



STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

NONPUBLIC SCHOOL NURSING SERVICES FACT SHEET DISTRICT REQUIREMENTS AND ENSURING EFFECTIVE DELIVERY OF NURSING SERVICES TO NONPUBLIC SCHOOL STUDENTS

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This fact sheet provides an explanation of the provisions for nursing services to which nonpublic school students are entitled through New Jersey Education Statute ([N.J.S.A.18A:40-23 to 31](#)) and Administrative Code [[N.J.A.C. 6A:16-2.5\(i\)](#)]. It includes what is allowable and what constraints are placed on districts in either spending the funds directly or contracting with third-party providers.

Summary of District Nursing Services Statutory and Regulatory Requirements

The NJDOE regulates *districts* in providing nursing services to nonpublic school students and in spending nursing funds, as follows:

1. Districts must provide required services to eligible students (see [N.J.S.A. 18A:40-23 et seq.](#) for a description of the services).
2. Districts may join with other boards of education or contract with any public or private agency approved by the commissioner for the provision of nursing services ([N.J.S.A. 18A:40-28](#)). Entering into a contract with a third-party provider does not relinquish district responsibility for the oversight of nursing services.
3. Districts receive funds for nonpublic nursing services from the NJDOE and must spend them in accordance with statutory and regulatory restrictions, as follows:
 - a. The funding amount is based on the nonpublic school enrollment report¹ from the preceding school year.
 - b. The nonpublic school must have provided an annual nursing report of services from the previous year to the district [[Annual Nonpublic School Nursing Report](#)].
 - c. The funds expended by the district board of education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less. [[N.J.A.C. 6A:16-2.5 \(h\) 3](#)]
 - The 6% administrative cost is strictly related to the district's responsibility in providing nursing services. Administrative costs include, but are not limited to, the costs relating to the district's annual consultation, bidding costs, and program and contract management, program and contract oversight and quality control. The district may, at its discretion, retain up to 6% to cover its actual administrative costs or pass it on to the third-party contractor.
 - There are no fiscal restrictions expressed in the nursing services statute or regulations on how much profit or administrative or overhead costs a third-party service provider builds into its budget. NJDOE does not have the authority to regulate the service providers' cost structures or the specificity of the financial information they must reveal to the public², though districts can require specific financial information as part of the bidding and contracting processes.

¹ The enrollment report opens in October of each year and closes in November and is used to determine the school's allocation for nursing, technology and textbook services for the following school year.

² Districts must provide the financial information requested on the [Distribution of Nonpublic Nursing Funds Form](#).



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4. Districts must confer annually with the nonpublic school to agree on the services to be provided, as well as the supplies and equipment. The NJDOE recommends that consultations occur prior to August 30, and that services to nonpublic school students begin at the start of the school year. Consultations should include the following:
 - a. Discussion and agreement on the criteria upon which to award nursing service contracts. The NJDOE has provided a [model proposal evaluation methodology](#) to help districts evaluate the service provider proposals they receive.
 - b. Agreement on the start date for nursing service (should be at the first day of the school year).
 - c. A plan for how the nursing position will be filled in the event of a long-term absence or leave.

5. Districts must submit annually, for the purposes of monitoring and recordkeeping, the following information to the county superintendent of education and the chief school administrator of the nonpublic schools (on or before October 1) :
 - a. A written statement verifying that the required conference was held with the nonpublic school;
 - The [Nursing Consultation Form](#) is required.
 - b. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the district board of education meeting approving the contract, which describes the methods by which the health services to nonpublic school students will be provided for the ensuing year, including a rationale for the distribution of funds;
 - A [Distribution of Nonpublic Nursing Funds Form](#) is required.
 - c. A description of the type and number of services that were provided during the previous school year on the revised [Annual Nonpublic School Nursing Report Form](#).
 - An accounting of the budgeted nursing services (to be filled in before the start of services) and the actual nursing services delivered (to be filled in at the end of the school year) is required.

Ensuring Quality Nursing Services using “Competitive Contracting”

[Public school contracts law \(N.J.S.A. 18A:18A-1 et seq.\)](#) requires that a fair bidding process occur. Nursing services may be advertised using either *public bidding* or *competitive contracting*. If competitive contracting is used to procure nursing services, the following should be taken into consideration when developing the methodology to evaluate and rank the proposals:

- The annual nursing consultation should be used to discuss and agree on the criteria for selecting the provider. The new [Nursing Consultation Form](#) was developed to help ensure that the consultations are being used for this purpose.
- Some of the quality considerations that should be taken into account when contracting with a nursing service provider include the consistency of nursing services from year to year, whether a substitute is provided so there will be no service gaps, providing services at the start of school, and the reliability and competence of the nurse.
- The NJDOE has provided a [model proposal evaluation methodology](#) with a weighting of criteria to help districts evaluate the service provider proposals they receive.

For more information on public school contracts law, refer to the following links:

http://www.state.nj.us/dca/divisions/dlgs/programs/ps_contracts.html

http://www.state.nj.us/dca/divisions/dlgs/programs/lpcl_docs/njac5_34_1_etseq.pdf