

CHAPTER 326

AN ACT concerning a nonpublic school pupil transportation program.

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

1. a. As used in this section, “consortium” means a group of nonpublic schools in one or more counties that enrolls pupils for whom a school district is required to provide transportation pursuant to N.J.S.18A:39-1 and that enters into an agreement to form a consortium for the purpose of participating in the program established pursuant to this section.

b. (1) The Commissioner of Education shall establish a nonpublic school consortium transportation program. Notwithstanding any section of law to the contrary, a school district that chooses to participate in the program shall disburse to the consortium an amount equal to the aid in-lieu-of transportation amount for each nonpublic school pupil who is attending a nonpublic school which is a part of the consortium and who is required to be transported by the school district pursuant to N.J.S.18A:39-1. The consortium shall assume all of the responsibilities of the school district under N.J.S.18A:39-1 for transporting to and from nonpublic schools the pupils for whom the consortium received an aid in-lieu-of transportation amount under the program. If the per pupil cost of the lowest bid received exceeds the aid in-lieu-of transportation amount, then the parent or guardian of the student shall be eligible to receive the aid in-lieu-of transportation amount from the consortium for that school year.

(2) The consortium may transport a nonpublic school pupil who is attending a nonpublic school which is part of the consortium and who is not eligible for transportation services pursuant to N.J.S.18A:39-1, provided the pupil does not live more than 20 miles from the nonpublic school. If the parent or guardian elects to have the pupil transported, the parent or guardian shall pay all of the costs of the transportation including, but not limited to, the cost of fuel, driver salaries, and insurance. However, the cost of the transportation paid by the parent or guardian shall be no more than the per pupil cost of the route and shall be paid at the time and in the manner determined by the consortium.

c. (1) The consortium shall refund to a school district, after the completion of the school year, a portion of the aid-in-lieu-of amount provided by that school district to the consortium for a nonpublic school pupil who did not receive transportation for the entire year. The amount refunded to the school district shall be a pro rata share of the aid-in-lieu-of amount based on the number of school days in which the student did not receive transportation.

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

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

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

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

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

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

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

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

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

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

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

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

2. Three years following the establishment of the nonpublic school consortium transportation program, the commissioner, in consultation with the oversight committee established pursuant to subsection i. of section 1 of P.L.2023, c.326, shall submit a report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the implementation of the program.

3. This act shall take effect immediately, shall first be applicable to the 2023-2024 school year, and shall expire three years after the effective date.

Approved January 16, 2024.