

SENATE, No. 3349

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 12, 2021

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

Provides three-year phase-in of full funding of extraordinary special education State aid.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning extraordinary special education State aid and
2 amending P.L.2007, c.260.

3

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

6

7 1. Section 13 of P.L.2007, c.260 (C.18A:7F-55) is amended to
8 read as follows:

9 13. a. Special education categorical aid for each school district
10 and county vocational school district shall be calculated as follows:

11
$$SE = (RE \times SEACR \times AEC \times 1/3) \times GCA$$

12 where

13 RE is the resident enrollment of the school district or county
14 vocational school district;

15 SEACR is the State average classification rate for general special
16 education services pupils;

17 AEC is the excess cost for general special education services
18 pupils; and

19 GCA is the geographic cost adjustment as developed by the
20 commissioner.

21 For the 2008-2009 school year the excess cost shall be \$10,898 for
22 general special education services pupils. The excess cost amount
23 shall be adjusted by the CPI in the 2009-2010 and 2010-2011
24 school years as required pursuant to subsection b. of section 4 of
25 this act. For subsequent school years, the excess cost amount shall
26 be established in the Educational Adequacy Report, with the
27 amount adjusted by the CPI for each of the two school years
28 following the first school year to which the report is applicable.

29 b. Extraordinary special education aid for an individual
30 classified pupil shall be available when the student is educated in a
31 general education classroom, special education program, including
32 but not limited to a resource program or special class program, or
33 any combination of general education and special education
34 programs and services, subject to the requirements and thresholds
35 set forth in this section.

36 (1) In those instances in which a pupil is educated in an in-
37 district public school program with non-disabled peers, whether run
38 by a public school or by a private school for the disabled, and the
39 cost of providing direct instructional and support services for an
40 individual classified pupil exceeds \$40,000, for those direct
41 instructional and support services costs in excess of \$40,000 a
42 district shall receive extraordinary special education State aid equal
43 to 90% of the amount of that excess in accordance with the
44 provisions of paragraph (4) of this subsection.

45 (2) In those instances in which a pupil is educated in a separate

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 public school program for students with disabilities and the cost of
2 providing direct instructional and support services for an individual
3 classified pupil exceeds \$40,000, for those direct instructional and
4 support services costs in excess of \$40,000 a district shall receive
5 extraordinary special education State aid equal to 75% of the
6 amount of that excess in accordance with the provisions of
7 paragraph (4) of this subsection.

8 (3) In those instances in which a pupil is educated in a separate
9 private school for students with disabilities and the tuition for an
10 individual classified pupil exceeds \$55,000, for tuition costs in
11 excess of \$55,000 a district shall receive extraordinary special
12 education State aid equal to 75% of the amount of that excess in
13 accordance with the provisions of paragraph (4) of this subsection.

14 (4) Extraordinary special education State aid for an individual
15 classified pupil shall be calculated as follows:

16
$$EA = ((ADC - \$40,000) \times .90) + (((AIC - \$40,000) + (ASC -$$

17
$$\$55,000)) \times .75)$$

18 where

19 ADC equals the district's actual cost for the direct instructional
20 and support services in an in-district public school program as set
21 forth in paragraph (1) of this subsection;

22 AIC equals the district's actual cost for direct instructional and
23 support services in a separate public school program as set forth in
24 paragraph (2) of this subsection; and

25 ASC equals the district's actual cost for tuition paid to a separate
26 private school as set forth in paragraph (3) of this subsection.

27 (5) The receipt of extraordinary special education State aid for
28 an individual classified pupil shall be conditioned upon a
29 demonstration by the district that the pupil's Individualized
30 Education Plan requires the provision of intensive services,
31 pursuant to factors determined by the commissioner.

32 c. In order to receive funding pursuant to this section, a district
33 shall file an application with the department that details the
34 expenses incurred on behalf of the particular classified pupil for
35 which the district is seeking reimbursement. Additional State aid
36 awarded for extraordinary special education costs shall be recorded
37 by the district as revenue in the current school year and paid to the
38 district in the subsequent school year.

39 d. A school district may apply to the commissioner to receive
40 emergency special education aid for any classified pupil who
41 enrolls in the district prior to March of the budget year and who is
42 in a placement with a cost in excess of \$40,000 or \$55,000, as
43 applicable. The commissioner may debit from the student's former
44 district of residence any special education aid which was paid to
45 that district on behalf of the student.

46 e. The department shall review expenditures of federal and
47 State special education aid by a district in every instance in which
48 special education monitoring identifies a failure on the part of the

1 district to provide services consistent with a pupil's Individualized
2 Education Plan.

3 f. The commissioner shall commission an independent study of
4 the special education census funding methodology to determine if
5 adjustments in the special education funding formulas are needed in
6 future years to address the variations in incidence of students with
7 severe disabilities requiring high cost programs and to make
8 recommendations for any such adjustments. The study and
9 recommendations shall be completed by June 30, 2010.

10 g. A school district may apply to the commissioner to receive
11 additional special education categorical aid if the district has an
12 unusually high rate of low-incidence disabilities, such as autism,
13 deaf/blindness, severe cognitive impairment, and medically fragile.
14 In applying for the aid the district shall: demonstrate the impact of
15 the unusually high rate of low-incidence disabilities on the school
16 district budget and the extent to which the costs to the district are
17 not sufficiently addressed through special education aid and
18 extraordinary special education aid; and provide details of all
19 special education expenditures, including details on the use of
20 federal funds to support those expenditures.

21 h. Notwithstanding the provisions of any other law to the
22 contrary, a school district's receipt of extraordinary special
23 education aid shall be equal to a percent of the amount calculated
24 pursuant to paragraph (4) of subsection b. of this section according
25 to the following schedule:

26 (1) 65 percent in the first full school year following the effective
27 date of this act;

28 (2) 80 percent in the second full school year following the
29 effective date of this act; and

30 (3) 100 percent in the third full school year following the
31 effective date of this act and in each school year thereafter.

32 (cf: P.L.2007, c.260, s.13)

33

34 2. This act shall take effect immediately.

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STATEMENT

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39 In the 2019-2020 school year, approximately 58 percent of the
40 total extraordinary special education State aid was provided to
41 school districts based on the funding in the annual appropriations
42 act. The bill phases in the full funding of extraordinary special
43 education State aid over three years according to the following
44 schedule:

45 • 65 percent in the first full school year following the
46 effective date of the bill;

47 • 80 percent in the second full school year following the
48 effective date of the bill; and

- 1
- 2
- 3
- 100 percent in the third full school year following the effective date of the bill and in each school year thereafter.