

6:20-5.3 Method of determining the district of residence

(a) The district of residence for school funding purposes shall be determined according to the following criteria:

1. The "present district of residence" of a child in a residential State facility defined in N.J.S.A. 18A:7D-3 and referred to in paragraph one of N.J.S.A. 18A:7B-12(b) shall mean the New Jersey district of residence of the child's parent(s) or guardian(s) as of the last school day prior to October 16.

2. The "present district of residence" of a child placed by a State agency in a group home, private school or out-of-State facility also referred to in paragraph one of N.J.S.A. 18A:7B-12(b) shall mean the New Jersey district of residence of the child's parent(s) or guardian(s) as of the date of the child's initial placement by the State agency. In subsequent school years spent in the educational placement made by a State agency, the child's "present district of residence" shall be determined in the same manner as for a child in a residential State facility as set forth in (a)1.

3. The "district of residence" referred to in paragraph two of N.J.S.A. 18A:7B-12(b) shall mean the New Jersey district of residence in which the child resided with his or her legal guardian immediately prior to his or her initial admission to a State facility or placement by a State agency.

(b) The commissioner shall determine the "present district of residence" or "district of residence" referred to in N.J.S.A. 18A:7B-12(b) based upon the address submitted by the Department of Corrections or the Department of Human Services on forms prepared by the Department of Education.

(c) The commissioner shall notify district boards of education of the determination of the district of residence.

(d) A district board of education contesting the commissioner's determination of district of residence shall submit a written notification that a dispute exists to the Assistant Commissioner, Division of Finance, within 30 days of the receipt of a final notice that a child was determined to be a resident of the district for purposes of State funding. As part of this written notice, the following information shall be submitted:

1. A written statement detailing the effort of the district board of education to verify the determination of the commissioner;

2. Written rationale for rejecting the determination of the commissioner;

3. Any additional information the district board of education has obtained which might enable redetermination of the district of residence.

(e) The Division of Finance shall attempt to resolve the dispute administratively and shall notify the district whether a redetermination of district of residence will be made within 90 days of the receipt of the written notification that a dispute exists.

(f) A district board of education may initiate a formal proceeding before the commissioner to resolve such a dispute if the Division of Finance is unable to resolve a dispute within the 90 day time limit, by filing a Petition of Appeal with the commissioner pursuant to the provisions of N.J.A.C. 6:24-1.1 et seq.

(g) As prescribed by N.J.S.A. 18A:7B-12, the "district of residence" for a homeless child whose parent(s) or guardian(s) temporarily moves from one school district to another shall be the district in which the parent(s) or guardian(s) last resided prior to becoming homeless. This district shall be designated as the district of residence for as long as the parent(s) or guardian(s) remains homeless.

As amended, R.1980 d.425, eff. October 2, 1980.
See: 12 N.J.R. 504(c), 12 N.J.R. 638(a).

Repeal emergency State building aid.
New Rule, R.1985 d.208, effective May 6, 1985.
See: 17 N.J.R. 344(a), 17 N.J.R. 1076(a).
Amended by R.1990 d.393, effective August 6, 1990.
See: 22 N.J.R. 1246(a), 22 N.J.R. 2345(a).

New (g) added defining "district of residence" for a homeless child pursuant to P.L.1989, c.290.

Amended by R.1991 d.459, effective September 3, 1991.
See: 23 N.J.R. 1733(a), 23 N.J.R. 2634(a).

Determination date of district of residence changed.

6:20-5.4 Address submission for determining the district of residence

(a) The address submitted to the Department of Education for determining the district of residence for school funding purposes for a child described below shall be the address defined below:

1. If the State has custody of the child or if a court or the State has appointed a third party as the custodian of the child, the present address of the parent(s) or guardian(s) with whom the child resided immediately prior to his or her initial admission to a State facility or placement by a State agency shall be submitted.

2. If the child's parents are divorced with joint guardianship, the present address of the individual parent with whom the child resided as of the date required by N.J.A.C. 6:20-5.3(a)1 or 2 shall be submitted.

3. If the child never resided with his or her parent(s) or guardian(s), the address of the facility, group home, or private school shall be submitted.

4. If the child's sole parent or legal guardian resides in a State facility, the address of the State facility wherein the parent or guardian resides shall be submitted.

R.1979 d.479, eff. December 7, 1979.

See: 12 N.J.R. 6(b).

R.1984 d.546, eff. December 17, 1984.

See: 16 N.J.R. 2392(a), 16 N.J.R. 3429(a).

Recodified to 6:20-5.2.

New Rule, R.1985 d.208, effective May 6, 1985.
See: 17 N.J.R. 344(a), 17 N.J.R. 1076(a).

6:20-5.5 Public school asbestos removal and encapsulation State aid

(a) A district board of education applying for reimbursement under the provisions of the "State School Aid Act for Asbestos" for a currently planned asbestos removal or encapsulation project shall certify that funds have been budgeted for the project and that such funds are included in the school district budget statement for the school year in which the asbestos removal or encapsulation project is planned.

(b) A district board of education shall only be reimbursed under the provisions of the "State School Aid Act for Asbestos" for expenditures actually incurred. State aid reimbursements for projects currently planned, undertaken and substantially completed shall be adjusted once actual expenditures and the State aid received under any other law based upon the actual expenditures are known. Adjustments shall only be made to the extent State aid funds are available.

(c) A district board of education shall not be reimbursed for an asbestos removal or encapsulation project under both the "State School Aid Act for Asbestos" and the Federal "Asbestos School Hazard Abatement Program" for more than the actual expenditures less any State aid received under any other law.

(d) A district board of education which recovers funds expended for asbestos removal or encapsulation through a legal action shall have its State aid reimbursement adjusted for any such funds recovered.

(e) A district board of education shall maintain separate accounting records which identify all expenditures for which reimbursement is approved.

(f) A district board of education receiving a State aid reimbursement under the provisions of the "State School Aid Act for Asbestos" shall submit reports as required concerning work progress, expenditures or any other factors which the commissioner shall deem necessary.

(g) A district board of education shall comply with all requirements established by the Bureau of Facility Planning Services (N.J.A.C. 6:22), Department of Community Affairs (N.J.A.C. 5:23-8) and the Department of Health (N.J.A.C. 8:60) concerning asbestos removal or encapsulation. State aid funds may be withheld for noncompliance.

(h) A district board of education receiving such a State aid reimbursement shall maintain any funds which are not necessary for debt service purposes in the budget year in which such funds are received as a special appropriation balance. All or any part of the special appropriation balance which is needed for debt service purposes in the subsequent budget years immediately succeeding the budget year in which such funds are received, shall be appropriated to reduce the amount raised by local taxes for debt service purposes.

(i) A district board of education receiving a State aid entitlement for asbestos removal or encapsulation projects currently planned, undertaken and substantially completed, shall complete all work on the asbestos removal or encapsulation project within two-years from the date the entitlement is approved. State aid funds shall not be paid when there is noncompliance with this section.

New Rule, R.1985 d.340, effective July 1, 1985.

See: 17 N.J.R. 863(a), 17 N.J.R. 1648(a).

Amended by R.1986 d.204, effective June 2, 1986.

See: 18 N.J.R. 392(b), 18 N.J.R. 1198(a).

Old (b)-(d) deleted; old (e)-(j) recodified to (b)-(g); new (h) added.

Amended by R.1990 d.393, effective August 6, 1990.

See: 22 N.J.R. 1246(a), 22 N.J.R. 2345(a).

New (i) added establishing two year limit on completion of projects.

6:20-5.6 Teaching staff member minimum salary State aid

(a) A district board of education shall adopt a salary schedule(s) for full-time teaching staff members which provides that no step on the salary schedule(s) is lower than \$18,500 regardless of funding source.

(b) For the purposes of the Teacher Quality Employment Act, full-time employment shall mean the number of hours in a day and the number of days in a week the district board of education prescribes for a teaching staff member to receive the full salary designated for their step on the district board of education's salary schedule.

(c) The base salary for State aid shall be determined as follows:

1. For a teaching staff member returning from an unpaid sabbatical, sick leave, maternity leave or other unpaid leave of absence, the base salary shall be determined in the same manner as the base salary for a newly employed teaching staff member.

2. For a teaching staff member newly employed after the 1984-85 school year with a prescribed salary based upon different steps of the salary schedule(s), the base salary shall be determined as if the teaching staff member was newly employed in the 1984-85 school year.

3. For all other teaching staff members, the base salary shall be determined pursuant to N.J.S.A. 18A:29-5.6.

(d) State aid for a teaching staff member who was hired or who left employment during the school year, shall be the proportionate amount determined by dividing the actual salary paid to the teaching staff member in such school year by the salary prescribed for the teaching staff member had the teaching staff member been employed for the entire year.

(e) Every district board of education shall submit to the Division of Finance the salary schedule(s) prescribed for all teaching staff members for each school year.

(f) A district board of education shall not transfer out of any line item account or program category any funds replaced by State aid received pursuant to the Teacher Quality Employment Act.

(g) For the purpose of (f) above, a district board of education shall determine the amount of funds replaced by State aid as follows:

1. For each newly employed teaching staff member, determine the base salary;
2. For each newly employed teaching staff member, determine the amount of State aid which is anticipated on the budget form submitted pursuant to N.J.S.A. 18A:7D-27 for the position in which the newly employed teaching staff member is employed;
3. Subtract the amount obtained in (g)1 and 2 above from \$18,500. In the event the amount thus obtained is negative, the amount of funds replaced by State aid shall be zero.

(h) Any part of the funds replaced by State aid as determined in (g) above which remains unexpended at the completion of any school year, shall be held as a special balance appropriated which shall only be used in subsequent school years for the payment of full-time teaching staff member salaries for duties which are part of the teaching staff members' regular contractual responsibilities.

(i) The audited expenditures for the purposes of determining the "actual cost per pupil" in accordance with N.J.A.C. 6:20-3.1 shall be reduced by the amount of State aid received pursuant to the Teacher Quality Employment Act.

New Rule R.1986 d.205, effective June 2, 1986.
 See: 18 N.J.R. 393(a), 18 N.J.R. 1199(a).
 Amended by R.1990 d.393, effective August 6, 1990.
 See: 22 N.J.R. 1246(a), 22 N.J.R. 2345(a).
 Deleted reference to 1984-85 and 1985-86 school years and renumbered subsections and subparts.
 Amended by R.1991 d.459, effective September 3, 1991.
 See: 23 N.J.R. 1733(a), 23 N.J.R. 2634(a).
 Citations corrected.

Case Notes

No restoration to school budget of council's line item reductions where record failed to demonstrate that restoration is necessary to meet educational mandate. Glassboro Board of Education v. Mayor and Council of Glassboro, 96 N.J.A.R.2d (EDU) 490.

Cap waiver defeated by voters was partially granted as necessary for thorough and efficient system of education. In the Matter of the Cap Waiver Appeal of Teaneck Township, 96 N.J.A.R.2d (EDU) 376.

Reduction in school district's funds made after voter rejection of tax levy partially restored as necessary for thorough and efficient system of education. Roselle Borough Bd. of Ed. v. Roselle Borough Mayor and Council, 96 N.J.A.R.2d (EDU) 357.

Funds for necessary services reduced from budget ordered appropriated from school district's surplus funds. Board of Education of Red Bank Borough v. Mayor and Council of Red Bank Borough, 96 N.J.A.R.2d (EDU) 353.

Restoring energy expense levels to reduce proposed school budget necessary for district to meet statutory mandate. Edison Township Board of Education v. Edison Township Council, 96 N.J.A.R.2d (EDU) 307.

State Board of Education determined that additional monies were not essential to provision of thorough and efficient system of education. In the Matter of the Cap Waiver Appeal of the Board of Education of the Township of Middletown, Monmouth County, 96 N.J.A.R.2d (EDU) 259.

City's line item reductions in defeated cap waiver proposal restored to enable school district to meet statutory mandate. In the Matter of the Cap Waiver Appeal of Palisades Park Borough, 96 N.J.A.R.2d (EDU) 253.

Salaries for vacant and contracted teaching positions from rejected general fund tax levy restored when necessary for school district to provide thorough and efficient education. Lakeland Regional School District Bd. of Ed. v. Ringwood Borough City Council, 96 N.J.A.R.2d (EDU) 101.

Monies cut from school board general tax fund levy for newly vacant teaching positions and for increased special education needs restored when necessary to provide thorough and efficient system of education. Board of Education of the City of Long Branch v. Mayor of the City of Long Branch, 96 N.J.A.R.2d (EDU) 95.

No restoration to school budget when proposed increases to computer services and general instruction supplies not supported by documentation of expense history. Morris Hills Regional Board of Education v. Denville Township Mayor and Council, 96 N.J.A.R.2d (EDU) 68.

School budget restored after defeat by voters to level allowing school board to meet contract obligations regarding salaries and to provide thorough and efficient education. Florence Township Board of Education v. Township Council of the Township of Florence, 96 N.J.A.R.2d (EDU) 56.

School board entitled to restoration of budget cuts and approval of cap waivers for salaries and educational supplies necessary to provide thorough and efficient system of education. Ocean Township Board of Education v. Ocean Township Mayor and Committee, 96 N.J.A.R.2d (EDU) 39.

6:20-5.7 Nonpublic school asbestos removal and encapsulation State aid

(a) For the purpose of the State aid program for asbestos removal and encapsulation for nonpublic schools, the following words and terms shall have the following meanings, unless the context indicates otherwise:

"Completed project" means a project on which all of the work has been finished and for which all of the cost of the project has been incurred.

"Currently planned project" means a project for which no funds have been expended and no work has been undertaken.

"Nonpublic school" means an elementary or secondary school within the State other than a public school, offering education for grades kindergarten through 12, or any combination thereof, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964. Nonpublic school shall not mean a nursery school or child care center.

"Project undertaken" means a project on which work was begun which is not substantially completed.

"Substantially completed project" means a project on which work has begun and for which more than 50 percent of the work is completed.

(b) A State aid entitlement for asbestos removal and encapsulation projects under this aid program shall equal 75 percent of the cost of the removal and encapsulation work as shown on the application submitted by the nonpublic school and is subject to the availability of funds.

(c) A nonpublic school shall be reimbursed under the State aid program only for asbestos removal and encapsulation projects in buildings operated for direct education and educational support purposes. No reimbursement shall be made for the repair of roofs, the repair of exterior walls, the repair of windows and window frames and for work in buildings rented by a nonpublic school.

(d) Reimbursement shall only be made to a nonpublic school upon a finding by an accredited assessor recognized by the Department of Health that a current or potential hazard exists or existed, and upon receipt of an application and approval by the State Board of Education.

(e) Reimbursements to nonpublic schools for asbestos removal and encapsulation projects will be made in the order in which applications are received by the Commissioner, of the Department of Education. Applications of nonpublic schools currently planning or undertaking asbestos removal or encapsulation shall be granted priority over applications of nonpublic schools that have completed or substantially completed projects.

(f) A nonpublic school shall only be reimbursed for asbestos removal or encapsulation for 75 percent of the expenditures actually incurred. State aid payments for projects currently planned, undertaken, and substantially completed shall be adjusted when actual expenditures are known. Adjustments to payments in excess of the State aid entitlement shall be made only to the extent State aid funds are available.

(g) A nonpublic school shall not be reimbursed for more than the actual expenditures for an asbestos removal or encapsulation project under both the State program and the Federal Asbestos School Hazard Abatement Program.

(h) A nonpublic school which recovers funds expended for asbestos removal or encapsulation through a legal action shall have its State aid reimbursement adjusted for any such funds recovered.

(i) A nonpublic school shall maintain accounting records which identify all expenditures for which reimbursement is approved.

(j) A nonpublic school receiving a State aid reimbursement shall submit reports as required concerning work progress, expenditures or any other factors which the Commissioner shall deem necessary.

(k) A nonpublic school shall comply with all applicable Federal and State statutes and regulations concerning asbestos removal or encapsulation. State aid funds may be withheld for noncompliance.

(l) A nonpublic school receiving State aid reimbursement for asbestos removal and encapsulation which is a private school for the handicapped, referred to in N.J.S.A. 18A:46-21, shall have its allowable costs for the purpose of determining the "actual cost per pupil" in accordance with N.J.A.C. 6:20-4 reduced by the amount of reimbursement received under this or any other State aid program.

(m) A nonpublic school receiving a State aid entitlement for asbestos removal or encapsulation projects currently planned, undertaken and substantially completed shall complete all work on the asbestos removal or encapsulation project within two years from the date the entitlement is approved. State aid funds shall not be paid when there is noncompliance with this section.

New Rule, R.1989 d.93, effective March 6, 1989.

See: 20 N.J.R. 2505(a), 21 N.J.R. 635(b).

Amended by R.1990 d.393, effective August 6, 1990.

See: 22 N.J.R. 1246(a), 22 N.J.R. 2345(a).

Deleted references to activities prior to July 1, 1987 and added new (m) establishing two-year completion limit.

6:20-5.8 (Reserved)

New Rule, R.1991 d.590, effective December 16, 1991.

See: 23 N.J.R. 2818(a), 23 N.J.R. 3746(a).

Repealed by R.1997 d.372, effective September 2, 1997.

See: 29 N.J.R. 2591(a), 29 N.J.R. 3806(a).

Section was "Excess surplus calculation".

SUBCHAPTER 6. PURCHASE AND LOAN OF TEXTBOOKS

6:20-6.1 Eligibility

(a) N.J.S.A. 18A:58-37.1 et seq. requires all district boards of education in which a nonpublic school is located, to purchase and to loan, without charge, upon individual requests, textbooks to pupils in the nonpublic school or schools located within the district when such pupils are residents of the State.