

ASSEMBLY, No. 1376

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

SYNOPSIS

Assigns financial responsibility of educating homeless student to district of attendance.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/7/2014)

1 **AN ACT** concerning the determination of the district of residence of
2 homeless students and amending P.L.1979, c.207 and P.L.1989,
3 c.290.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
9 read as follows:

10 19. For school funding purposes, the Commissioner of
11 Education shall determine district of residence as follows:

12 a. The district of residence for children in resource family
13 homes shall be the district in which the resource family parents
14 reside. If a child in a resource family home is subsequently placed
15 in a State facility or by a State agency, the district of residence of
16 the child shall then be determined as if no such resource family
17 placement had occurred.

18 b. The district of residence for children who are in residential
19 State facilities, or who have been placed by State agencies in group
20 homes, skill development homes, private schools or out-of-State
21 facilities, shall be the present district of residence of the parent or
22 guardian with whom the child lived prior to his most recent
23 admission to a State facility or most recent placement by a State
24 agency.

25 If this cannot be determined, the district of residence shall be the
26 district in which the child resided prior to such admission or
27 placement.

28 c. The district of residence for children whose parent or
29 guardian temporarily moves from one school district to another as
30 the result of being homeless shall, for the remainder of the current
31 school year, be the district in which the parent or guardian last
32 resided prior to becoming homeless. In any subsequent school year,
33 the district of residence shall be the school district in which the
34 children attend school pursuant to the provisions of section 3 of
35 P.L.1989, c.290 (C.18A:7B-12.1). For the purpose of this
36 amendatory and supplementary act, "homeless" shall mean an
37 individual who temporarily lacks a fixed, regular and adequate
38 residence.

39 d. If the district of residence cannot be determined according to
40 the criteria contained herein, or if the criteria contained herein
41 identify a district of residence outside of the State, the State shall
42 assume fiscal responsibility for the tuition of the child. The tuition
43 shall equal the approved per pupil cost established pursuant to
44 P.L.1996, c.138 (C.18A:7F-1 et al.). This amount shall be
45 appropriated in the same manner as other State aid under this act.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 The Department of Education shall pay the amount to the
2 Department of Human Services, the Department of Children and
3 Families, the Department of Corrections or the Juvenile Justice
4 Commission established pursuant to section 2 of P.L.1995, c.284
5 (C.52:17B-170) or, in the case of a homeless child, the Department
6 of Education shall pay to the school district in which the child is
7 enrolled the weighted base per pupil amount calculated pursuant to
8 section 7 of P.L.2007, c.260 (C.18A:7F-49) and the appropriate
9 security categorical aid per pupil and special education categorical
10 aid per pupil.

11 e. If the State has assumed fiscal responsibility for the tuition
12 of a child in a private educational facility approved by the
13 Department of Education to serve children who are classified as
14 needing special education services, the department shall pay to the
15 Department of Human Services, the Department of Children and
16 Families or the Juvenile Justice Commission, as appropriate, the aid
17 specified in subsection d. of this section and in addition, such aid as
18 required to make the total amount of aid equal to the actual cost of
19 the tuition.

20 (cf: P.L.2007, c.260, s.27)

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22 2. Section 3 of P.L.1989, c.290 (C.18A:7B-12.1) is amended to
23 read as follows:

24 3. **【The district of residence for a homeless child determined**
25 **pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12) shall be**
26 **responsible for the education of the homeless child.】** The district
27 **【of residence】 in which the parent or guardian last resided prior to**
28 **becoming homeless** shall determine the educational placement of
29 the child after consulting with the parent or guardian. This
30 determination shall be: a. to continue the child's education in the
31 school district of last attendance, b. to enroll the child in the district
32 **【of residence】 in which the parent or guardian last resided prior to**
33 **becoming homeless** if **【the】 that district 【of residence】** is not the
34 district of last attendance, or c. to enroll the child in the school
35 district where the child is temporarily living, whichever is in the
36 child's best interest. If the parent or guardian objects to the
37 determination made by the district **【of residence】**, the executive
38 county superintendent of schools shall be notified and within 48
39 hours shall determine the placement of the child based on criteria
40 established by the State Board of Education. Any appeals regarding
41 the determination shall be resolved according to rules established
42 by the State Board of Education.

43 **【When】** For the remainder of the first school year in which the
44 parent or guardian of a child temporarily moves from one district to
45 another as a result of becoming homeless, when the homeless child
46 attends school in a district other than the district of residence, the
47 district of residence shall pay the costs of tuition for the child to

1 attend school in that district and shall pay for any transportation
2 costs incurred by that district.

3 When the homeless child attends school in the district of
4 residence while temporarily residing in another district, the district
5 of residence shall provide for transportation to and from school
6 pursuant to the provisions of **【N.J.S.18A:58-7】** N.J.S.18A:39-1.
7 (cf: P.L.1989, c.290, s.3)

8

9 3. This act shall take effect immediately.

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STATEMENT

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14 This bill modifies the manner in which the financial
15 responsibility of educating a student who moves to a new school
16 district as a result of becoming homeless is determined. Under
17 current law, the “district of residence” is defined as the school
18 district in which the student’s parent or guardian resided prior to
19 becoming homeless. This district is responsible for determining the
20 school district in which the homeless student will enroll and for
21 paying any tuition and transportation costs.

22 Under the provisions of this bill, the school district in which the
23 student resided prior to becoming homeless would still be
24 responsible for determining the student’s educational placement and
25 for the student’s educational costs for the remainder of the school
26 year. In subsequent school years, the district in which the student
27 attends school will become the district of residence and will assume
28 the fiscal responsibilities for the homeless student.