

§4
C.18A:46-19.8a
§9
C.18A:46A-9.1
§12
Repealer
§13
Note

P.L. 2025, CHAPTER 252, *approved January 12, 2026*
Assembly, No. 4854 (*Fourth Reprint*)

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 ²1. Section 1 of P.L.1977, c.193 (C.18A:46-19.1) is amended to
10 read as follows:
11 The Legislature **【hereby】** finds and **【determines】** declares that
12 **【the】**:
13 a. The security and welfare of the State require that all school-
14 age children be assured the fullest possible opportunity to develop
15 their intellectual capacities. In order to achieve this objective it is
16 the intent of this Legislature to require that the State and local
17 communities identify and provide remedial services for
18 **【handicapped】** children with disabilities in both public and
19 nonpublic schools.
20 b. The annual appropriations to provide services pursuant to
21 P.L.1977, c.193 (C.18A:46-19.1 et al.) should be fully expended
22 each year to support nonpublic school students.
23 c. The maximum per service aid amounts established by the
24 commissioner are to be calculated in accordance with the provisions
25 of P.L.1977, c.193 (C.18A:46-19.1 et al.) in order to maintain the
26 quality of services provided to eligible nonpublic students and the
27 overall sustainability of the program.²
28 (cf: P.L.1977, c.193, s.1)
29
30 ²**【1.】** 2.² Section 8 of P.L.1977, c.193 (C.18A:46-19.6) is
31 amended to read as follows:
32 8. If the provision of services, pursuant to **【this act】** P.L.1977,
33 c.193 (C.18A:46-19.1 et al.) requires transportation or the
34 maintenance of vehicular classrooms, the board of education of 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:
¹Assembly ASL committee amendments adopted April 10, 2025.
²Assembly AAP committee amendments adopted May 15, 2025.
³Senate SED committee amendments adopted June 5, 2025.
⁴Senate SBA committee amendments adopted November 13, 2025.

1 district in which a nonpublic school is located shall provide for such
2 transportation and maintenance and the cost shall be **【paid from】**
3 reimbursed to the district in the form of State aid received by the
4 district for the purpose of **【this act】** P.L.1977, c.193 (C.18A:46-
5 19.1 et al.).
6 (cf: P.L.1984, c.120, s.1)
7

8 ²**【2.】 3.**² Section 14 of P.L.1977, c.193 (C.18A:46-19.8) is
9 amended to read as follows:

10 14. a. On November 5 of each year, each board of education
11 shall report the number of nonpublic school children who attended a
12 nonpublic school located within the district who were identified as
13 eligible to receive examination, classification, and speech
14 correction services pursuant to **【this act】** P.L.1977, c.193
15 (C.18A:46-19.1 et al.) during the previous school year. **【The**
16 number of these pupils requiring an initial evaluation or
17 reevaluation for examination and classification shall be multiplied
18 by \$990.73. The number of these pupils requiring an annual review
19 for examination and classification shall be multiplied by \$297.06.
20 The number requiring speech correction shall be multiplied by
21 \$786.70. These products shall be added to determine the estimated
22 cost for providing examination, classification, and speech
23 corrections services to nonpublic school children during the next
24 school year. Each board of education shall report the number of
25 nonpublic school children who attended a nonpublic school located
26 within the district, who were identified as eligible for
27 supplementary instruction services during the preceding school
28 year. The number of these pupils shall be multiplied by \$752.41.
29 This product shall be added to the estimated cost for providing
30 examination, classification and speech correction services.

31 In preparing its annual budget, each board of education shall
32 include as an expenditure the estimated cost of providing services to
33 nonpublic school children pursuant to P.L.1977, c.193 (C.18A:46-
34 19.1 et al.).

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

39 During each school year, each district shall receive an amount of
40 State aid equal to 10% of the estimated cost on the first day in
41 September and on the first day of each month during the remainder
42 of the school year. If a board of education requires funds prior to
43 September, the board shall file a written request with the
44 Commissioner of Education stating the need for the funds. The
45 commissioner shall review each request and forward those for
46 which need has been demonstrated to the appropriate officials for
47 payment. In the event the expenditures incurred by any district are

1 less than the amount of State aid received, the district shall refund
 2 the unexpended State aid after completion of the school year. The
 3 refunds shall be paid no later than December 1. In any year, a
 4 district may submit a request for additional aid pursuant to
 5 P.L.1977, c.193 (C.18A:46-19.1 et al.). If the request is approved
 6 and funds are available from refunds of the prior year, payment
 7 shall be made in the current school year. **The commissioner may**
 8 require any additional data collection as may be necessary to ensure
 9 that the maximum per service aid amounts established pursuant to
 10 subsection c. of this section are reflective of the number of students
 11 eligible for each applicable service provided pursuant to P.L.1977,
 12 c.193 (C.18A:46-19.1 et al.).

13 b. For the purposes of **[the report]** any report or other data
 14 provided pursuant to subsection a. of this section, a board of
 15 education shall include a pupil enrolled in a nonpublic school
 16 located within the district who does not reside in the State in the
 17 number of pupils requiring an initial evaluation or reevaluation for
 18 examination and classification or requiring an annual review for
 19 examination and classification.

20 Notwithstanding the provisions of N.J.S.18A:46-6,
 21 N.J.S.18A:46-8, or any other section of law to the contrary, a school
 22 district may **[use State aid received]** seek reimbursement from the
 23 State pursuant to the provisions of P.L.1977, c.193 (C.18A:46-19.1
 24 et al.) for the initial evaluation or reevaluation for examination and
 25 classification or annual review for examination and classification of
 26 a nonpublic school pupil who is not a resident of the State.

27 c. ²(1)² The allocation of State aid to local school districts to
 28 provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.)
 29 shall be determined by the commissioner in a manner consistent
 30 with the provisions of this subsection, and the aid shall be
 31 distributed to school districts pursuant to section ²**[3]** ⁴ of P.L. ,
 32 c. (C.) (pending before the Legislature as this bill). In
 33 allocating State aid, the commissioner shall establish maximum per
 34 service aid amounts for an initial evaluation or reevaluation for
 35 examination and classification, an annual review for examination
 36 and classification, speech correction, and supplementary instruction
 37 services. The maximum per service aid amounts shall be
 38 ²established in a manner to be determined by the commissioner,
 39 provided that the method by which the commissioner establishes the
 40 maximum per service aid amounts is based on projected estimates,
 41 for the upcoming school year, of the number of services to be
 42 provided, students eligible for each service pursuant to P.L.1977,
 43 c.193 (C.18A:46-19.1 et al.), and the costs to provide the services.
 44 The estimates used by the commissioner to establish the maximum
 45 per service aid amounts shall be based on trends from recent school
 46 years in the number of services provided, eligible students, and
 47 service costs. The method by which the commissioner establishes

1 the maximum per service aid amounts determined by dividing the
2 amount annually appropriated to provide services pursuant to
3 P.L.1977, c.193 (C.18A:46-19.1 et al.) by the average number of
4 documented services delivered in the prior three school years. In
5 the second full school year following the date of enactment of
6 P.L. , c. (C.) (pending before the Legislature as this bill)
7 and every third school year thereafter, the commissioner shall cause
8 a survey to be conducted, which shall collect from service providers
9 information as the commissioner deems necessary to calculate the
10 average and range of costs incurred to provide services pursuant to
11 P.L.1977, c.193 (C.18A:46-19.1 et al.). The commissioner shall
12 report the findings of the survey to the Governor, and to the
13 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
14 and shall use the report to inform recommendations on the annual
15 appropriation to provide services pursuant to P.L.1977, c.193
16 (C.18A:46-19.1 et al.).

17 (2) In distributing State aid to provide services pursuant to
18 P.L.1977, c.193 (C.18A:46-19.1 et al.), the commissioner² shall
19 also ensure that, to the greatest extent possible, the amounts
20 annually appropriated ²[for services provided pursuant P.L.1977,
21 c.193 (C.18A:46-19.1 et al.)]² are fully exhausted by the end of the
22 school year for which the maximum amounts are established ¹and
23 that the amounts appropriated are equitably distributed among
24 school districts applying for reimbursement pursuant to section
25 ²[3] ⁴ of P.L. , c. (C.) (pending before the Legislature as
26 this bill). To the extent permitted by federal law, the commissioner
27 may establish limits on the duration and frequency of speech
28 correction services and supplementary instruction services provided
29 pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) in order to
30 ensure that the greatest number of eligible students are provided the
31 services throughout the school year and that, to the greatest extent
32 possible, the amount annually appropriated for the services is
33 available to reimburse school districts during the entirety of the
34 school year¹. The maximum per service aid amounts ¹, and any
35 limits established by the commissioner on the duration and
36 frequency of speech correction services and supplementary
37 instruction services,¹ shall be disseminated by the commissioner to
38 school districts and nonpublic schools no later than July 15 ¹[prior
39 to the beginning]¹ of the school year.

40 d. A school district seeking State aid for services provided
41 pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) shall apply for
42 reimbursement of the costs to provide the services in accordance
43 with the process established by the commissioner in section ²[3] ⁴
44 of P.L. , c. (C.) (pending before the Legislature as this
45 bill).

46 (cf: P.L.2010, c.71, s.1)

1 ²**[3.] 4.**² (New section) a. The commissioner shall establish a
2 process by which school districts are reimbursed for costs, within
3 the limits of available appropriations and the applicable maximum
4 per service aid amounts established pursuant to subsection c. of
5 section 14 of P.L.1977, c.193 (C.18A:46-19.8), that are incurred to
6 provide services for all eligible nonpublic school pupils pursuant to
7 P.L.1977, c.193 (C.18A:46-19.1 et al.). The process to be
8 established by the commissioner shall permit school districts to
9 apply for reimbursement payments on a ¹**[monthly] quarterly**¹ basis
10 in a manner to be determined by the commissioner. School districts
11 seeking reimbursement for services pursuant to this section shall
12 submit applications for reimbursement on a ¹**[monthly] quarterly**¹
13 basis and adhere to all submission guidelines, accounting and
14 budgeting guidance, documentation requirements, and defined
15 timelines for reimbursement as determined by the commissioner.

16 b. No later than July 15 ¹**[prior to the beginning of the]** of each¹
17 school year, the commissioner shall notify school districts and
18 nonpublic schools of the details concerning the reimbursement
19 process established pursuant to subsection a. of this section, which
20 details shall include submission guidelines, accounting and
21 budgeting guidance, documentation requirements, and defined
22 timelines for reimbursement. School districts shall be able to first
23 apply for reimbursement beginning on September 1.
24 Notwithstanding the reimbursement process first opening on
25 September 1, a district shall be able to apply for reimbursement for
26 costs incurred prior to September 1, provided that the costs are
27 within the applicable maximum per service aid amounts established
28 pursuant to subsection c. of section 14 of P.L.1977, c.193
29 (C.18A:46-19.8). Reimbursements shall be made to school districts
30 throughout the school year until the amount annually appropriated
31 as State aid for services provided pursuant to P.L.1977, c.193
32 (C.18A:46-19.1 et al.) has been fully expended in the school year
33 for which the appropriation has been made.

34 c. Notwithstanding the provisions of any other law, rule, or
35 regulation to the contrary, the commissioner is authorized to
36 withhold all or a portion of the amount of aid that may be retained
37 by a school district for administrative purposes, if the commissioner
38 finds that the district did not apply for reimbursement of costs in a
39 timely manner, in accordance with the defined timelines for
40 reimbursement established by the commissioner pursuant to
41 subsection b. of this section, or otherwise did not properly or
42 efficiently administer funds allocated to the district pursuant to
43 P.L.1977, c.193 (C.18A:46-19.1 et al.).

44

45 ²5. Section 1 of P.L.1977, c.192 (C.18A:46A-1) is amended to
46 read as follows:

47 The Legislature hereby finds and **[determines]** declares that **[the]**:

1 a. The welfare of the State requires that present and future
2 generations of school age children be assured opportunity to develop
3 to the fullest their intellectual capacities. It is the intent of this
4 Legislature to ³~~insure~~ ensure³ that the State shall furnish on an equal
5 basis auxiliary services to all pupils in the State in both public and
6 nonpublic schools.

7 b. The annual appropriations to provide services pursuant to
8 P.L.1977, c.192 (C.18A:46A-1 et seq.) should be fully expended each
9 year to support nonpublic school students.

10 c. The maximum per service aid amounts established by the
11 commissioner are to be calculated in accordance with the provisions of
12 P.L.1977, c.192 (C.18A:46A-1 et seq.) in order to maintain the quality
13 of services provided to eligible nonpublic students and the overall
14 sustainability of the program.²

15 (cf: P.L.1977, c.192, s.1)

16
17 ²~~[4.]~~ 6.² Section 6 of P.L.1977, c.192 (C.18A:46A-6) is
18 amended to read as follows:

19 6. If the provision of services pursuant to ~~[this act]~~ P.L.1977,
20 c.192 (C.18A:46A-1 et seq.) requires transportation or the
21 maintenance of vehicular classrooms, the board of education of the
22 district in which a nonpublic school is located shall provide for
23 such transportation and maintenance, and the cost shall be ~~[paid~~
24 ~~from]~~ reimbursed to the district in the form of additional State aid
25 received by the district for the purpose of ~~[this act]~~ P.L.1977,
26 c.192 (C.18A:46A-1 et seq.).

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

28
29 ²~~[5.]~~ 7.² Section 8 of P.L.1977, c.192 (C.18A:46A-8) is amended
30 to read as follows:

31 8. No more than ~~[6%]~~ six percent of the aid received by any
32 district pursuant to ~~[this act]~~ P.L.1977, c.192 (C.18A:46A-1 et seq.)
33 shall be used by ~~[such]~~ the district for administration of the act, and
34 no more than ~~[18%]~~ 18 percent of ~~[such]~~ the aid shall be used to rent
35 facilities needed to implement the provisions of ~~[this act]~~ P.L.1977,
36 c.192 (C.18A:46A-1 et seq.). Notwithstanding the provisions of any
37 other law, rule, or regulation to the contrary, the commissioner is
38 authorized to withhold all or a portion of the amount of aid retained by
39 a school district pursuant to this section, if the commissioner finds that
40 the district did not apply for reimbursement of costs in a timely
41 manner, in accordance with the defined timelines for reimbursement
42 established by the commissioner pursuant to section ³~~[7]~~ 9³ of P.L. ,
43 c. (C.), or otherwise did not properly or efficiently administer
44 funds allocated to the district pursuant to P.L.1977, c.192 (C.18A:46A-
45 1 et seq.).

46 (cf: P.L.1977, c.192, s.8)

1 ²**[6.] 8.**² Section 9 of P.L.1977, c.192 (C.18A:46A-9) is
2 amended to read as follows:

3 9. ²(1)² The **[apportionment]** allocation of State aid **[among]**
4 to local school districts for services provided pursuant to P.L.1977,
5 c.192 (C.18A:46A-1 et seq.) shall be **[calculated]** determined by
6 the commissioner **[as follows:]** in a manner consistent with the
7 provisions of this section, and the aid shall be distributed to school
8 districts pursuant to section ²**[7]** 9² of P.L. , c. (C.)
9 (pending before the Legislature as this bill). In allocating State aid,
10 the commissioner shall establish maximum per service aid amounts
11 for providing the equivalent service to children of limited English-
12 speaking ability, compensatory education, and home instruction.
13 The maximum per service aid amounts shall be ²**[established in a**
14 manner to be determined by the commissioner, provided that the
15 method by which the commissioner establishes the maximum per
16 service aid amounts is based on projected estimates, for the
17 upcoming school year, of the number of services to be provided,
18 students eligible for each service pursuant to P.L.1977, c.192
19 (C.18A:46A-1 et seq.), and the costs to provide the services. The
20 estimates used by the commissioner to establish the maximum per
21 service aid amounts shall be based on trends from recent school
22 years in the number of services provided, eligible students, and
23 service costs. The method by which the commissioner establishes
24 the maximum per service aid amounts] determined by dividing the
25 amount annually appropriated to provide services provided pursuant
26 to P.L.1977, c.192 (C.18A:46A-1 et seq.) by the average number of
27 documented services delivered in the prior three school years. In
28 the second full school year following the date of enactment of
29 P.L. , c. (C.) (pending before the Legislature as this bill)
30 and every third school year thereafter, the commissioner shall cause
31 a survey to be conducted, which shall collect from service providers
32 information as the commissioner deems necessary to calculate the
33 average and range of costs incurred to provide services pursuant to
34 P.L.1977, c.192 (C.18A:46A-1 et seq.). The commissioner shall
35 report the findings of the survey to the Governor, and to the
36 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
37 and shall use the report to inform recommendations on the annual
38 appropriation to provide services pursuant to P.L.1977, c.192
39 (C.18A:46A-1 et seq.).

40 (2) In distributing State aid for services pursuant to P.L.1977,
41 c.192 (C.18A:46A-1 et seq.), the commissioner² shall also ensure
42 that, to the greatest extent possible, the amounts annually
43 appropriated ²**[for services provided pursuant P.L.1977, c.192**
44 **(C.18A:46A-1 et seq.)]**² are fully exhausted by the end of the
45 school year for which the maximum amounts are established ¹and
46 that the amounts appropriated are equitably distributed among
47 school districts applying for reimbursement pursuant to section

1 ²~~7~~ ⁹² of P.L. , c. (C.) (pending before the Legislature as
 2 this bill). To the extent permitted by federal law, the commissioner
 3 may establish limits on the duration and frequency of each auxiliary
 4 service provided pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.)
 5 in order to ensure that the greatest number of eligible students are
 6 provided the services throughout the school year and that, to the
 7 greatest extent possible, the amount annually appropriated for the
 8 services is available to reimburse school districts during the entirety
 9 of the school year¹. The maximum per service aid amounts ¹, and
 10 any limits established by the commissioner on the duration and
 11 frequency of auxiliary services,¹ shall be disseminated by the
 12 commissioner to school districts and nonpublic schools no later than
 13 July 15 ¹~~prior to the beginning~~¹ of the school year.

14 A school district seeking State aid for services provided pursuant
 15 to P.L.1977, c.192 (C.18A:46A-1 et seq.) shall apply for
 16 reimbursement of the costs to provide the services in accordance
 17 with the process established by the commissioner in section ²~~7~~ ⁹²
 18 of P.L. , c. (C.) (pending before the Legislature as this
 19 bill).

20 a. **【The per pupil aid amount for providing the equivalent**
 21 **service to children of limited English-speaking ability enrolled in**
 22 **the public schools, shall be \$1274.03. The appropriate per pupil aid**
 23 **amount for compensatory education shall be \$628.71.】** ~~(Deleted~~
 24 ~~by amendment, P.L. , c.) (pending before the Legislature as this~~
 25 ~~bill)~~

26 b. **【The appropriate per pupil aid amount shall then be**
 27 **multiplied by the number of auxiliary services received for each**
 28 **pupil enrolled in the nonpublic schools who were identified as**
 29 **eligible to receive each auxiliary service as of the last school day of**
 30 **June of the prebudget year, to obtain each district's State aid for the**
 31 **next school year.】** ~~(Deleted by amendment, P.L. , c.) (pending~~
 32 ~~before the Legislature as this bill)~~

33 c. **【The per pupil aid amount for home instruction shall be**
 34 **determined by multiplying the base per pupil amount by a cost**
 35 **factor of 0.0037 by the number of hours of home instruction**
 36 **actually provided in the prior school year.】** ~~(Deleted by~~
 37 ~~amendment, P.L. , c.) (pending before the Legislature as this~~
 38 ~~bill)~~

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

41 ²~~7~~ ⁹² (New section) a. The commissioner shall establish a
 42 process by which school districts are reimbursed for costs, within
 43 the limits of available appropriations and the applicable maximum
 44 per service aid amounts established pursuant to section 9 of
 45 P.L.1977, c.192 (C.18A:46A-9), that are incurred to provide
 46 services for eligible nonpublic school students pursuant to
 47 P.L.1977, c.192 (C.18A:46A-1 et seq.). The process to be

1 established by the commissioner shall permit school districts to
 2 apply for reimbursement payments on a ¹~~['monthly']~~ quarterly¹ basis
 3 in a manner to be determined by the commissioner. School districts
 4 seeking reimbursement for services pursuant to this section shall
 5 submit applications for reimbursement on a ¹~~['monthly']~~ quarterly¹
 6 basis and adhere to all submission guidelines, accounting and
 7 budgeting guidance, documentation requirements, and defined
 8 timelines for reimbursement as determined by the commissioner.

9 b. No later than July 15 ¹~~['prior to the beginning of the']~~ of each¹
 10 school year, the commissioner shall notify school districts and
 11 nonpublic schools of the details concerning the reimbursement
 12 process established pursuant to subsection a. of this section, which
 13 details shall include submission guidelines, accounting and
 14 budgeting guidance, documentation requirements, and defined
 15 timelines for reimbursement. School districts shall be able to first
 16 apply for reimbursement beginning on September 1.
 17 Notwithstanding the reimbursement process first opening on
 18 September 1, a district shall be able to apply for reimbursement for
 19 costs incurred prior to September 1, provided that the costs are
 20 within the applicable maximum per service aid amounts established
 21 pursuant to section 9 of P.L.1977, c.192 (C.18A:46A-9).
 22 Reimbursements shall be made to school districts throughout the
 23 school year until the amount annually appropriated as State aid for
 24 services provided pursuant to P.L.1977, c.192 (C.18A:46A-1 et
 25 seq.) has been fully expended in the school year for which the
 26 appropriation has been made.

27

28 ²~~['8.']~~ 10.² Section 13 of P.L.1977, c.192 (C.18A:46A-10) is
 29 amended to read as follows:

30 13. Annually, on or before November 5, each board shall file a
 31 report on the number of such pupils who have been identified as
 32 eligible to receive each auxiliary service as of the last school day in
 33 October. The commissioner may require any additional data
 34 collection as may be necessary to ensure that the maximum per
 35 service aid amounts established pursuant to section 9 of P.L.1977,
 36 c.192 (C.18A:46A-9) are reflective of the number of students
 37 eligible for each applicable service provided pursuant to P.L.1977,
 38 c.192 (C.18A:46A-1 et seq.).
 39 (cf: P.L.1990, c.52, s.66)

40

41 ²~~['9.']~~ 11.² Section 18 of P.L.1977, c.192 (C.18A:46A-15) is
 42 amended to read as follows:

43 18. In any year, no district shall be required to make
 44 expenditures ¹for the provision of an auxiliary service provided¹
 45 for the purposes of ~~['this act']~~ P.L.1977, c.192 (C.18A:46A-1 et seq.) in
 46 excess of the maximum per service aid amount ~~['of State aid~~
 47 received pursuant to this act'] determined by the commissioner

1 pursuant to section 9 of P.L.1977, c.192 (C.18A:46A-9) for that
2 year.
3 (cf: P.L.1977, c.192, s.18)
4

5 ²**【10.】 12.**² The following are repealed:

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

8 Section 19 of P.L.1977, c.192 (C.18A:46A-16).
9

10 ²**【11.】 13.**² This act shall take effect immediately and shall first
11 apply ³**【to the first full】** ⁴**【in the 2025-2026³】** to the first full⁴
12 school year ³【following the date of enactment】³ ⁴following the date
13 of enactment⁴.
14
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16

17
18 Modifies method of allocating State aid for providing auxiliary
19 and remedial services to nonpublic school students.