

ASSEMBLY, No. 168

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 24 (Morris, Sussex and Warren)

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District 24 (Morris, Sussex and Warren)

SYNOPSIS

Limits annual increase in tuition rates charged by school districts, county vocational school districts, county special services districts, jointure commissions, and private schools for students with disabilities to two percent.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning tuition rates charged by school districts and
2 private schools for students with disabilities and amending
3 various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.18A:38-19 is amended to read as follows:

9 18A:38-19. Whenever the pupils of any school district are
10 attending public school in another district, within or without the
11 State, pursuant to this article, the board of education of the
12 receiving district shall determine a tuition rate to be paid by the
13 board of education of the sending district to an amount not in excess
14 of the lesser of the actual cost per pupil as determined under rules
15 prescribed by the commissioner and approved by the State board
16 **[, and such]** or 102% of the tuition rate charged for each pupil in
17 the prior school year. The tuition shall be paid by the board
18 secretary or treasurer of school moneys, as appropriate, of the
19 sending district out of any moneys in his hands available for current
20 expenses of the district upon order issued by the board of education
21 of the sending district, signed by its president and secretary, in
22 favor of the board secretary or treasurer of school moneys, as
23 appropriate, of the receiving district.
24 (cf: P.L.2010, c.39, s.26)

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26 2. N.J.S.18A:46-21 is amended to read as follows:

27 18A:46-21. Any board of education, jointure commission, or
28 private school for **【the handicapped】** students with disabilities
29 which receives pupils from a sending district under this chapter
30 shall determine a tuition rate to be paid by the sending board of
31 education, but in no case shall the tuition rate exceed the lesser of
32 the actual cost per pupil as determined under rules prescribed by the
33 commissioner and approved by the State Board of Education or
34 102% of the tuition rate charged for each pupil in the prior school
35 year.
36 (cf: P.L.1986, c.50, s.1)

37
38 3. Section 3 of P.L.1971, c.271 (C.18A:46-31) is amended to
39 read as follows:

40 3. a. Any school established pursuant to P.L.1971, c.271
41 (C.18A:46-29 et al.) shall accept all eligible pupils within the
42 county, so far as facilities permit. Pupils residing outside the
43 county may be accepted should facilities be available only after
44 provision has been made for all eligible pupils within the county.

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 Any child accepted shall be classified pursuant to chapter 46 of
2 Title 18A of the New Jersey Statutes.

3 b. The board of education of any county special services school
4 district may receive such funds as may be appropriated by the
5 county pursuant to section 13 of P.L.1971, c.271 (C.18A:46-41) and
6 shall be entitled to collect and receive from the sending districts in
7 which the pupils attending the county special services school reside,
8 for the tuition of those pupils, a sum not to exceed the lesser of the
9 actual cost per pupil as determined for each special education
10 program or for the special services school district, according to
11 rules prescribed by the commissioner and approved by the State
12 board, or 102% of the tuition charged for each special education
13 program in the prior school year. Whenever funds have been
14 appropriated by the county, the county special services school
15 district may charge a fee in addition to tuition for any pupils who
16 are not residents of the county. The fee shall not exceed the amount
17 of the county's per pupil appropriation to the county special services
18 school district. For each special education program or for the
19 special services school district, the tuition shall be at the same rate
20 per pupil for each sending district whether within or without the
21 county. Ten percent of the tuition amount and the nonresident fee
22 amount, if any, shall be paid on the first of each month from
23 September to June to the receiving district by each sending district.
24 The annual aggregate amount of all tuition may be anticipated by
25 the board of education of the county special services school district
26 with respect to the annual budget of the county special services
27 school district. The amounts of all annual payments or tuition to be
28 paid by any other school district shall be raised in each year in the
29 annual budget of the other school district and paid to the county
30 special services school district.

31 Tuition charged to the resident district shall be deducted from the
32 resident district's State aid and transferred directly to the county
33 special services district by the Department of Education according
34 to procedures established by the commissioner. The transfers shall
35 equal 1/20th of the tuition charged and shall occur on the same
36 schedule of State aid payments for the resident districts. Beginning
37 in May of the preceding year the county special services district
38 shall report to the department and the resident districts the current
39 enrollments and tuition rates by district. Enrollment changes
40 reported at least 30 days in advance of a scheduled transfer shall be
41 honored.

42 Unless specifically designated, county special services school
43 districts shall not receive State aid under the provisions of
44 P.L.2007, c.260 (C.18A:7F-43 et al.). The county special services
45 general fund budget, exclusive of any county contribution, shall not
46 exceed the general fund budget, exclusive of any county

1 contribution, in the prebudget year adjusted by the CPI or three
2 percent, whichever is greater, plus an enrollment factor.

3 An undesignated general fund balance of 10 percent of the
4 general fund budget exclusive of tuition adjustments of prior years
5 may be maintained. For the years 1997-98 through 2001-2002,
6 State aid shall be provided to fund tuition losses when placements
7 drop by more than five percent between the budget year and
8 prebudget year. State aid shall equal the difference between 95
9 percent of the prebudget year enrollment on May 1 preceding the
10 prebudget year multiplied by the budget year tuition rate and actual
11 enrollments on May 1 preceding the budget year multiplied by the
12 budget year tuition rate.

13 c. The board of education of any county special services school
14 district, with the approval of the board of chosen freeholders of the
15 county, may provide for the establishment, maintenance and
16 operation of dormitory and other boarding care facilities for pupils
17 in conjunction with any one or more of its schools for special
18 services, and the board shall provide for the establishment,
19 maintenance and operation of such health care services and
20 facilities for the pupils as the board shall deem necessary.

21 d. (Deleted by amendment, P.L.1991, c.62).

22 (cf: P.L.2007, c.260, s.73)

23

24 4. N.J.S.18A:54-7 is amended to read as follows:

25 18A:54-7. All such boards of education shall receive pupils
26 from other districts so far as their facilities will permit and shall be
27 entitled to collect and receive from any sending district for the
28 tuition of such pupils a sum not exceeding the lesser of the actual
29 cost per pupil, as determined according to rules prescribed by the
30 commissioner and approved by the [state] State board, or 102% of
31 the tuition charged for each pupil in the prior school year .

32 (cf: N.J.S.18A:54-7)

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34 5. Section 71 of P.L.1990, c.52 (C.18A:54-20.1) is amended to
35 read as follows:

36 71. a. The board of education of each school district or regional
37 school district in any county in which there is a county vocational
38 school district shall send to any of the schools of the county
39 vocational school district each pupil who resides in the school
40 district or regional school district and who has applied for
41 admission to and has been accepted for attendance at any of the
42 schools of the county vocational school district. The board of
43 education shall pay tuition for each of these pupils to the county
44 vocational school district pursuant to subsection c. of this section.
45 The provisions of this section shall not apply to the board of
46 education of a school district or regional school district maintaining

1 a vocational school or schools pursuant to article 2 of chapter 54 of
2 Title 18A of the New Jersey Statutes.

3 b. The board of education of a county vocational school district
4 shall receive pupils from districts without the county so far as their
5 facilities may permit.

6 c. The board of education of a county vocational school district
7 shall receive such funds as may be appropriated by the county
8 pursuant to N.J.S.18A:54-29.2 and shall be entitled to collect and
9 receive from the sending districts in which each pupil attending the
10 vocational school resides, for the tuition of that pupil, except for a
11 post-secondary vocational education pupil, a sum not to exceed the
12 lesser of the actual cost per pupil as determined for each vocational
13 program classification, according to rules prescribed by the
14 commissioner and approved by the State board, or 102% of the
15 tuition charged for each pupil for each vocational program
16 classification in the prior school year. Whenever funds have been
17 appropriated by the county, the county vocational school district
18 may charge a fee in addition to tuition for any pupils who are not
19 residents of the county. The fee shall not exceed the amount of the
20 county's per pupil appropriation to the county vocational school
21 district.

22 d. The tuition and nonresident fee, if any, shall be established
23 not later than January 15 in advance of the school year by the board
24 of education. The tuition for each program category shall be at the
25 same rate per pupil for each sending district whether within or
26 without the county, and 10% of the tuition amount and nonresident
27 fee, if any, shall be paid on the first of each month from September
28 to June by or on behalf of the board of education of each sending
29 district.

30 e. (Deleted by amendment, P.L.1991, c.62).
31 (cf: P.L.1991, c.62, s.24)

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33 6. This act shall take effect immediately and shall first be
34 applicable to the first full school year beginning after the date of
35 enactment.

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STATEMENT

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40 Under current law, a school district, county vocational school
41 district, county special services district, jointure commission, or a
42 private school for students with disabilities may charge a resident
43 school district a tuition rate for each of its pupils enrolled in the
44 district or private school. In each case, the per pupil tuition rate
45 may not exceed the actual cost per pupil, as determined according
46 to rules prescribed by the Commissioner of Education and approved
47 by the State Board of Education. This bill would limit the increase

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- 1 in the tuition rate charged by these entities to two percent annually.
- 2 Limiting the tuition rate increases to two percent would be
- 3 consistent with the two percent tax levy growth limitation that is
- 4 currently applicable to school districts.