

## CHAPTER 22

AN ACT establishing a nonpublic school pupil transportation pilot program and supplementing chapter 39 of Title 18A of the New Jersey Statutes.

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

C.18A:39-1d Definitions relative to nonpublic school pupil transportation pilot program.

1. a. As used in this section:

“Consortium” means a group of nonpublic schools which enroll pupils for whom an eligible district is required to provide transportation pursuant to N.J.S.18A:39-1 and which enter into an agreement to form a consortium for the purpose of participating in the pilot program established pursuant to this section.

“Eligible district” means a school district which in the most recent school year prior to the effective date of P.L.2016, c.22 (C.18A:39-1d), supplied transportation to more than 5,000 pupils residing in the school district in going to and from any remote school other than a public school pursuant to the provisions of N.J.S.18A:39-1.

b. The Commissioner of Education shall establish a three-year nonpublic school pupil transportation pilot program. Notwithstanding any section of law to the contrary, under the pilot program, a board of education of an eligible district 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 eligible district pursuant to N.J.S.18A:39-1. The consortium shall assume the responsibilities of the eligible district under N.J.S.18A:39-1 for transporting to and from school the pupils for whom the consortium received an aid in-lieu-of transportation amount under the pilot 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. If after providing the required pupil transportation any of the disbursed funds remain unspent, the consortium, as it deems appropriate, may provide courtesy busing to pupils who are residents of the eligible district and are attending the nonpublic schools of the consortium. The consortium shall refund annually to the school district after the completion of the school year any unexpended funds received pursuant to the pilot program.

c. The commissioner shall designate one eligible district to participate in the pilot program. In order to participate in the pilot program, the eligible district shall:

(1) provide to the commissioner the necessary assurances that the consortium is capable of complying with the consortium’s pupil transportation responsibilities under the pilot program; and

(2) agree as a condition of participation in the pilot program to not provide any courtesy busing to nonpublic school pupils who reside in the eligible district.

d. The State monitor appointed pursuant to section 2 of P.L.2006, c.15 (C.18A:7A-55) shall annually enter into a contract with an independent entity to audit the implementation of the pilot program. The audit for the prior school year shall be submitted to the State monitor no later than December 1 of each year, and the State monitor shall transmit a copy of the audit to the Commissioner of Education. If a State monitor has not been appointed, then the board of education shall be responsible for carrying out the provisions of this subsection.

e. There shall be established an oversight committee to oversee the operations of the consortium in implementing the pilot program. The oversight committee shall consist of five members including: one member appointed by the State monitor if a State monitor has been appointed, or by the board of education if a State monitor has not been appointed; and four

members appointed by the commissioner, one of whom shall represent a nonpublic school which is part of the consortium.

f. Two years following the establishment of the pilot program, the commissioner 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). The report shall contain information on the implementation of the pilot program and shall include the commissioner's recommendation on the advisability of continuing the program and expanding the program Statewide.

g. 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 need not be limited to, the process and schedule for the disbursement of funds by the eligible district to the consortium.

2. This act shall take effect immediately and shall first be applicable to the 2016-2017 school year.

Approved August 9, 2016.