

CHAPTER 252

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

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

1. Section 1 of P.L.1977, c.193 (C.18A:46-19.1) is amended to read as follows:

C.18A:46-19.1 Legislative findings and determinations.

The Legislature finds and declares that:

a. The security and welfare of the State require that all school age children be assured the fullest possible opportunity to develop their intellectual capacities. In order to achieve this objective it is the intent of this Legislature to require that the State and local communities identify and provide remedial services for children with disabilities in both public and nonpublic schools.

b. The annual appropriations to provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) should be fully expended each year to support nonpublic school students.

c. The maximum per service aid amounts established by the commissioner are to be calculated in accordance with the provisions of P.L.1977, c.193 (C.18A:46-19.1 et al.) in order to maintain the quality of services provided to eligible nonpublic students and the overall sustainability of the program.

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

C.18A:46-19.6 Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost.

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

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

C.18A:46-19.8 Estimated cost of services; inclusion in budget; State aid.

14. a. On November 5 of each year, each board of education shall report the number of nonpublic school children who attended a nonpublic school located within the district who were identified as eligible to receive examination, classification, and speech correction services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) during the previous school year. The commissioner may require any additional data collection as may be necessary to ensure that the maximum per service aid amounts established pursuant to subsection c. of this section are reflective of the number of students eligible for each applicable service provided pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.).

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

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

c. (1) The allocation of State aid to local school districts to provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) shall be determined by the commissioner in a manner consistent with the provisions of this subsection, and the aid shall be distributed to school districts pursuant to section 4 of P.L.2025, c.252 (C.18A:46-19.8a). In allocating State aid, the commissioner shall establish maximum per service aid amounts for an initial evaluation or reevaluation for examination and classification, an annual review for examination and classification, speech correction, and supplementary instruction services. The maximum per service aid amounts shall be determined by dividing the amount annually appropriated to provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) by the average number of documented services delivered in the prior three school years. In the second full school year following the date of enactment of P.L.2025, c.252 (C.18A:46-19.8a et al.) and every third school year thereafter, the commissioner shall cause a survey to be conducted, which shall collect from service providers information as the commissioner deems necessary to calculate the average and range of costs incurred to provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.). The commissioner shall report the findings of the survey to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and shall use the report to inform recommendations on the annual appropriation to provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.).

(2) In distributing State aid to provide services pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.), the commissioner shall also ensure that, to the greatest extent possible, the amounts annually appropriated are fully exhausted by the end of the school year for which the maximum amounts are established and that the amounts appropriated are equitably distributed among school districts applying for reimbursement pursuant to section 4 of P.L.2025, c.252 (C.18A:46-19.8a). To the extent permitted by federal law, the commissioner may establish limits on the duration and frequency of speech correction services and supplementary instruction services provided pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) in order to ensure that the greatest number of eligible students are provided the services throughout the school year and that, to the greatest extent possible, the amount annually appropriated for the services is available to reimburse school districts during the entirety of the school year. The maximum per service aid amounts, and any limits established by the commissioner on the duration and frequency of speech correction services and supplementary instruction services, shall be disseminated by the commissioner to school districts and nonpublic schools no later than July 15 of the school year.

d. A school district seeking State aid for services provided pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.) shall apply for reimbursement of the costs to provide the services in accordance with the process established by the commissioner in section 4 of P.L.2025, c.252 (C.18A:46-19.8a).

C.18A:46-19.8a Process for reimbursement.

4. a. The commissioner shall establish a process by which school districts are reimbursed for costs, within the limits of available appropriations and the applicable maximum per service aid amounts established pursuant to subsection c. of section 14 of P.L. 1977, c.193 (C.18A:46-19.8), that are incurred to provide services for all eligible nonpublic school pupils pursuant to

P.L.1977, c.193 (C.18A:46-19.1 et al.). The process to be established by the commissioner shall permit school districts to apply for reimbursement payments on a quarterly basis in a manner to be determined by the commissioner. School districts seeking reimbursement for services pursuant to this section shall submit applications for reimbursement on a quarterly basis and adhere to all submission guidelines, accounting and budgeting guidance, documentation requirements, and defined timelines for reimbursement as determined by the commissioner.

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

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

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

C.18A:46A-1 Legislative findings and determinations.

The Legislature hereby finds and declares that:

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

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

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

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

C.18A:46A-6 Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost.

6. If the provision of services pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.) requires transportation or the maintenance of vehicular classrooms, the board of education of the district

in which a nonpublic school is located shall provide for such transportation and maintenance, and the cost shall be reimbursed to the district in the form of additional State aid received by the district for the purpose of P.L.1977, c.192 (C.18A:46A-1 et seq.).

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

C.18A:46A-8 Limitation on expenditures for administration of act and rental of facilities.

8. No more than six percent of the aid received by any district pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.) shall be used by the district for administration of the act, and no more than 18 percent of the aid shall be used to rent facilities needed to implement the provisions of P.L.1977, c.192 (C.18A:46A-1 et seq.). Notwithstanding the provisions of any other law, rule, or regulation to the contrary, the commissioner is authorized to withhold all or a portion of the amount of aid retained by a school district pursuant to this section, if the commissioner finds that the district did not apply for reimbursement of costs in a timely manner, in accordance with the defined timelines for reimbursement established by the commissioner pursuant to section 9 of P.L.2025, c.252 (C.18A:46A-9.1), or otherwise did not properly or efficiently administer funds allocated to the district pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.).

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

C.18A:46A-9 Apportionment of State aid; calculation.

9. (1) The allocation of State aid to local school districts for services provided pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.) shall be determined by the commissioner in a manner consistent with the provisions of this section, and the aid shall be distributed to school districts pursuant to section 9 of P.L.2025, c.252 (C.18A:46A-9.1). In allocating State aid, the commissioner shall establish maximum per service aid amounts for providing the equivalent service to children of limited English-speaking ability, compensatory education, and home instruction. The maximum per service aid amounts shall be determined by dividing the amount annually appropriated to provide services provided pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.) by the average number of documented services delivered in the prior three school years. In the second full school year following the date of enactment of P.L.2025, c.252 (C.18A:46-19.8a et al.) and every third school year thereafter, the commissioner shall cause a survey to be conducted, which shall collect from service providers information as the commissioner deems necessary to calculate the average and range of costs incurred to provide services pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.). The commissioner shall report the findings of the survey to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and shall use the report to inform recommendations on the annual appropriation to provide services pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.).

(2) In distributing State aid for services pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.), the commissioner shall also ensure that, to the greatest extent possible, the amounts annually appropriated are fully exhausted by the end of the school year for which the maximum amounts are established and that the amounts appropriated are equitably distributed among school districts applying for reimbursement pursuant to section 9 of P.L.2025, c.252 (C.18A:46A-9.1). To the extent permitted by federal law, the commissioner may establish limits on the duration and frequency of each auxiliary service provided pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.) in order to ensure that the greatest number of eligible students are provided the services throughout the school year and that, to the greatest extent possible, the amount annually appropriated for the services is available to reimburse school districts during

the entirety of the school year. The maximum per service aid amounts, and any limits established by the commissioner on the duration and frequency of auxiliary services, shall be disseminated by the commissioner to school districts and nonpublic schools no later than July 15 of the school year.

A school district seeking State aid for services provided pursuant to P.L.1977, c.192 (C.18A:46A-1 et seq.) shall apply for reimbursement of the costs to provide the services in accordance with the process established by the commissioner in section 9 of P.L.2025, c.252 (C.18A:46A-9.1).

- a. (Deleted by amendment, P.L.2025, c.252)
- b. (Deleted by amendment, P.L.2025, c.252)
- c. (Deleted by amendment, P.L.2025, c.252)

C.18A:46A-9.1 Process for reimbursement.

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

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

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

C.18A:46A-10 Annual reports; contents.

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

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

C.18A:46A-15 Expenditures in excess of State aid.

18. In any year, no district shall be required to make expenditures for the provision of an auxiliary service provided for the purposes of P.L.1977, c.192 (C.18A:46A-1 et seq.) in excess of the maximum per service aid amount determined by the commissioner pursuant to section 9 of P.L.1977, c.192 (C.18A:46A-9) for that year.

Repealer.

12. The following are repealed:

Sections 15 through 17 of P.L.1977, c.192 (C.18A:46A-12 through 18A:46A-14); and
Section 19 of P.L.1977, c.192 (C.18A:46A-16).

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

Approved January 12, 2026.