

# Legislation Enacted Jan – Oct 2009 Impacting Schools

## *Athletics*

**P.L.2009, c. 109** (A-930)

**Sponsor:**

**Synopsis:**

**Date Signed:**

**Effective Date:**

**Impact on Schools:**

- Directs the New Jersey State Interscholastic Athletic Association (NJSIAA) to actively develop competitive sports programs for youths with disabilities.
- Seeks to foster partnerships among different school districts that are large enough to field teams of students who can play "adapted sports" – competitions that are based on mainstream sports but

modified to meet the needs of those with cognitive or physical disabilities.

- Also directs the NJSIAA to work with the American Association of Adapted Sports Programs (AAASP) to establish interscholastic athletic programs for student athletes with physical disabilities or visual impairments or support the efforts of participating school districts that implement adapted athletics programs.

**Subject Areas:** Athletics

## *Consolidation & Regionalization*

**P.L.2009, c. 78** (A-4141)

**Sponsor:** Burzichelli (D-3)

**Synopsis:** Clarifies the procedure for the elimination of non-operating school districts.

**Date Signed:** 6/30/2009

**Effective Date:** 6/30/2009

**Impact on Schools:**

- Amends N.J.S.A. 18A:7-8 to require Executive County Superintendents to merge non-operating districts with the district with which they participate in a sending-receiving relationship, except in certain circumstances. The law prior to the enactment merely conferred the authority to do so.
- Creates an exception for a non-operating district that has a sending-receiving relationship with more than one district or the sending-receiving relationship is with a District In Need of Improvement. Under these circumstances, the executive county superintendent will decide which district the non-operating district will be merged with based on the district that can accommodate the merger with the "least disruption to its finances and educational operations."
- The legislation also establishes "merger rules" to apply to board composition when non-operating districts are merged with Type I, II or regional school districts.
  - o For non-operating districts merged with Type I districts, which

have mayoral appointed school boards, the board will have the same number of members as the board of the district with which the non-operating district was merged plus one additional member appointed by the mayor or chief executive officer.

o For non-operating district merged with Type II districts with elected school boards, the board will initially consist of members of the board of the district with which the non-operating district was merged, plus one member appointed from the former board of the non-operating school district for the first year after the merger. Then, any vacant positions on the board will be filled by members elected at-large by the voters in the new district.

- Defines the appropriations process in year one and beyond, with districts being required to apportion costs as regional school districts do after year one unless the Commissioner of Education approves a five-year phase in. State aid would be calculated as if the former non-operating

district and the district with which it was merged continue as two separate school districts.

- Provides a process to handle the apportionment of interest payments and redemption on bonds among the constituent districts by conferring the Commissioner with authority to determine the manner “to be the least fiscally disruptive.” The Commissioner may also allow a five-year phase here as well.

- Establishes rules as to the transportation of non-public school pupils residing in the merged municipality, and the transfer of property, liquid capital and other assets of the non-operating district to the municipal governing body of the non-operating district. Additionally the bill specifies that the emerging district would be governed by the provisions of law applicable to regional school districts.

**Subject Areas:** Consolidation & Regionalization  
School Funding & Budgets

## ***Curriculum & Instruction***

**P.L.2009, c. 51** (S-2707)

**Sponsor:** Turner (D-15)

**Synopsis:** Establishes a pilot program in DOE to address the State's shortage of mathematics and science teachers.

**Date Signed:** 5/4/2009

**Effective Date:** 7/4/2009

**Sunset Date:** 1/1/2011 (18 months after the effective date)

### **Impact on Schools:**

- Establishes an 18-month pilot program in the Department of Education to recruit and issue teaching certificates to individuals with mathematics or science skills and work-related backgrounds.
- The effort will target individuals who hold a bachelor's degree in math or the sciences, can pass the state subject matter knowledge test and meet other requirements as to be determined by the Commissioner of Education.

- Under the new law, the State Board of Examiners would be required to issue a certificate of eligibility to an individual who holds a bachelor's degree from a regionally-accredited college or university, passes the appropriate State test of subject matter knowledge, and meets other criteria set forth by the Commissioner of Education.

- The new law stems from President Barack Obama's efforts through the federal stimulus program to bolster the nation's math and science teaching corps.

**Subject Areas:** Curriculum & Instruction

## ***Pensions & Benefits***

**P.L.2009, c.112** (A-2539)

**Sponsor:** Rodriguez (D-33)

**Synopsis:** Requires installment payments for maternity services covered by certain health benefits plans.

**Date Signed:** 8/12/2009

**Effective Date:** 9/1/2010

### **Impact on Schools:**

- Requires health benefit plans that include maternity services, to reimburse obstetrical providers over the course of a woman's pregnancy, rather than after the birth of the child.

- o Covered payments will occur on an on-going basis and include office visits, other pre-natal care, as well as the delivery of the baby.

- o Defines "obstetrical provider licensed in New Jersey" to mean: 1) an obstetrician/gynecologist licensed by the State Board of Medical Examiners; or 2) a midwife licensed by the State Board of Medical Examiners as a certified midwife or a certified nurse midwife.

- Health benefits plans affected by the bill include: contracts, policies or plans issued by health, hospital, and medical service corporations, commercial individual and group health insurers, and health maintenance organizations; and those plans issued or provided pursuant to the New Jersey Individual Health Coverage

and Small Employer Health Benefits Programs, the State Health Benefits Program, and the School Employees' Health Benefits Program.

**Subject Areas:** Pension & Benefits

**P.L.2009, c. 23** (A-770)

**Sponsor:** Connors (D-7)

**Synopsis:** Extends payment of accidental death benefit in PFRS, SPRS, PERS and TPAF to survivors of certain members of reserve component of Armed Forces and National Guard.

**Date Signed:** 3/18/2009

**Effective Date:** Retroactive to 6/1/2008

### **Impact on Schools:**

- Provides the same benefits to the survivors of an active member of the Public Employees' Retirement System (PERS), or the Teachers' Pension and Annuity Fund (TPAF), who dies as a result of service in either the reserve component of the Armed Forces of the United States or the National Guard while on federal

active duty, as are currently provided to an active member of the respective retirement system, who dies as a result of an accident sustained in the actual performance of duty.

**Subject Areas:** Pension & Benefits

**P.L.2009, c. 115** (A-2238)

**Sponsor:** Roberts (D5)

**Synopsis:** Requires health benefits coverage for certain therapies for the treatment of autism and other developmental disabilities.

**Date Signed:** 8/13/2009

**Effective Date:** 2/9/2010

**Impact on Schools:**

- Requires New Jersey health insurers to provide diagnostic coverage for screening for autism and other developmental disabilities. The measure also includes therapeutic services, including any medically-necessary occupational, physical and speech therapy.
- Insurance companies would be required to provide up to \$36,000 per year for

medically-necessary behavioral early intervention for all patients with autism, and with other developmental disabilities, who are under 21 years of age. This rate will increase in later years based on the consumer price index.

**Subject Areas:** Pension & Benefits

**P.L.2009, c. 22** (S-15)

**Sponsor:** Buono (D-18)

**Synopsis:** Amends the Fiscal Year 2009 appropriation act to implement certain components of the Executive's plan to offset shortfalls in State revenues.

**Date Signed:** 3/17/2009

**Effective Date:** 3/17/2009

**Impact on Schools:**

- Companion legislation to P.L.2009, c.19 (S-21 (see below))
- Permits the Commissioner of Education to withhold state aid payments to a school district in the amount of the deferred Public Employees' Retirement System (PERS) payment for that district.

**Subject Areas:** Pension & Benefits

**P.L.2009, c. 19** (S-21)

**Sponsor:** Codey (D-27)

**Synopsis:** Adjusts required local employer contributions to PERS and PFRS for State fiscal year 2009.

**Date Signed:** 3/17/2009

**Effective Date:** 3/17/2009

**Impact on Schools:**

- Permits school districts to delay half their payments to the Public Employees' Retirement System (PERS); instead paying it back over the next 15 years on top of additional payments.
- Further eliminates these payments from the calculation of the tax levy cap for schools
- Schools have the option of making their full payment in this fiscal year (2009) or deferring up to half of that obligation.

**Subject Areas:** Pension & Benefits

**P.L.2009, c. 7** (S-1605)

**Sponsor:** Codey (D-27)

**Synopsis:** Permits board of trustees of school district pension fund in counties of the first class to invest 10% of funds in capital stocks or other securities issued by companies of foreign countries.

**Date Signed:** 1/27/2009

**Effective Date:** 1/27/2009

**Impact on Schools:**

- Amends N.J.S.A. 18A:66-109 to allow the board of trustees of a school district pension fund in counties of the first class, of which Essex County is the only such entity in existence, to invest up to 10 percent of its funds in capital stocks or other securities issued by companies of foreign governments.
- May not invest in the Sudanese or Iranian governments

**Subject Areas:** Pension & Benefits

**P.L.2009, c. 113** (S-2231)

**Sponsor:** Weinberg (D-37)

**Synopsis:** Includes nurse midwives among medical professionals authorized to certify medical condition of individuals under "Temporary Disability Benefits Law" and "Work First New Jersey Act."

**Date Signed:** 8/12/2009

**Effective Date:** 8/12/2009

**Impact on Schools:**

- Permits a nurse midwife to certify the disability of an individual for temporary disability payments under the "Temporary Disability Benefits Law," N.J.S.A. 43:21-25 et al..
- Amends the "Work First New Jersey Act" (WFNJ), N.J.S.A. 44:10-55 et seq., to include nurse midwives within the list of individuals who can certify that an individual should be deferred from work activity requirements because they are unable to engage in a gainful occupation for a period of less than 12 months.

**Subject Areas:** Pension & Benefits

## ***School Funding & Budgets***

**P.L.2009, c. 62** (S-2828)

**Sponsor:** Codey (D-27)

**Synopsis:** Authorizes borrowing by public school districts between June 8 and June 30 of the school budget year in certain circumstances

**Date Signed:** 5/29/2009

**Effective Date:** 5/29/2009

**Impact on Schools:**

- Amends current law to allow public school districts to borrow between June 8th and June 30th if necessary to cover the amount of delayed June State school aid payments.
- The legislation was enacted in response to the Governor's announced intention to close the FY2008-9 budget gap by, among other items, delaying the June 8, 2009 State aid payment to school districts until July 1st, the next school budget year.

- Requires the State pay on behalf of the district any approved interest and other approved costs of the borrowing.

**Subject Areas:** School Funding & Budgets

**P.L.2009, c. 80** (S-1175)

**Sponsor:** Rice (D-28)

**Synopsis:** Requires certain districts to develop a program of after school activities and provides for voter approval of additional local funding.

**Date Signed:** 7/2/2009

**Effective Date:** 7/2/2009

**Impact on Schools:**

- Requires K-12 school districts in factor groups A or B located in municipalities with populations of 60,000 persons with a concentration of at- risk pupils greater than 40% to develop an after school activity plan in conjunction with their municipal governments.
- The plan must be developed in conjunction with the local governing body

of the municipality in which the district is located.

- The plan must include: the goals and objectives of the program; the description of the recreational, academic and civic enrichment activities; the qualifications of the employees; the schedule; the eligibility requirements; and the overall cost.
- The law also requires public input be considered in developing plans for such programs. A plan can only be established upon voter approval of the program and its costs.
- The legislation was conditionally vetoed by the Governor back on May 4th based upon the concern that better criteria should be used to delineate which districts to which the bill would apply to “avoid potential confusion.” The Governor recommended modifying the bill to reach more districts where students are at-risk. The bill was then amended based upon the Governor’s recommendation and was enacted in its present form.

**Subject Areas:** Student Activities  
School Funding & Budgets

## ***Student Health***

**P.L.2009, c. 131** (A-267)

**Sponsor:** Vandervalk (R39)

**Synopsis:** Authorizes parent or guardian to request use of individualized health care plan for student with diabetes and provides for the emergency administration of glucagon for certain students.

**Date Signed:** 10/1/2009

**Effective Date:** 10/1/2009

**Impact on Schools:**

- **IHP / IEHP:** Codifies current practices in New Jersey schools.
  - o Upon receiving written authorization from a diabetic student’s parents, the school nurse must annually develop an individualized health care plan (IHP) and an individualized emergency health care plan (IEHP).
  - o The IHP must address the treatment, communications and

training of staff members needed to care for the student at school, at after-school activities and on field trips. It must include specific information about the student's particular form of hypoglycemia, recommended treatment, the frequency of blood glucose testing, written orders from the student's physician or another medical professional for the dosage and administration of insulin if necessary, times for meals and snacks, any restrictions on the student's participation in sports and exercise, and accommodations for class trips.

• **Emergency Administration of Glucagon:**

Includes provisions concerning the emergency administration of glucagon by medical and non-medical staff.

o The school nurse is primarily responsible for glucagon administration to a student with diabetes experiencing severe hypoglycemia and has the responsibility of training any other school personnel who volunteer to administer glucagon in an emergency.

o In a nurse's absence, however, non-medical staff members (teachers, custodians, administrators, coaches, etc.) are authorized to administer the medication by syringe.

o Annually, parents must provide written authorization for the emergency administration of glucagon.

• **Self Administration by Student:** Allows a student to test their blood and self-administer "as needed in the classroom, in any area of the school or school grounds, or at any school-related activity" if the student is deemed capable of self-administration.

o Parents must provide a written request for the student to self-administer while at school. Medical verification of the illness and the student's ability to self-administer must also be provided by the child's physician.

• **Immunity from Liability:** Frees all volunteer staff members from liability unless they engage in willful misconduct, gross negligence or recklessness.

o Parents must waive liability to the district, its staff and agents for any injury resulting from the student's diabetes care at school.

• **Notification:** Requires the school district to notify the student's bus driver of the student's diabetic needs, as well as provide parental contact information for students with diabetes to bus drivers, and requires the district to post an information sheet about the signs and symptoms of hypoglycemia in designated areas of school buildings.

**Subject Areas:** Student Health

**P.L.2009, c. 58 (A-3580)**

**Sponsor:** Karrow (R-23)

**Synopsis:** Permits person to donate blood at 16 years of age with parental consent.

**Date Signed:** 5/6/2009

**Effective Date:** 5/6/2009

**Impact on Schools:**

• Amends N.J.S.A. 9:17A-6, in order to permit a person to donate blood at 16

years of age with the written consent of at least one parent or the person's legal guardian or other legally responsible adult.

- The law retains the current minimum age for donating blood without parental permission or authorization at 17 years of age.

**Subject Areas:** Student Health

**P.L.2009, c. 54** (A-462)

**Sponsor:** Malone (R-30)

**Synopsis:** Modifies reference from "substance awareness coordinator" to "student assistance coordinator" in substance abuse programs in public schools.

**Date Signed:** 5/6/2009

**Effective Date:** 5/6/2009

**Impact on Schools:**

- Modifies the title of "substance awareness coordinators" in school districts to "student assistance coordinators" in

existing law, N.J.S.A. 18A:40A-12,13,14 & 18.

- The law does not impact the duties that these individuals perform. Rather, according to the bill statement, "the change seeks to more accurately reflect the job responsibilities of these individuals, which include crisis intervention and social and emotional learning and counseling."

**Subject Areas:** Student Health

## ***Student Safety***

**P.L.2009, c. 133** (A-3160)

**Sponsor:** Angelini (R11)

**Synopsis:** Grants immunity to certain underage persons for unlawful possession or consumption of alcoholic beverages.

**Date Signed:** 10/01/2009

**Effective Date:** 10/1/2009

**Impact on Schools:**

- Amends N.J.S.A. 2C:33-15 to grant immunity to underage drinkers who unlawfully consume or possess alcoholic beverages, whether on public or private property, if they call for medical assistance for another underage person who has consumed alcoholic beverages.

- Also grants immunity from municipal ordinance that make it an offense for underage persons to possess or consume alcoholic beverages on private property.

- Stipulates that an underage person or persons who summon medical assistance for an intoxicated underage person must cooperate with law enforcement and medical responders, as well as provide their names to the 9-1-1 operator and remain on the scene until assistance arrives. The call must also be the first to report the incident. The immunity can extend up to three people, provided they act in concert.

**Subject Areas:** Student Safety

**P.L.2009, c. 38 (S-16)**

**Sponsor:** Codey (D-27)

**Synopsis:** Revises certain restrictions on permit holders and provisional driver's licenses; renames provisional license "probationary."

**Date Signed:** 4/15/2009

**Effective Date:** 5/1/2009

**Impact on Schools:**

- Increases nighttime driving restrictions on permit and provisional drivers under New Jersey's Graduated Driver License law.
- Extends the prohibition on a provisional license from driving to between 11 p.m. and 5 a.m.
- Also permits provisional licensees under 21 years old to transport only one passenger, regardless of whether the passenger resides with them.
- Renames "provisional license" as "probationary license."

- Clarifies that new drivers of any age without a full-privilege license cannot use a wireless device - hands-free or not - while at the wheel.

- The new laws address three of 47 recommendations from the Teen Driver Study Commission, which the Governor convened to suggest ways to reduce accidents involving young drivers.

**Subject Areas:** Student Safety

**P.L.2009, c. 37 (S-2314)**

**Sponsor:** Madden (D-4)

**Synopsis:** "Kyleigh's law;" requires holders of special learner's permits, examination permits, and provisional driver's licenses to display certain decals.

**Date Signed:** 4/15/2009

**Effective Date:** 5/1/2009

**Impact on Schools:**

- Requires a removable decal be affixed to a vehicle driven by a special learner's or

examination permit holder or provisional driver's license holder to identify the driver as a novice.

- Failure to comply carries a \$100 fine.
- The new law also addresses one of the recommendations from the Teen Driver Study Commission

**Subject Areas:** Student Safety