

[See POLICY ALERT Nos. 160 and 210]

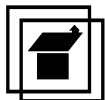
## R 5116 EDUCATION OF HOMELESS CHILDREN

### A. Definitions (N.J.A.C. 6A:17-1.2)

1. **“School district liaison for the education of homeless children”** means the person identified in **the each** school district that facilitates all **of the** activities needed to ensure the enrollment **and attendance** of homeless children.
2. **“School district of residence” for a homeless child** means the **school** district in which the parent **of a homeless child last** resided prior to becoming homeless. **It may not be the school district in which the student currently resides. This is synonymous with the term "school district of origin" referenced in the McKinney-Vento Homeless Education Assistance Act. "School district of residence" for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.**
3. **“Homeless child”** means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.32.
4. **“Immediate” or “immediately” means at the instant the need for placement is made known.**
54. **“Parent”** means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, **or and** person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.
65. **“Superintendent”** means Superintendent and/or Chief School Administrator.



- B. Determination of **Homelessness** **Homeless Status** (N.J.A.C. 6A:17-2.2)
1. **The Board of Education** **The district** shall **will** determine **that** a child is homeless **for the purposes of N.J.A.C. 6A:17-2** when he or she resides in any of the following:
    - a. 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;
    - b. 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; or** temporary shelters provided to migrant workers and their children on farm sites;
    - c. The residence of relatives or friends **where** **with whom** 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;
    - d. **Substandard housing; or**
    - e. **Any temporary location wherein children and youth are awaiting foster care placement.**
- C. Responsibilities of the **School** District of Residence (N.J.A.C. 6A:17-2.3)
1. The **school** district of residence for a homeless child is responsible for the education of the child and **shall** **will**:
    - a. Determine the **school** district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.56;
    - b. Pay the cost of tuition pursuant to **N.J.A.C. 6A:23-3.1** **N.J.S.A. 18A:38-19**, when the child attends school in another **school** district; and



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- c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
  2. The determination of the homeless child's **school** district of residence **will shall** be made by the Superintendent **of the school district of residence** or designee **of the school district(s) involved** pursuant to N.J.A.C. 6A:17-2.45. **This determination will be based upon information received from the parent, the Department of Human Services or the Department of Children and Families, a shelter provider, another school district, an involved agency, or a case manager.**
  3. The district Board of Education identified **in accordance with N.J.S.A. 18A:7B-12** as the **school** district of residence **in accordance with N.J.S.A. 18A:7B-12** for a homeless child **shall be is** the **school** district of residence **until the parent establishes a permanent residence** for as long as the parent remains homeless. **Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.**
- D. Designation of **School** District Liaisons and Their Responsibilities **(N.J.A.C. 6A:17-2.4)**
1. The Superintendent identifies **the Director of Special Services and Policy** as the district liaison for the education of homeless children. The **school district** liaison **shall: will** facilitate communication and cooperation between the district of residence and the district where the homeless child is temporarily residing. The district liaison will develop procedures to ensure a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.
    - a. **Facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides;**
    - b. **Develop procedures to ensure a homeless child residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5;**



- c. Ensure homeless families, children, and youth receive educational services for which they are eligible, including Head Start and Even Start programs, preschool programs administered by the local education agency, and referrals to health care, dental, mental health, and other appropriate services;
  - d. Inform parents of homeless children and youth of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children;
  - e. Ensure that public notice of the educational rights of homeless children and youth is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;
  - f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7;
  - g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5;
  - h. Assist the parent to obtain the homeless child or youth's medical records or required immunizations; and
  - i. Assist an unaccompanied youth to ensure he or she is enrolled and is receiving all services pursuant to N.J.A.C. 6A:17.
2. When a homeless child resides is living temporarily in a school district, the district liaison shall notify the liaison of the school



**district of residence within twenty-four hours, upon 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, **will notify the liaison of the district of residence within twenty-four hours of the notification.**

3. 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).

E. **School** District Enrollment (N.J.A.C. 6A:17-2.5)

1. The Superintendent **or designee** of the **school** district of residence **or designee shall will** decide in which district the homeless child **shall will** be enrolled as follows:

a. **Enroll To continue** the homeless child's **education** in the school district of **residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's parent** last attendance if the district of last attendance is not the district of residence;

b. **Continue the homeless child's education in the school district of last attendance if it is not the school district of residence** To enroll the homeless child in the district of residence; or

c. **Enroll the homeless child in the school district where the child resides** To enroll the homeless child in the school district where the child is temporarily living.

2. The Superintendent of the **school** district of residence **or designee shall will** decide the **school** district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:

a. **The enrollment of the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's parent.**

ba. The continuity of the child's educational program;



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- b. The preference of the parent as to where the child should attend school;
  - c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood, **and career and technical education** vocational programs; and
  - d. The distance, travel time, and safety factors in coordinating transportation services from the temporary residence to the school.
3. The Superintendent of the school district of residence or designee shall will determine the child's school district enrollment immediately in a timely manner after consultation with the parent as follows: The school district of residence shall adhere to the following procedures:
  - a. Enrollment decisions shall will be made immediately within three school days of upon notification of the need for enrollment. When the decision is made, the child will be enrolled immediately. If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7. ; and
  - ba. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall will be documented in writing.
  - c. A decision to enroll a homeless child in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.
4. When a decision is made to enroll the child in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall will forward to



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the new **school** district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32, **School District Operations**. When the parent is homeless due to conditions of domestic violence, the transfer of student records will be subject to the provisions of N.J.A.C. 6:3-6.

5. When a homeless child with a **disability** educational disabilities is enrolled in a **school** district other than the **school** district of residence, the **school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education** child will be placed in a program consistent with the goals and objectives of the child's individualized educational program. Within thirty days after placement, the district where the child is placed will review and revise the individualized educational program pursuant to N.J.A.C. 6A:14.
  6. When the **school** district of residence for a homeless child cannot be determined, the Superintendent **or designee** of the **school** district in which the child **currently resides** is temporarily residing **will shall** enroll the child immediately in the **school** district of **the current temporary** residence or the **school** district of last attendance.
  7. **The school district selected pursuant to N.J.A.C. 6A:17-2 shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.**
  8. **Enrollment in the school district of residence, the school district of last attendance if not the school district of residence, or the school district where the child resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child becomes permanently housed during the academic year.**
- F. Parental Rights **(N.J.A.C. 6A:17-2.6)**



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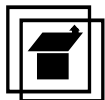
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1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.

G. Disputes and Appeals (N.J.A.C. 6A:17-2.7)

1. **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 designee(s)** of the involved **school** district(s) or the **child's** parent(s) **of the child will shall** immediately notify the **Executive** County Superintendent of Schools, who, **in consultation with the Department'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 and the involved **school** district(s) following the **Executive** County Superintendent's determination, the parent or the involved **district** Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, **Controversies and Disputes.**
2. **When** **if** a **school** district designated as the **school** district of residence 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 will** immediately notify the **Executive** County Superintendent of Schools, who **shall will** make a determination **immediately, 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).**
- a3. **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 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 the Superintendent of the district of residence will immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child will be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b).

b. 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 pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

a. If the County Superintendent's decision is disputed, the Department of Education will provide for mediation as follows:

(1) The request must be made to the Department of Education in writing.

(2) Requests for mediation will cite the issues in dispute and the relief sought.

(3) A mediation conference must be conducted within five school days after the request is made at a time and place reasonably convenient to all parties in the dispute.

(4) If the mediation does not result in an agreement, an appeal may be made to the Commissioner of Education pursuant to N.J.A.C. 6A:3 et seq.

34. Any dispute or appeal shall not delay the homeless child's immediate enrollment or continued enrollment in the school



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**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, designated by the County Superintendent** pending resolution of the dispute or appeal.

- 45.** Disputes and appeals involving the services provided to a homeless child with **a disability educational disabilities will shall** be made pursuant to N.J.A.C. 6A:14.
- H. Tuition **(N.J.A.C. 6A:17-2.8)**
1. **When If** the homeless child is enrolled in a **school** district other than the **school** district of residence, the **school** district of residence **shall will** pay **to the school district of enrollment** the **tuition** costs of tuition for the child to that district pursuant to N.J.S.A. 18A:38-19 and N.J.A.C. 6A:23-3.1 **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 pay tuition to the school district of enrollment.**
  2. The **school** district of residence **shall will** 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 for as long as the parent remains homeless and the child is enrolled in another school district.**
  3. **The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 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 following circumstances:**
    - a3.** If the **school** district of residence cannot be determined for **the a** homeless child; **or**



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- b. If the school district of residence is outside of the State;  
or
- c. If a child resides in a Department of Community Affairs-licensed emergency shelter or transitional living facility due to domestic violence for more than a year combined for the duration of the placement pursuant to N.J.S.A. 18A:7B-12.d. the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition to the school district in which the child is currently enrolled for as long as the child and his or her parent remain homeless.
- (1)a. When the State assumes fiscal responsibility for the tuition of a homeless child, the State shall will pay to the school district in which the child is enrolled the weighted base per pupil amount calculated appropriate T&E amount, pursuant to N.J.S.A. 18A:7F-49~~3~~, and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56 any appropriate additional cost factor for special education, pursuant to N.J.S.A. 18A:7F-19.

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1<sup>st</sup> Reading 19 January 2016

