ASSEMBLY, No. 2388

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

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

As introduced.

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

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

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

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

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

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

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

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

d. If the district of residence cannot be determined according to the criteria contained herein, if the criteria contained herein identify a district of residence outside of the State, or if the child has resided in a domestic violence shelter, homeless shelter, or transitional

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 <u>thus</u> is new matter.

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

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

(cf: P.L.2017, c.83, s.1)

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

3. **[**The district of residence for a homeless child determined pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12) shall be responsible for the education of the homeless child.**]** The district **[**of residence**]** <u>in which the parent or guardian last resided prior to becoming homeless</u> shall determine the educational placement of the child after consulting with the parent or guardian. This determination shall be: a. to continue the child's education in the school district of last attendance, b. to enroll the child in the district **[**of residence**]** <u>in which the parent or guardian last resided prior to becoming homeless</u> if **[**the**]** <u>that</u> district **[**of residence**]** is not the district of last attendance, or c. to enroll the child in the school district where the child is temporarily living, whichever is in the child's best interest. If the parent or guardian objects to the determination made by the district **[**of residence**]**, the executive county superintendent of schools shall be notified and within 48 hours shall determine the placement of the child based on criteria established by the State Board of Education. Any appeals regarding

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

【When】 For the remainder of the first school year in which the parent or guardian of a child temporarily moves from one district to another as a result of becoming homeless, when the homeless child attends school in a district other than the district of residence, the district of residence shall pay the costs of tuition for the child to attend school in that district and shall pay for any transportation costs incurred by that district; except that in the case of a child who has resided in a domestic violence shelter, homeless shelter, or transitional living facility located in a district other than the district of residence for more than one year, the State shall pay the costs of tuition for the child to attend school in that district. When the homeless child attends school in the district of residence while temporarily residing in another district, the district of residence shall provide for transportation to and from school pursuant to the provisions of 【N.J.S.18A:58-7】 N.J.S.18A:39-1.

(cf: P.L.2017, c.83, s.2)

3. This act shall take effect immediately.

STATEMENT

This bill modifies the manner in which the financial responsibility of educating a student who moves to a new school district as a result of becoming homeless is determined. Under current law, the "district of residence" is defined as the school district in which the student's parent or guardian resided prior to becoming homeless. This district is responsible for determining the school district in which the homeless student will enroll and for paying any tuition and transportation costs.

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