner.
28 School districts seeking reimbursement for services pursuant to this
29 section shall submit applications for reimbursement on a monthly
30 basis and adhere to all submission guidelines, accounting and
31 budgeting guidance, documentation requirements, and defined
32 timelines for reimbursement as determined by the commissioner.

33 b. No later than July 15 prior to the beginning of the school
34 year, the commissioner shall notify school districts and nonpublic
35 schools of the details concerning the reimbursement process
36 established pursuant to subsection a. of this section, which details
37 shall include submission guidelines, accounting and budgeting
38 guidance, documentation requirements, and defined timelines for
39 reimbursement. School districts shall be able to first apply for
40 reimbursement beginning on September 1. Notwithstanding the
41 reimbursement process first opening on September 1, a district shall
42 be able to apply for reimbursement for costs incurred prior to
43 September 1, provided that the costs are within the applicable
44 maximum per service aid amounts established pursuant to section 9
45 of P.L.1977, c.192 (C.18A:46A-9). Reimbursements shall be made
46 to school districts throughout the school year until the amount
47 annually appropriated as State aid for services provided pursuant to

1 P.L.1977, c.192 (C.18A:46A-1 et seq.) has been fully expended in
2 the school year for which the appropriation has been made.

3

4 8. Section 13 of P.L.1977, c.192 (C.18A:46A-10) is amended to
5 read as follows:

6 13. Annually, on or before November 5, each board shall file a
7 report on the number of such pupils who have been identified as
8 eligible to receive each auxiliary service as of the last school day in
9 October. The commissioner may require any additional data
10 collection as may be necessary to ensure that the maximum per
11 service aid amounts established pursuant to section 9 of P.L.1977,
12 c.192 (C.18A:46A-9) are reflective of the number of students
13 eligible for each applicable service provided pursuant to P.L.1977,
14 c.192 (C.18A:46A-1 et seq.).

15 (cf: P.L.1990, c.52, s.66)

16

17 9. Section 18 of P.L.1977, c.192 (C.18A:46A-15) is amended to
18 read as follows:

19 18. In any year, no district shall be required to make
20 expenditures for the purposes of **[this act]** P.L.1977, c.192
21 (C.18A:46A-1 et seq.) in excess of the maximum per service aid
22 amount **[of State aid received pursuant to this act]** determined by
23 the commissioner pursuant to section 9 of P.L.1977, c.192
24 (C.18A:46A-9) for that year.

25 (cf: P.L.1997, c.192, s.18)

26

27 10. The following are repealed:

28 Sections 15 through 17 of P.L.1977, c.192 (C.18A:46A-12
29 through C.18A:46A-14); and

30 Section 19 of P.L.1977, c.192 (C.18A:46A-16).

31

32 11. This act shall take effect immediately and shall first apply to
33 the first full school year following the date of enactment.

34

35

36

STATEMENT

37

38 This bill amends the laws governing the allocation of State aid
39 for auxiliary services and remedial services to nonpublic school
40 students.

41 The bill specifically requires the Commissioner of Education to
42 establish a process by which school districts are to be reimbursed
43 for costs that are incurred to provide auxiliary and remedial services
44 for eligible nonpublic school students. Under the bill, school
45 districts are to be reimbursed for costs within the limits of
46 applicable maximum per service aid amounts, as established by the
47 commissioner. The maximum per service aid amounts established
48 by the commissioner would be based on projected estimates, for the

1 upcoming school year, of the number of: services to be provided;
2 students eligible for each service; and the costs to provide the
3 services. The estimates used by the commissioner to establish the
4 maximum per service aid amounts are to be based on trends from
5 recent school years in the number of services provided, eligible
6 students, and service costs. The method by which the commissioner
7 establishes the maximum per service aid amounts is required to
8 ensure that, to the greatest extent possible, the amounts annually
9 appropriated for auxiliary services and remedial services are fully
10 exhausted by the end of the school year for which the maximum
11 amounts are established.

12 The reimbursement process to be implemented by the
13 commissioner pursuant to the bill would permit school districts to
14 apply monthly for reimbursement payments. The details of the
15 reimbursement process are to be annually announced on July 15
16 prior to the beginning of the school year, and districts can begin
17 submitting for reimbursement on September 1. Reimbursements are
18 to be made to school districts throughout the school year until the
19 full amount annually appropriated as State aid for nonpublic school
20 auxiliary and remedial services has been fully expended.

21 School districts seeking reimbursement under the bill are to
22 submit applications on a monthly basis and adhere to all established
23 submission guidelines, accounting and budgeting guidance,
24 documentation requirements, and defined timelines for
25 reimbursement.

26 In order to ensure the full reimbursement of eligible costs, the
27 bill also removes provisions of law setting forth the calculation of
28 both categories of aid. Under current law, State aid allotments for
29 an upcoming school year are calculated by multiplying the
30 applicable per pupil service cost by the number of students who
31 were previously identified as eligible to receive each service.

32 The bill also removes sections of current law that: 1) require
33 school districts to refund unexpended State aid for nonpublic
34 auxiliary and remedial services; and 2) require the commissioner to
35 prorate State nonpublic auxiliary and remedial services aid amounts
36 downward, in the event that the amount of State aid appropriated
37 for those purposes is insufficient.