

- SENATE, No. 504
- STATE OF NEW JERSEY
- 215th LEGISLATURE
- PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

- Sponsored by:
- Senator ANTHONY R. BUCCO
- District 25 (Morris and Somerset)
- Senator STEVEN V. OROHO
- District 24 (Morris, Sussex and Warren)
- Co-Sponsored by:
- Senators Singer, Cardinale and Doherty

- **SYNOPSIS**

- The “New Jersey Parental Rights Program Act.”

- **CURRENT VERSION OF TEXT**

- Introduced Pending Technical Review by Legislative Counsel
- **AN ACT** establishing the “New Jersey Parental Rights Program” and supplementing Title 18A of the New Jersey Statutes.

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

- 1. This act shall be known and may be cited as the “New Jersey Parental Rights Program Act.”

- 2. As used in this act:

- “Department” means the Department of Education.

- “Eligible student” means a student eligible to attend grades kindergarten through 12.

- “Participating school” means a public school outside of a student’s resident school district or a nonpublic school that provides education to students in grades kindergarten through 12, or any combination thereof, that has notified the Department of Education of its intention to participate in the program and complies with program requirements.

- “Program” means the New Jersey Parental Rights Program established pursuant to the provisions of section 3 of this act.

- 3. a. The Department of Education shall develop and administer a New Jersey Parental Rights Program. Under the program, an eligible student shall qualify for a scholarship to enroll in a participating school provided that:

- (1) the parent or guardian has applied to a participating school for the admission of the eligible student;

- (2) the participating school has accepted the eligible student for admission. A participating school may accept any student who it feels best qualified to serve; and
- (3) the parent or guardian applies to the department for a scholarship for the eligible student to attend the participating school by the annual deadline established by the department.
- b. Upon receipt of a request for a scholarship, the department shall inform the resident school district that the parent or guardian of an eligible student has requested a scholarship. The department shall determine the amount of the scholarship, which shall equal the lesser of the participating school's annual tuition or the amount the resident school district would have received for the eligible student from federal, State, and local funding sources.
- The department shall provide the student's parent or guardian with a timely written explanation of its determination of the scholarship amount. The scholarship is the entitlement of the student under the supervision of the student's parent or guardian. A participating school shall not refund, rebate, or share a student's scholarship with the student's parent or guardian in any manner. A student's scholarship shall only be used for educational purposes.
- c. The resident school district shall pay the amount of the scholarship established by the department pursuant to subsection b. of this section directly to the participating school for each eligible student who is receiving a scholarship pursuant to the provisions of this act on October 16 of the budget year.
- A scholarship student shall be counted in the resident enrollment of the resident school district for the purposes of calculating all State aid.
- d. The department shall determine the amount of savings generated for the resident district from the scholarship program. Any savings generated from the scholarship program shall be returned to the taxpayers of the district in an amount equal to the total savings multiplied by the school tax levy as a percentage of the total district revenue.
- e. A student shall remain eligible for a scholarship until the student returns to his resident school district, graduates from high school, or reaches the age of 21, whichever occurs first.
- f. The parent or guardian of an eligible student may remove the student from the participating school and place the student in the resident school district at any time, or may apply to place the student in another participating school at any time. In the event that a parent or guardian transfers the student to another participating school, the scholarship amount shall be prorated between the participating schools

according to the period of attendance at each school.

- 4. a. A resident school district shall annually notify the parents or guardians of students enrolled in the district of the scholarship program. In the event that a participating school admits an eligible student, the resident school district shall provide the participating school with a copy of the student's records in accordance with section 1 of P.L.1986, c.160 (C.18A:36-19a).
- b. The resident school district shall provide transportation for an eligible student to and from the participating school in accordance with the provisions of N.J.S.18A:39-1.
- 5. a. To be eligible to participate in the program, a nonpublic school shall be located in the State, and the chief school administrator of the nonpublic school shall demonstrate to the department that the nonpublic school:
 - (1) complies with all applicable health and safety codes;
 - (2) does not discriminate in admissions on the basis of race, color, national origin, or religion; and,
 - (3) requires criminal background checks on school employees who have direct contact with students in accordance with the provisions of section 1 of P.L.1986, c.116 (C.18A:6-7.1).
- b. To be eligible to participate in the program, the nonpublic school shall also demonstrate its financial accountability as follows:
 - (1) the nonpublic school shall provide the department with a financial information report completed by a certified public accountant that complies with the standards adopted by the State Board of Education pursuant to section 9 of this act. The scope of the report shall be limited to those records that the department determines to be necessary to make scholarship payments to the school; and,
 - (2) the certified public accountant certifies that the report is free of material misstatements.
- c. In the event that the nonpublic school receives \$50,000 or more in scholarship funds during the school year, the nonpublic school shall demonstrate its financial viability by:
 - (1) filing with the department, prior to the beginning of the school year, a surety bond payable to the State in an amount equal to the aggregate amount of scholarship funds expected to be paid during the school year to the parents or guardians of eligible students enrolled in the participating nonpublic school under the program; or,
 - (2) filing with the department, prior to the beginning of the school year, financial information that demonstrates the school has the ability to pay an aggregate amount

equal to the amount of the scholarships expected to be paid during the school year to the parents or guardians of eligible students enrolled in the participating nonpublic school under the program.

- d. Except as otherwise provided pursuant to the provisions of this act, the department may not regulate the educational programs of a participating nonpublic school. The establishment of the program and the participation of nonpublic schools in the program shall not be construed to impose additional regulatory requirements on nonpublic schools beyond those reasonably necessary to enforce the provisions of this act. A participating nonpublic school shall be provided with maximum flexibility in providing for the educational needs of participating students.
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- 6. In order to ensure academic accountability, a participating school shall report on a regular basis to the parent or guardian of an eligible student on the student's academic progress.
- 7. a. The department may contract with one or more qualified researchers who have experience in evaluating school choice programs to conduct a study of the program. The department may accept grants to assist in the funding of the study. The study shall assess:
 - (1) the level of participation in the program;
 - (2) the level of student and parental satisfaction with the program;
 - (3) the class size experienced by eligible students while enrolled in the resident school district compared to class size while enrolled in a participating school; and
 - (4) the fiscal impact of the program on the State, resident school districts, and participating schools.
- Each participating school shall cooperate with the study by providing data necessary to complete the study.
- b. The department shall forward the study to the Governor, and to the Legislature pursuant to section 2 of P.L. 1991, c.164 (C.52:14-19.1).
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- 8. The department may bar a school from participating in the program if the department determines that the school has failed to meet the eligibility requirements, or has not met its educational responsibilities to eligible students or their parents or guardians. In the event that the department determines that a school is no longer permitted to participate in the program, it shall immediately notify the parents or guardians of the eligible students enrolled in the school.
- 9. The State Board of Education shall adopt in accordance with the

“Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of the provisions of this act including, but not limited to:

- a. the eligibility and participation of nonpublic schools, including timelines that maximize the participation of students and public and nonpublic schools;
- b. the calculation and distribution of scholarships to eligible students; and
- c. the application and approval procedures for participating schools and for scholarships for eligible students.
- The State board shall, at a minimum, hold at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any regulations proposed by the State board to be adopted pursuant to this act in order to receive input from members of the educational community and from parents and guardians of eligible students.
- 10. This act shall take effect immediately and shall first apply to the 2011-2012 school year.

STATEMENT

- This bill directs the New Jersey Department of Education to establish the New Jersey Parental Rights Program. Under the program, a student eligible to attend grades kindergarten through 12 will qualify for a scholarship to enroll in a participating school provided that: (1) the parent or guardian has applied to a participating school for the admission of the eligible student; (2) the participating school has accepted the eligible student for admission; and (3) the parent or guardian applies to the department for a scholarship for the eligible student to attend the participating school by the annual deadline established by the department.
- Upon receipt of a request for a scholarship, the department will inform the resident school district of the request and determine the amount of the scholarship, which will be equal to the lesser of the participating school’s annual tuition or the amount the resident school district would have received for the eligible student from federal, State, and local funding sources.
- The bill provides that the resident school district will pay the amount of the scholarship directly to the participating school for each eligible student who receives a scholarship. A scholarship student will be counted in the resident enrollment of his resident school district. A student will remain eligible for the scholarship until he returns to his resident district, graduates from high school, or reaches the age of 21, whichever occurs first.
- Under the bill, the department will determine the amount of savings generated for

a resident school district from the scholarship program. Any savings generated from the scholarship program will be returned to the taxpayers of the district in an amount that reflects the percentage of the school district's budget that is supported by local tax levy.

- The bill establishes criteria for the participation of nonpublic schools in the program. To be eligible to participate, the nonpublic school must demonstrate to the department that the school (1) complies with all applicable health and safety codes; (2) does not discriminate in admissions on the basis of race, color, national origin, or religion; and (3) requires criminal background checks on school employees who have direct contact with students.
 - A nonpublic school must also provide the department with certain financial information. The school must provide a financial information report completed by a certified public accountant that complies with standards adopted by the State Board of Education. In addition, a nonpublic school that receives \$50,000 or more in scholarship funds during the school year must demonstrate its capacity to refund any scholarship overpayments either through the filing of a surety bond or by providing specific financial information that demonstrates that capacity.
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