

ASSEMBLY, No. 4384

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 6, 2020

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

SYNOPSIS

Establishes three-year nonpublic school pupil transportation pilot program in participating counties to provide funding to county consortiums of nonpublic schools that will assume responsibility for mandated nonpublic school busing.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning a countywide nonpublic school pupil
2 transportation pilot program and supplementing chapter 39 of
3 Title 18A of the New Jersey Statutes.

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

7
8 1. a. As used in this section, “county consortium” means a
9 group of nonpublic schools in one or more counties that enter into
10 an agreement with the county or counties to form a county
11 consortium for the purpose of participating in the pilot program
12 established pursuant to this section.

13 b. The Commissioner of Education shall establish a three-year
14 nonpublic school pupil transportation pilot program.
15 Notwithstanding any section of law to the contrary, under the pilot
16 program, the county shall disburse to the county consortium an
17 amount equal to the aid in-lieu-of transportation amount for each
18 nonpublic school pupil who is attending a nonpublic school which
19 is a part of the county consortium and who is required to be
20 transported by a school district pursuant to N.J.S.18A:39-1. A
21 school district shall disburse to the appropriate county an amount
22 equal to the aid in-lieu-of transportation amount for each nonpublic
23 school pupil who resides in the district, who is required pursuant to
24 N.J.S.18A:39-1 to be transported by the school district, and who
25 attends a nonpublic school which is a part of the county consortium.
26 The county consortium shall assume all of the responsibilities of the
27 school district under N.J.S.18A:39-1 for transporting to and from
28 nonpublic schools the pupils for whom the county consortium
29 received an aid in-lieu-of transportation amount under the pilot
30 program. If the per pupil cost of the lowest bid received exceeds
31 the aid in-lieu-of transportation amount, then the parent or guardian
32 of the student shall be eligible to receive the aid in-lieu-of
33 transportation amount from the county consortium for that school
34 year.

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

46 The county consortium shall refund annually, after the
47 completion of the school year, to the school districts any
48 unexpended funds received pursuant to the pilot program. The

1 county consortium shall allocate the unexpended funds among the
2 school districts in proportion to the number of nonpublic school
3 pupils for whom the school district distributed funds to the county
4 consortium.

5 c. Each county may choose to participate in the pilot program
6 by creating a county consortium or the nonpublic schools within a
7 county may petition the county in which they are located to create a
8 county consortium. In order to participate in the pilot program,
9 the county shall provide to the commissioner the necessary
10 assurances that the county consortium is capable of complying with
11 the county consortium's pupil transportation responsibilities under
12 the pilot program.

13 d. The commissioner shall notify school districts affected by
14 the provisions of the pilot program of:

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

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

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

23 e. The county consortium may use up to one percent of the
24 amounts available to it under the pilot program for its
25 administrative costs. The county consortium may accept
26 contributions and donations from public and private sources for
27 purposes of providing pupil transportation under the pilot program.

28 f. The governing body of the county shall annually enter into a
29 contract with an independent entity to audit the implementation of
30 the pilot program by the county consortium. The audit for the prior
31 school year shall be submitted to the governing body of the county
32 no later than December 1 of each year, and the governing body of
33 the county shall transmit a copy of the audit to the Commissioner of
34 Education.

35 g. The commissioner shall establish an oversight committee to
36 oversee the operations of each county consortium in implementing
37 the pilot program. The oversight committee shall consist of five
38 members including: one member appointed by the governing body
39 of the county, and four members appointed by the commissioner,
40 one of whom shall represent a nonpublic school that is part of the
41 county consortium.

42 h. Two years following the establishment of the pilot program,
43 the commissioner shall submit a report to the Governor, and to the
44 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).
45 The report shall contain information on the implementation of the
46 pilot program and shall include the commissioner's recommendation
47 on the advisability of continuing the program.

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

8
9 2. This act shall take effect immediately and shall first be
10 applicable to the 2021-2022 school year.

11 12 13 STATEMENT 14

15 This bill establishes a three-year nonpublic school pupil
16 transportation pilot program to provide funding to county
17 consortiums of nonpublic schools that will assume responsibility for
18 the school districts' mandated nonpublic school busing for those
19 students. Each county, or multiple counties working together, will
20 be permitted to participate in the pilot program by creating a county
21 consortium. If a county determines not to participate in the pilot
22 program, the bill alternatively permits the nonpublic schools in the
23 county to petition the county to participate in the pilot program and
24 create a county consortium.

25 Under the pilot program, a participating county will disburse to
26 the county consortium an amount equal to the aid in-lieu-of
27 transportation amount (currently set at \$1,000) for each nonpublic
28 school pupil who is attending a nonpublic school which is a part of
29 the county consortium and who is required by law to be transported
30 by a school district. The moneys disbursed by the county will be
31 provided by school districts. Under the bill, a school district must
32 disburse to the appropriate county an amount equal to the aid in-
33 lieu-of transportation amount for each nonpublic school pupil who
34 resides in the district, is required by law to be transported, and
35 attends a nonpublic school which is a part of the county consortium.
36 The county consortium will assume the responsibilities of
37 transporting the pupils for whom it receives the aid in-lieu-of
38 transportation amount.

39 The bill provides that if the per pupil cost of the lowest bid
40 received exceeds the aid in-lieu-of transportation amount, the parent
41 or guardian of the student will be eligible to receive the aid in-lieu-
42 of transportation amount from the county consortium for that school
43 year. In addition to providing transportation for students who are
44 mandated to be transported, the county consortium may provide
45 non-mandated busing to students attending the nonpublic schools
46 that are a part of the county consortium, provided that the parents or
47 guardians of those students pay all of the costs of that
48 transportation.

1 At the end of the school year, the bill requires the county
2 consortium to refund to the school districts any unexpended funds
3 received under the pilot program. The unexpended funds will be
4 allocated among the school districts in proportion to the number of
5 nonpublic school pupils for whom the school district distributed
6 funds to the county consortium.

7 The bill requires the Commissioner of Education to establish a
8 committee to oversee the operations of each county consortium in
9 implementing the pilot program. The oversight committee will
10 consist of five members: one member appointed by the governing
11 body of the county, and four members appointed by the
12 commissioner, one of whom must represent a nonpublic school that
13 is part of the county consortium. Under the provisions of the bill,
14 the commissioner will submit a report to the Governor and the
15 Legislature two years following the establishment of the pilot
16 program that will include information on the implementation of the
17 pilot program and the commissioner's recommendation on the
18 advisability of continuing the program.

19 The bill takes effect immediately and provides that the pilot
20 program will first be applicable in the 2021-2022 school year.