

## LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:38-1

(Pupils-enrollment outside of home district-proof of residence and support requirement)

LAWS OF: 1985

CHAPTER: 6

Bill No: A586

Sponsor(s): Bocchini and others

Date Introduced: Pre-filed

Committee: Assembly: Education

Senate: Education

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: July 30, 1984

Senate: November 29, 1984

Date of Approval: January 11, 1985

## Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

## Following were printed:

Reports: No

Hearings: No

1-11-85

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## ASSEMBLY, No. 586

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman BOCCHINI, Assemblywoman GARVIN,  
 Assemblymen PATERO, PALAIA and WEIDEL

AN ACT concerning education and amending N. J. S. 18A:38-1.

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

1 1. N. J. S. 18A:38-1 is amended to read as follows:

2 18A:38-1. Public schools shall be free to the following persons  
 3 over five and under 20 years of age:

4 (a) Any person who is domiciled within the school district;

5 (b) Any person who is kept in the home of another person  
 6 domiciled within the school district and is supported by such other

7 person gratis as if he were such other person's own child, upon

8 \**[inquiry by the board of education as to the reasons why the child*  
 9 *is living in the district, and upon]*\* filing by such other person with

10 the secretary of the board of education of the district, if so re-  
 11 quired by the board, a sworn statement that he is domiciled within

12 the district and is supporting the child gratis \**[for reasons which*  
 13 *shall be set forth in the statement if so required by the board]*\* and

14 will assume all personal obligations for the child relative to school  
 15 requirements and that he intends so to keep and support the child

16 gratuitously for a longer time than merely through the school term,  
 17 *and a copy of his lease if a tenant, or a sworn statement by his*

18 *landlord acknowledging his tenancy if residing as a tenant without*  
 19 *a written lease, \**[and a sworn statement as to why the child is living**

20 *in the school district of the other person,]*\* *and upon filing by the*  
 21 *child's parent or guardian with the secretary of the board of edu-*

22 *cation, a sworn statement that he is not supporting the child, ac-*  
 23 *companied by documentation \**[as the board may deem necessary]*\**

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted May 17, 1984.

24 to support the validity of the sworn **\*[statement]\*** *\*statements\**,  
 25 information from or amount which shall be supplied only to the  
 26 board and only to the extent that it directly pertains to the support  
 27 or nonsupport of the child; provided, however, that the board of  
 28 education may contest the validity of the sworn statement in pro-  
 29 ceedings before the commissioner, except that no child shall be  
 30 denied admission during the pendency of any such proceedings  
 31 before the commissioner, and the **\*[board]\*** *\*resident\** shall have  
 32 the burden of **[providing]** *proving* by a preponderance of the evi-  
 33 dence before the commissioner that the child is **\*[ineligible]\***  
 34 *\*eligible\** for a free education under the criteria listed in this  
 34A subsection **[**, and any person who fraudulently allows a child of  
 35 another person to use his residence and is not the primary financial  
 36 supporter of that child and any person who fraudulently claims to  
 37 have given up custody of his child to a person in another district  
 38 commits a disorderly persons offense. Notwithstanding the pro-  
 39 visions of section 10 of P. L. 1968, c. 410 (C. 52:14B-10) to the  
 40 contrary, any proceeding conducted pursuant to this section shall  
 41 be conducted on an expedited basis and concluded within 90 days  
 42 after the filing of a petition for hearing with the commis-  
 43 sioner;**]** *\*. If, in the judgment of the commissioner this evidence*  
 44 *does not support the claim of the resident, he may assess the resi-*  
 45 *dent tuition for the student prorated to the time of the board's*  
 46 *request for a sworn statement from the resident. Tuition shall be*  
 47 *computed on the basis of 1/180 of the total annual per pupil cost*  
 48 *to the local district multiplied by the number of days of ineligible*  
 49 *attendance;*

50 (c) *Any person who fraudulently allows a child of another person*  
 51 *to use his residence and is not the primary financial supporter of*  
 52 *that child and any person who fraudulently claims to have given*  
 53 *up custody of his child to a person in another district commits a*  
 54 *disorderly persons offense;\**

55 **\*[(c)]\*** *(d)\* Any person whose parent or guardian, even though*  
 56 *not domiciled within the district, is residing temporarily therein,*  
 57 *but any person who has had or shall have his all-year-around dwell-*  
 58 *ing place within the district for one year or longer shall be deemed*  
 59 *to be domiciled within the district for the purposes of this section;*

60 **\*[(d)]\*** *(e)\* Any person for whom the [bureau of children's*  
 61 *services in the department of institutions and agencies] Division*  
 62 *of Youth and Family Services in the Department of Human Ser-*  
 63 *vices is acting as guardian and who is placed in the district by said*  
 64 *bureau.*

1 2. This act shall take effect immediately.

ASSEMBLY, No. 586

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman BOCCHINI, Assemblywoman GARVIN,  
Assemblymen PATERO, PALAIA and WEIDEL

AN ACT concerning education and amending N. J. S. 18A:38-1.

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3 over five and under 20 years of age:

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5 (b) Any person who is kept in the home of another person  
6 domiciled within the school district and is supported by such other  
7 person gratis as if he were such other person's own child, upon  
8 *inquiry by the board of education as to the reasons why the child*  
9 *is living in the district, and upon filing by such other person with*  
10 *the secretary of the board of education of the district, if so re-*  
11 *quired by the board, a sworn statement that he is domiciled within*  
12 *the district and is supporting the child gratis for reasons which*  
13 *shall be set forth in the statement if so required by the board and*  
14 *will assume all personal obligations for the child relative to school*  
15 *requirements and that he intends so to keep and support the child*  
16 *gratuitously for a longer time than merely through the school term,*  
17 *and a copy of his lease if a tenant, or a sworn statement by his*  
18 *landlord acknowledging his tenancy if residing as a tenant without*  
19 *a written lease, and a sworn statement as to why the child is living*  
20 *in the school district of the other person, and upon filing by the*  
21 *child's parent or guardian with the secretary of the board of edu-*  
22 *cation, a sworn statement that he is not supporting the child, ac-*

**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 printed in italics thus is new matter.

23 *accompanied by documentation as the board may deem necessary to*  
24 *support the validity of the sworn statement, information from or*  
25 *about which shall be supplied only to the board and only to the*  
26 *extent that it directly pertains to the support or nonsupport of the*  
27 *child; provided, however, that the board of education may contest*  
28 *the validity of the sworn statement in proceedings before the com-*  
29 *missioner, except that no child shall be denied admission during the*  
30 *pendency of any such proceedings before the commissioner, and*  
31 *the board shall have the burden of [providing] proving by a pre-*  
32 *ponderance of the evidence before the commissioner that the child*  
33 *is ineligible for a free education under the criteria listed in this*  
34 *subsection, and any person who fraudulently allows a child of*  
35 *another person to use his residence and is not the primary financial*  
36 *supporter of that child and any person who fraudulently claims to*  
37 *have given up custody of his child to a person in another district*  
38 *commits a disorderly persons offense. Notwithstanding the pro-*  
39 *visions of section 10 of P. L. 1968, c. 410 (C. 52:14B-10) to the*  
40 *contrary, any proceeding conducted pursuant to this section shall*  
41 *be conducted on an expedited basis and concluded within 90 days*  
42 *after the filing of a petition for a hearing with the commissioner;*

43 (c) Any person whose parent or guardian, even though not  
44 domiciled within the district, is residing temporarily therein, but  
45 any person who has had or shall have his all-year-around dwelling  
46 place within the district for one year or longer shall be deemed to  
47 be domiciled within the district for the purposes of this section;

48 (d) Any person for whom the [bureau of children's services in  
49 the department of institutions and agencies] *Division of Youth and*  
50 *Family Services in the Department of Human Services* is acting as  
51 guardian and who is placed in the district by said bureau.

1 2. This act shall take effect immediately.

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#### STATEMENT

This bill places additional requirements concerning proof of residence and proof of support on parents who send their children to live and attend school in another district and persons who permit children from another school district to live in their home and attend school. If the parent or the person with whom the child is living fraudulently attests to supporting the child, he commits a disorderly person offense.

A 586 (1985)

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 586**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 17, 1984

This bill as amended permits boards of education to require either the parent or the person with whom it is claimed the child is living to provide additional proof of residence if the child is attending school in the district in which the other person resides. Further, the bill makes it a disorderly persons offense for anyone to fraudulently attest to the source of the child's support.

Also the bill places on the parent the burden of proving in the proceedings before the commissioner that the child is eligible to attend school in the district and authorizes the commissioner to assess tuition costs from the resident if the evidence does not support the claim of the resident.

**BACKGROUND:**

The chart below compares the proof of residence, proof of support requirements and the appeal procedures currently available with those being proposed in this bill:

**PROOF SUBMITTED BY PARENT THAT CHILD IS NOT  
LIVING IN PARENT'S RESIDENCE AND IS NOT RE-  
CEIVING SUPPORT FROM PARENT**

Current	Proposed
None	(1) Sworn statement that parent is not supporting child.
	(2) Other documentation deemed necessary to support the validity of sworn statement.

**PROOF OF RESIDENCE AND SUPPORT THAT BOARD  
MAY REQUIRE "OTHER PERSONS" TO SUBMIT**

Current	Proposed
(1) Sworn statement that he is supporting child gratis.	(1) Copy of lease if a tenant, or a sworn statement by landlord if residing without a lease.
(2) Sworn statement that he is assuming all personal obligations concerning school requirements.	

- |                                                                              |                                                                                         |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| (3) Sworn statement that he intends to support child beyond the school year. | (2) Sworn statement as to why the child is living in school district of "other person." |
|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|

#### APPEAL PROCEDURES

Current	Proposed
Board of education is permitted to contest the validity of sworn statement before the commissioner.	Same as current statute.

#### PROTECTION FOR CHILD

Current	Proposed
Child may be denied admission to school during pendency of proceedings.	Same as current statute.

#### PENALTIES

Current	Proposed
None	(1) If either the parent or the person with whom the child is living fraudulently attests to the source of the child's support he will be subject to a disorderly persons offense. (2) The commissioner may assess the resident the cost of tuition prorated to the time of the board's request for a sworn statement.

#### COMMITTEE AMENDMENTS

The committee amendments place on the parent the burden of proving the child is eligible to attend school in the district and they remove from the local board the burden of proving that the child is ineligible to attend. The amendments also remove the requirement that the proceedings be completed within 90 days after having filed the petition. Further, the commissioner may assess the resident an amount equal to the tuition prorated to the time of the board's request for a sworn statement from the resident.

In addition there are technical amendments.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 586**

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**STATE OF NEW JERSEY**

DATED: SEPTEMBER 20, 1984

This bill as amended permits boards of education to require either the parent or the person with whom it is claimed the child is living to provide additional proof of residence if the child is attending school in the district in which the other person resides. Further, the bill makes it a disorderly persons offense for anyone to fraudulently attest to the source of the child's support.

Also the bill places on the parent the burden of proving in the proceedings before the commissioner that the child is eligible to attend school in the district and authorizes the commissioner to assess tuition costs from the resident if the evidence does not support the claim of the resident.

**BACKGROUND:**

The chart below compares the proof of residence, proof of support requirements and the appeal procedures currently available with those being proposed in this bill:

**PROOF SUBMITTED BY PARENT THAT CHILD IS NOT  
LIVING IN PARENT'S RESIDENCE AND IS NOT RE-  
CEIVING SUPPORT FROM PARENT**

Current	Proposed
None	(1) Sworn statement that parent is not supporting child.
	(2) Other documentation deemed necessary to support the validity of sworn statement.

**PROOF OF RESIDENCE AND SUPPORT THAT BOARD  
MAY REQUIRE "OTHER PERSONS" TO SUBMIT**

Current	Proposed
(1) Sworn statement that he is supporting child gratis.	(1) Sworn statement that he is supporting child gratis.
(2) Sworn statement that he is assuming all personal obligations concerning school requirements.	(2) Sworn statement that he is assuming all personal obligations concerning school requirements.



- |                                                                              |                                                                                              |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| (3) Sworn statement that he intends to support child beyond the school year. | (3) Sworn statement that he intends to support child beyond the school year.                 |
|                                                                              | (4) Copy of lease if a tenant, or a sworn statement by landlord if residing without a lease. |

#### APPEAL PROCEDURES

Current	Proposed
Board of education is permitted to contest the validity of sworn statement before the commissioner.	Same as current statute.

#### PROTECTION FOR CHILD

Current	Proposed
Child may not be denied admission to school during pendency of proceedings.	Same as current statute.

#### PENALTIES

Current	Proposed
None	<p>(1) If either the parent or the person with whom the child is living fraudulently attests to the source of the child's support he will be subject to a disorderly persons offense.</p> <p>(2) The commissioner may assess the resident the cost of tuition prorated to the time of the board's request for a sworn statement.</p>

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# OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT  
609-292-8956

TRENTON, N.J. 08625

Release: FRIDAY, JAN. 11, 1985

Governor Thomas H. Kean has signed the following bills:

A-586, sponsored by Assemblyman Joseph L. Bocchini, D-Mercer, which permits a board of education to require additional proof that a child attending school in the district, whose parent or guardian does not live in the district, in fact lives with and is supported by a resident of the district.

Currently, the law provides only that the board may require an affidavit from the person with whom the child resides that the child lives in the district and is supported by the individual with whom he or she lives. This bill permits the board to require further proof in the form of a copy of the supporting individual's lease, or a sworn statement by the individual's landlord affirming residency.

A-1372, sponsored by Assemblyman George J. Otlowksi, D-Middlesex, which directs the Commissioner of Health to expand the Department's current hypertension control program and to assume responsibility for development of a community-based high blood pressure control program.

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