

[First Reprint]

ASSEMBLY, No. 3164

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED JUNE 25, 2012

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblymen Burzichelli, Johnson, Assemblywoman Watson Coleman, Assemblymen O'Scanlon, Chiusano, Coutinho, Schaer, Assemblywoman Riley, Assemblyman Conaway, Assemblywoman Lampitt, Senators A.R.Bucco, Rice, Allen, Beck and Ruiz

SYNOPSIS

Requires State pay educational costs of students who reside in domestic violence shelter or transitional living facility outside district of residence for more than one year.

CURRENT VERSION OF TEXT

As amended on September 24, 2012 by the General Assembly pursuant to the Governor's recommendations.

(Sponsorship Updated As Of: 6/29/2012)

1 AN ACT concerning the education costs of students residing in
2 domestic violence shelters or transitional living facilities and
3 amending P.L.1979, c.207 and P.L.1989, 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 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, **[or]** if the criteria contained herein
40 identify a district of residence outside of the State, or if the child
41 has resided in a domestic violence shelter or transitional living
42 facility located outside of the district of residence for more than one
43 year, the State shall assume fiscal responsibility for the tuition of
44 the child. The tuition shall equal the approved per pupil cost

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly amendments adopted in accordance with Governor's
recommendations September 24, 2012.

1 established pursuant to section 24 of P.L.1996, c.138 (C.18A:7F-
2 24). This amount shall be appropriated in the same manner as other
3 State aid under this act. The Department of Education shall pay the
4 amount to the Department of Human Services, the Department of
5 Children and Families, the Department of Corrections or the
6 Juvenile Justice Commission established pursuant to section 2 of
7 P.L.1995, c.284 (C.52:17B-170) or, in the case of a homeless child
8 or a child in a family resource home, the Department of Education
9 shall pay to the school district in which the child is enrolled the
10 weighted base per pupil amount calculated pursuant to section 7 of
11 P.L.2007, c.260 (C.18A:7F-49) and the appropriate security
12 categorical aid per pupil and special education categorical aid per
13 pupil.

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

23 (cf: P.L.2010, c.69, s.1)
24

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

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

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

1 of residence for more than one year, the State shall pay the costs of
2 tuition for the child to attend school in that district. When the
3 homeless child attends school in the district of residence while
4 temporarily residing in another district, the district of residence
5 shall provide for transportation to and from school pursuant to the
6 provisions of N.J.S.18A:58-7.
7 (cf: P.L.1989, c.290, s.3)

8
9 '3. (New section) The Commissioner of Education, in
10 consultation with the Department of Children and Families, shall
11 promulgate rules pursuant to the "Administrative Procedure Act,"
12 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of
13 this act. The rules shall identify those facilities that qualify as
14 transitional living facilities or domestic violence shelters under this
15 act.'

16
17 '[3.] 4.' This act shall take effect immediately 'and shall first
18 apply in the 2012-2013 school year' .