

ASSEMBLY, No. 3278

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Permits students who are eligible for special education services to enroll in noncustodial parent's school district of residence under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning special education and supplementing chapter
2 46 of Title 18A of the New Jersey Statutes.

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

1. a. Notwithstanding any law or regulation to the contrary, a student who has been classified as eligible for special education programs and services pursuant to chapter 46 of Title 18A of the New Jersey Statutes and whose parents are divorced and domiciled within different school districts shall be permitted to enroll in the school district in which the noncustodial parent is domiciled, provided that:

(1) both the custodial parent and the noncustodial parent agree to the student's enrollment in the school district in which the noncustodial parent is domiciled;

(2) the school district in which the noncustodial parent is domiciled is contiguous to the school district in which the custodial parent is domiciled; and

(3) the student is educated in an in-district program in the school district in which the noncustodial parent is domiciled.

b. A student enrolled in the school district in which the noncustodial parent is domiciled pursuant to subsection a. of this section shall be included in that district's resident enrollment pursuant to section 3 of P.L.2007, c.260 (C.18A:7F-45), and the school district shall receive State aid for that student as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.).

c. The school districts in which the custodial parent and the noncustodial parent are domiciled shall not be responsible for providing transportation services to a student who enrolls in the school district in which the noncustodial parent is domiciled pursuant to subsection a. of this section.

34 2. This act shall take effect immediately.

STATEMENT

Under current law, a student is eligible to attend a school district if he is domiciled within the school district. When a student's parents are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent with whom the student lives for the majority of the school year.

46 This bill would allow a student eligible for special education
47 programs and services whose parents are divorced and living in
48 different school districts to enroll in the school district in which the

1 student's noncustodial parent resides provided that the following
2 conditions are met:
3 (1) the custodial and noncustodial parents agree to the
4 placement of the student in the district in which the noncustodial
5 parent resides;
6 (2) the districts in which the custodial and noncustodial parents
7 reside are contiguous; and
8 (3) the student will be educated in an in-district program in the
9 school district in which the noncustodial parent resides.
10 Under the provisions of the bill, the student will be included in
11 the resident enrollment of the district in which the noncustodial
12 parent resides and that school district will receive State aid for the
13 student in accordance with the State's school funding law. Neither
14 the school district in which the custodial parent resides nor the
15 school district in which the noncustodial parent resides, however,
16 will be responsible for the transportation of the student to and from
17 school.