ASSEMBLY, No. 2537

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Assemblyman JON M. BRAMNICK
District 21 (Morris, Somerset and Union)

SYNOPSIS

Provides that Commissioner of Education rather than school districts will be responsible for implementation of nonpublic textbook and nursing services programs.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain nonpublic school programs, amending P.L.1991, c.226 and P.L.1974, c.79, and repealing section 7 of P.L.1974, c.79.

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

1. Section 3 of P.L.1991, c.226 (C.18A:40-25) is amended to read as follows:

3. **[**Each board of education of a district in which a nonpublic school is located**]** The commissioner shall:

a. provide nursing services for pupils who are enrolled full-time in **[**the**]** a nonpublic school. The services shall include:

(1) assistance with medical examinations, including dental screening;

(2) conducting screening of hearing examinations;

(3) the maintenance of student health records, and notification of local or county health officials of any student who has not been properly immunized; and

(4) conducting examinations of pupils between the ages of 10 and 18 for the condition known as scoliosis.

b. adopt written policies and procedures **[**extending the emergency care provided to public school pupils**]** to provide emergency care to those pupils who are enrolled full-time in **[**the**]** a nonpublic school who are injured or become ill at school or during participation on a school team or squad.

(cf: P.L.1991, c.226, s.3)

2. Section 4 of P.L.1991, c.226 (C.18A:40-26) is amended to read as follows:

4. **[**Each board of education of a district in which a nonpublic school is located**]** The commissioner may:

a. within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide the pupils who are enrolled full-time in **[**the**]** a nonpublic school with additional medical services; and

b. provide the necessary equipment, materials and services for immunizing the pupils who are enrolled full-time in **[**the**]** a nonpublic school from the diseases which pupils are required to be immunized against by the State Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7) or for diseases against which immunization may be recommended by the State Department of Health.

(cf: P.L.1991, c.226, s.4)

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.

3. Section 6 of P.L.1991, c.226 (C.18A:40-28) is amended to read as follows:

6. [A board of education may join with other boards of education or] The commissioner may contract with any public or private agency [approved by the commissioner] for the provision of nursing services required or permitted under sections 3 and 4 of this act. Prior to any change in the provision of these services, the [board] commissioner shall provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents.

(cf: P.L.2014, c.67, s.1)

4. Section 7 of P.L.1991, c.226 (C.18A:40-29) is amended to read as follows:

7. A nonpublic school may decline the nursing services which are required or permitted under sections 3 and 4 of this act by submitting written notification to the [board of education] commissioner from the appropriate administrator of the nonpublic school.

(cf: P.L.1991, c.226, s.7)

5. Section 9 of P.L.1991, c.226 (C.18A:40-31) is amended to read as follows:

9. a. The support limit for the 1997-98 school year shall be $61.44. For each school year thereafter the commissioner shall determine the support limit by multiplying the support limit for the previous school year times the sum of 1.0 plus the average annual percentage increase in the consumer price index for the New York and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor.

b. On or before November 5 of each year, [each board of education shall forward to] the commissioner [an] shall estimate [of] the cost of providing, during the next school year, the services required pursuant to this act and the number of pupils attending nonpublic schools located within the [district] State as of the last school day of October of the current school year, excluding those pupils who have refused nursing services pursuant to section 8 of this act. The commissioner shall [provide State aid to each school district in] expend for nonpublic nursing services an amount [equal to] not to exceed the number of nonpublic school pupils within the [district] State identified by the [district] commissioner on or before November 5 multiplied by the State support limit. [In the event that the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the

unexpended State aid after the completion of the school year, but not later than December 1 of the following school year.**]**

c. **[**If in any year, the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion that appropriation among the districts in proportion to the State aid each district would have received had the full amount of State aid been appropriated. In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received for these purposes.**]** (Deleted by amendment, P.L. c.) (pending before the Legislature as this bill

(cf: P.L.1996, c.138, s.69)

6. Section 3 of P.L.1974, c.79 (C.18A:58-37.3) is amended to read as follows:

3. a. The board of education in each school district in the State **[**in which a nonpublic school is located**]** shall have the power and duty to purchase and to loan textbooks upon individual request, to all students attending school in such district, who are enrolled in grades kindergarten through 12 of a public **[**or nonpublic**]** school.

The commissioner shall have the power and duty to purchase and to loan textbooks upon individual request to all students who are enrolled in grades kindergarten through 12 of a nonpublic school located in the State.

b. **[**No board of education**]** The commissioner shall not be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid pursuant to this act.

(cf: P.L.1984, c.121, s.1)

7. Section 4 of P.L.1974, c.79 (C.18A:58-37.4) is amended to read as follows:

4. a. Textbooks which are loaned to students enrolled in grades kindergarten through 12 of any nonpublic school shall be textbooks which are used in any public elementary or secondary school of the State **[**or are approved by any board of education**]**. Such textbooks are to be loaned without charge to such children subject to such rules and regulations as are, or may be adopted by the commissioner **[**and such board of education**]**.

b. **[**When a textbook has been designated for use in a school district such textbook shall not be superseded by any other book, prior to the expiration of 5 years following such designation, except upon the authorization of the board of education.**]** (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)

(cf: P.L.1974, c.79, s.4)

8. Section 5 of P.L.1974, c.79 (C.18A:58-37.5) is amended to read as follows:

5. The commissioner shall [, upon request of the local board and] pursuant to the rules and regulations of the State Board of Education distribute [to each school district] an amount equal to the cost of textbooks purchased and loaned [by the school district] pursuant to this act, but in no event shall the [aid appropriated to the district] amount expended for this purpose exceed the following amount:

a. [The expenditures for the purchase of textbooks pursuant to this act made during the school year 1979-80 shall not exceed an average of $10.00 for each student residing in the district, who, on the last school day prior to October 16 of the preceding school year was enrolled in grades kindergarten through 12 of a public or nonpublic school; and,] (Deleted by amendment, P.L. , c.) (pending before the Legislature as this bill)

b. The expenditures for the purchase of textbooks made during the school year 1980-81, and in any subsequent year shall not exceed the State average budgeted textbook expense per public school pupil for the prebudget year for each student residing in the [district] State, who, on the last school day prior to October 16 of the preceding school year was enrolled in grades kindergarten through 12 of a [public or] nonpublic school.

(cf: P.L.1990, c.52, s.76)

9. Section 7 of P.L.1974, c.79 (C.18A:58-37.7) is repealed.

10. This act shall take effect immediately and shall first be applicable to the 2020-2021 school year.

STATEMENT

This bill eliminates local school districts from the implementation of the nonpublic school textbook and nursing services programs. Under current law, the State funds that support these programs are allocated to the school districts in which the nonpublic schools are located. The school districts then provide or contract for the items or services that are provided to nonpublic school students under these programs. This bill provides that the Commissioner of Education will be responsible for the implementation of the programs. The purpose of the bill is to relieve school districts of the administrative burden associated with arranging or providing these services.