

ASSEMBLY, No. 1143

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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. (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, for the remainder of the current
34 school year, be the district in which the parent or guardian last
35 resided prior to becoming homeless. In any subsequent school year,
36 the district of residence shall be the school district in which the
37 children attend school pursuant to the provisions of section 3 of
38 P.L.1989, c.290 (C.18A:7B-12.1). For the purpose of this
39 amendatory and supplementary act, "homeless" shall mean an
40 individual who temporarily lacks a fixed, regular and adequate
41 residence.

42 d. If the district of residence cannot be determined according to
43 the criteria contained herein, if the criteria contained herein identify
44 a district of residence outside of the State, or if the child has resided

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 in a domestic violence shelter or transitional living facility located
2 outside of the district of residence for more than one year, the State
3 shall assume fiscal responsibility for the tuition of the child. The
4 tuition shall equal the approved per pupil cost established pursuant
5 to section 24 of P.L.1996, c.138 (C.18A:7F-24). This amount shall
6 be appropriated in the same manner as other State aid under this act.
7 The Department of Education shall pay the amount to the
8 Department of Human Services, the Department of Children and
9 Families, the Department of Corrections or the Juvenile Justice
10 Commission established pursuant to section 2 of P.L.1995, c.284
11 (C.52:17B-170) or, in the case of a homeless child or a child in a
12 family resource home, the Department of Education shall pay to the
13 school district in which the child is enrolled the weighted base per
14 pupil amount calculated pursuant to section 7 of P.L.2007, c.260
15 (C.18A:7F-49) and the appropriate security categorical aid per pupil
16 and special education categorical aid per pupil.

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

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

27

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

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

1 the determination shall be resolved according to rules established
2 by the State Board of Education.

3 **【When】** For the remainder of the first school year in which the
4 parent or guardian of a child temporarily moves from one district to
5 another as a result of becoming homeless, when the homeless child
6 attends school in a district other than the district of residence, the
7 district of residence shall pay the costs of tuition for the child to
8 attend school in that district and shall pay for any transportation
9 costs incurred by that district; except that in the case of a child who
10 has resided in a domestic violence shelter or transitional living
11 facility located in a district other than the district of residence for
12 more than one year, the State shall pay the costs of tuition for the
13 child to attend school in that district. When the homeless child
14 attends school in the district of residence while temporarily residing
15 in another district, the district of residence shall provide for
16 transportation to and from school pursuant to the provisions of
17 **【N.J.S.18A:58-7】** N.J.S.18A:39-1.
18 (cf: P.L.2012, c.80, s.2)
19

20 3. This act shall take effect immediately.
21
22

23 STATEMENT 24

25 This bill modifies the manner in which the financial
26 responsibility of educating a student who moves to a new school
27 district as a result of becoming homeless is determined. Under
28 current law, the “district of residence” is defined as the school
29 district in which the student’s parent or guardian resided prior to
30 becoming homeless. This district is responsible for determining the
31 school district in which the homeless student will enroll and for
32 paying any tuition and transportation costs.

33 Under the provisions of this bill, the school district in which the
34 student resided prior to becoming homeless would still be
35 responsible for determining the student’s educational placement and
36 for the student’s educational costs for the remainder of the school
37 year. In subsequent school years, the district in which the student
38 attends school will become the district of residence and will assume
39 the fiscal responsibilities for the homeless student.