

[See POLICY ALERT Nos. 160 and 210]

5116 EDUCATION OF HOMELESS CHILDREN

The Board of Education will admit and enroll homeless children in accordance with **Federal and** State laws and New Jersey Administrative Code. The Board of Education adopts this **P**olicy to be in compliance with law and **administrative code Code** to ensure the enrollment of homeless children in school and to respond to appeals made by parents **(s) or legal guardian(s)** or other parties related to **the their** enrollment **of homeless children.**

The Board of Education **The district will shall** determine **that** a child is homeless when he or she resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers. A child is also determined homeless when he or she resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles **including excluding** mobile homes; tents or other temporary shelters; **parks; abandoned buildings; bus or train stations;** temporary shelters provided to migrant workers and their children on farm sites; and the residence of relatives or friends **with whom where** the homeless child **resides is temporarily residing** out of necessity because **his or her the** family lacks a regular or permanent residence of its own. **A child is also determined homeless when he or she resides in substandard housing or any temporary location wherein children and youth are awaiting foster care placement.**

The **school** district of residence for a homeless child is responsible for the education of the child and **shall will** assume all responsibilities as required in N.J.A.C. 6A:17-2.34 et seq. The **school** district of residence **for a homeless child means is** the **school** district in which the parent **(s) or legal guardian(s)** of a **homeless child resided last resided** prior to becoming homeless.

The **school** district liaison **designated by the Superintendent of Schools** for the education of homeless children is the **Director of Special Services and Policy.** The liaison will facilitate communication and cooperation between the **school** district of residence and the **school** district where the homeless child **resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).** **is temporarily residing and will develop procedures to ensure that a homeless child**



temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.

When a homeless child resides in a school district is living temporarily in the school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager. Upon receiving notification from the parent(s) or legal guardian(s), the Department of Human Services, a shelter director, an involved agency, or a case manager, will notify the liaison of the district of residence within twenty-four hours of the notification. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence shall will coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.56(b).

The Superintendent of the school district of residence or designee of the district of residence shall decide in which school the district of enrollment of the homeless child shall be enrolled in accordance with the provisions of N.J.A.C. 6A:17-2.56 et seq.

Unless parental rights have been terminated by a court of competent jurisdiction, the parent(s) or legal guardian(s) retains all rights under N.J.A.C. 6A:17-2.1 et seq.

When If a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or the designee(s) of the involved district(s) or the child's parent(s) or legal guardian(s) of the child must shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the Department of Education's McKinney-Vento Homeless Education Coordinator or designee, shall immediately will decide the child's status of the child within two working days. If a dispute remains between the parent(s) or legal guardian(s) and/or and the involved the school district(s) following the Executive County Superintendent's determination, the parent(s) or legal guardian(s) or the involved district Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes et seq.



When a school If the district is designated as the school district of residence and disputes its such designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who shall immediately will make a determination, if possible, but no later than within forty-eight hours within two working days. The district may appeal the County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2(d), (e), and (f).

If a the dispute occurs regarding the determination of the district of residence enrollment does not involve the determination of homelessness and/or district enrollment, the school district made by the district of residence, disputing the Executive County Superintendent's determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the Division of Administration and Finance. of the district of residence shall immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child shall be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b). If the County Superintendent's decision is disputed, the Department of Education shall provide for mediation in accordance with N.J.A.C. 6A:17-2.8(c)1. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

Any A dispute or appeal shall will not delay the homeless child's immediate enrollment or continued enrollment in the school district entrance into school. The homeless child shall will be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal designated by the County Superintendent pending resolution of the dispute or appeal. Disputes and appeals involving the services provided to a homeless child with a disability educational disabilities shall will be made pursuant to N.J.A.C. 6A:14.

Financial responsibility, including the payment of tuition for the homeless child, will be in accordance with N.J.A.C. 6A:17-2.89 et seq. The school district of residence shall list the child on its annual Application for State School Aid



(ASSA) pursuant to N.J.S.A. 18A:7F-33 **until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA.** as long as the parent(s) or legal guardian(s) remains homeless and the child is enrolled in another school district. If a district of residence cannot be determined for a homeless child or if a district of residence is outside of the State, **T**he State **shall will** assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1(d) **and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c).** The State will pay the tuition, in accordance with N.J.A.C. 6A:17-2.9(c)1., to the school district in which the child is currently enrolled for as long as the child and his or her parent(s) or legal guardian(s) remain homeless.

N.J.S.A. 18A:7B-12; 18A:7B-12.1
N.J.A.C. 6A:17-2.1 et seq.

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