

# ASSEMBLY, No. 3785

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 23, 2016

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Pintor Marin, Assemblyman Caputo, Assemblywomen Jimenez, Vainieri Huttle, Jones, Mosquera, Assemblymen McKeon, Coughlin, Conaway, Egan and Senator Beck**

**SYNOPSIS**

Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 3/16/2017)

1 AN ACT concerning the educational costs of students residing in  
2 homeless shelters and amending P.L.1979, c.207, P.L.1989,  
3 c.290, and P.L.2012, c.80.

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. (1) In the case of a child placed in a resource family home  
13 prior to the effective date of P.L.2010, c.69 (C.30:4C-26b et al.),  
14 the district of residence shall be the district in which the resource  
15 family parents reside. If such a child in a resource family home is  
16 subsequently placed in a State facility or by a State agency, the  
17 district of residence of the child shall then be determined as if no  
18 such resource family placement had occurred.

19 (2) In the case of a child placed in a resource family home on or  
20 after the effective date of P.L.2010, c.69 (C.30:4C-26b et al.), the  
21 district of residence shall be the present district of residence of the  
22 parent or guardian with whom the child lived prior to the most  
23 recent placement in a resource family home.

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

31 c. The district of residence for children whose parent or  
32 guardian temporarily moves from one school district to another as  
33 the result of being homeless shall be the district in which the parent  
34 or guardian last resided prior to becoming homeless. For the  
35 purpose of this amendatory and supplementary act, "homeless" shall  
36 mean an individual who temporarily lacks a fixed, regular and  
37 adequate residence.

38 d. If the district of residence cannot be determined according to  
39 the criteria contained herein, if the criteria contained herein identify  
40 a district of residence outside of the State, or if the child has resided  
41 in a domestic violence shelter, homeless shelter, or transitional  
42 living facility located outside of the district of residence for more  
43 than one year, the State shall assume fiscal responsibility for the  
44 tuition of the child. The tuition shall equal the approved per pupil  
45 cost established pursuant to section 24 of P.L.1996, c.138

**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 (C.18A:7F-24). This amount shall be appropriated in the same  
2 manner as other State aid under this act. The Department of  
3 Education shall pay the amount to the Department of Human  
4 Services, the Department of Children and Families, the Department  
5 of Corrections or the Juvenile Justice Commission established  
6 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the  
7 case of a homeless child or a child in a family resource home, the  
8 Department of Education shall pay to the school district in which  
9 the child is enrolled the weighted base per pupil amount calculated  
10 pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49) and the  
11 appropriate security categorical aid per pupil and special education  
12 categorical aid per pupil.

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

22 (cf: P.L.2012, c.80, s.1)

23

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

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

42 When the homeless child attends school in a district other than  
43 the district of residence, the district of residence shall pay the costs  
44 of tuition for the child to attend school in that district and shall pay  
45 for any transportation costs incurred by that district; except that in  
46 the case of a child who has resided in a domestic violence shelter,  
47 homeless shelter, or transitional living facility located in a district  
48 other than the district of residence for more than one year, the State

1 shall pay the costs of tuition for the child to attend school in that  
2 district. When the homeless child attends school in the district of  
3 residence while temporarily residing in another district, the district  
4 of residence shall provide for transportation to and from school  
5 pursuant to the provisions of N.J.S.18A:58-7.

6 (cf: P.L.2012, c.80, s.2)

7

8 3. Section 3 of P.L.2012, c.80 (C.18A:7B-12.2) is amended to  
9 read as follows:

10 3. The Commissioner of Education, in consultation with the  
11 Department of Children and Families, shall promulgate rules  
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.), to effectuate the provisions of this act and  
14 P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this  
15 bill). The rules shall identify those facilities that qualify as  
16 transitional living facilities, homeless shelters, or domestic violence  
17 shelters **【under this act】**.

18 (cf: P.L.2012, c.80, s.3)

19

20 4. This act shall take effect immediately and shall first apply to  
21 the first full school year following the date of enactment.

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#### STATEMENT

25

26 Pursuant to P.L.2012, c.80, the State is required to pay the  
27 educational costs of any student who resides for more than one year  
28 in a domestic violence shelter or transitional living facility located  
29 outside the student's district of residence. This bill provides that, in  
30 addition, the State will pay the educational costs of a student who  
31 resides for more than one year in a homeless shelter located outside  
32 the student's district of residence.

33 A series of administrative law decisions have ruled that if a  
34 homeless family continues to reside in a particular school district  
35 for more than one year, then the family is considered to be  
36 domiciled in that district, and the district becomes responsible for  
37 the costs of the child's education. This bill will avoid concentrating  
38 the educational costs of students who live in homeless shelters for  
39 an extended period of time on the communities in which the shelters  
40 are located.