

**18A:7B-12.2 et al.**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2012                    **CHAPTER:** 80

**NJSA:** 18A:7B-12.2 et al. (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)

**BILL NO:** A3164                  (Substituted for S2120)

**SPONSOR(S)** Webber and others

**DATE INTRODUCED:** June 25, 2012

**COMMITTEE:**                    **ASSEMBLY:** Budget  
   **SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                **ASSEMBLY:** December 17, 2012  
   **SENATE:** December 20, 2012

**DATE OF APPROVAL:** December 21, 2012

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First reprint enacted)

**A3164**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 4 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes

**S2120**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 4 of introduced bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> No
<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes

(continued)

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

P.L.2012, CHAPTER 80, *approved December 21, 2012*  
Assembly, No. 3164 (*First Reprint*)

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.

**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:

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

1 d. If the district of residence cannot be determined according to  
2 the criteria contained herein, **[or]** if the criteria contained herein  
3 identify a district of residence outside of the State, or if the child  
4 has resided in a domestic violence shelter or transitional living  
5 facility located outside of the district of residence for more than one  
6 year, the State shall assume fiscal responsibility for the tuition of  
7 the child. The tuition shall equal the approved per pupil cost  
8 established pursuant to section 24 of P.L.1996, c.138 (C.18A:7F-  
9 24). This amount shall be appropriated in the same manner as other  
10 State aid under this act. The Department of Education shall pay the  
11 amount to the Department of Human Services, the Department of  
12 Children and Families, the Department of Corrections or the  
13 Juvenile Justice Commission established pursuant to section 2 of  
14 P.L.1995, c.284 (C.52:17B-170) or, in the case of a homeless child  
15 or a child in a family resource home, the Department of Education  
16 shall pay to the school district in which the child is enrolled the  
17 weighted base per pupil amount calculated pursuant to section 7 of  
18 P.L.2007, c.260 (C.18A:7F-49) and the appropriate security  
19 categorical aid per pupil and special education categorical aid per  
20 pupil.

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

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

31

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

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

1 regarding the determination shall be resolved according to rules  
2 established by the State Board of Education.

3 When the homeless child attends school in a district other than  
4 the district of residence, the district of residence shall pay the costs  
5 of tuition for the child to attend school in that district and shall pay  
6 for any transportation costs incurred by that district; except that in  
7 the case of a child who has resided in a domestic violence shelter or  
8 transitional living facility located in a district other than the district  
9 of residence for more than one year, the State shall pay the costs of  
10 tuition for the child to attend school in that district. When the  
11 homeless child attends school in the district of residence while  
12 temporarily residing in another district, the district of residence  
13 shall provide for transportation to and from school pursuant to the  
14 provisions of N.J.S.18A:58-7.  
15 (cf: P.L.1989, c.290, s.3)

16

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

24

25 '[3.] 4.' This act shall take effect immediately 'and shall first  
26 apply in the 2012-2013 school year' .

27

28

29

30

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

# 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:**

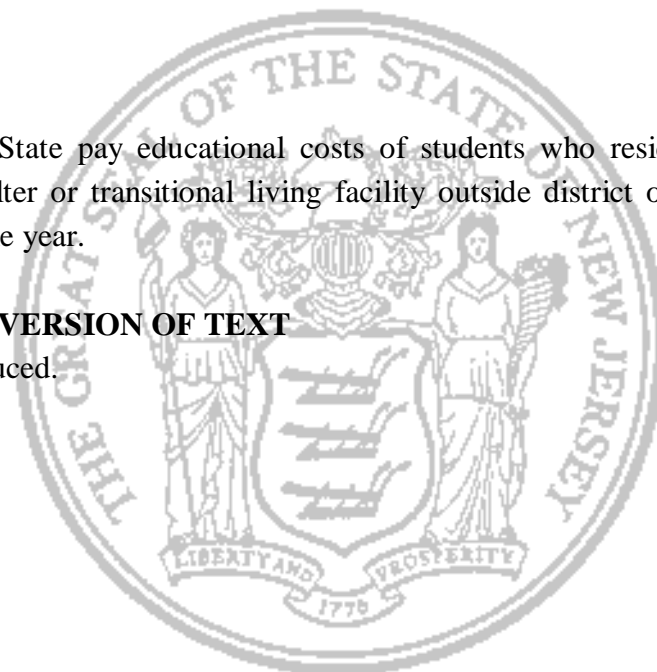
**Assemblymen Burzichelli, Johnson, Assemblywoman Watson Coleman,**  
**Assemblymen O'Scanlon, Chiusano, Coutinho, Schaer, Assemblywoman**  
**Riley, Assemblyman Conaway, Assemblywoman Lampitt, Senators**  
**A.R.Bucco, Rice, Allen, Beck and Ruiz**

**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 introduced.



(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:

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8 1. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to  
9 read as follows:

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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  
45 established pursuant to section 24 of P.L.1996, c.138 (C.18A:7F-

**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.**

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

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

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

23

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

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

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



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

7

8 3. This act shall take effect immediately.

9

10

11

#### STATEMENT

12

13 This bill requires that the State pay the educational costs of any  
14 student who resides in a domestic violence shelter or transitional  
15 living facility located outside the student's district of residence for  
16 more than one year. A series of administrative law decisions have  
17 ruled that once a homeless family continues to reside in a particular  
18 school district for more than one year, then the family is considered  
19 to be domiciled in that district, and the district becomes responsible  
20 for the costs of the child's education. This bill avoids concentrating  
21 these educational costs on the communities in which these shelters  
22 are located.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3164

# STATE OF NEW JERSEY

DATED: JUNE 25, 2012

The Assembly Budget Committee reports favorably Assembly Bill No. 3164.

This bill requires that the State pay the educational costs of any student who resides for more than one year in a domestic violence shelter or transitional living facility located outside the student's district of residence. A series of administrative law decisions have ruled that if a homeless family continues to reside in a particular school district for more than one year, then the family is considered to be domiciled in that district, and the district becomes responsible for the costs of the child's education. This bill avoids concentrating these educational costs on the communities in which these shelters are located.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the bill will lead to an indeterminate increase in State expenditures, and a corresponding decrease in expenditures for local school districts.

The cost associated with the legislation would be determined by two factors: 1) the total number of students for whom the State would begin to pay the tuition, and 2) the tuition rate paid for each student. While the OLS does not have information regarding the number of students who have resided in a domestic violence shelter or other transitional living facility for more than one year, the legislation specifies that the tuition rate will be equal to the weighted base per pupil cost established in the "School Funding Reform Act of 2008," P.L.2007, c.260.

The weighted per-pupil amount will vary depending on the student's characteristics. In the 2011-2012 school year, the per-pupil amount for an elementary school student who is neither at risk (as measured by the student's eligibility to participate in the National School Lunch Program) nor limited English proficient is \$10,256. The weighted per pupil amount could range from \$15,076 to \$16,102 for an at-risk pupil, and will equal \$15,384 for a student demonstrating limited English proficiency. These per-pupil amounts would be four percent higher for a middle school student and 17 percent higher for a high school student.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3164**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: AUGUST 13, 2012

**SUMMARY**

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

**Type of Impact:** Expenditure Increase in General Fund or Property Tax Relief Fund; Revenue Increase in School Districts

**Agencies Affected:** Department of Education; School Districts

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate – See Comments Below		
<b>Local Revenue</b>	Indeterminate – See Comments Below		

- The Office of Legislative Services (OLS) is unable to estimate the increase in State expenditures, and the corresponding increase in school district revenue, that would occur as a result of Assembly Bill No. 3164 of 2012. Two factors would determine the total cost: 1) the number of students for whom the State would be required to pay tuition, and 2) the tuition rate that the State would be required to pay for each student.
- The OLS does not have sufficient data to estimate the number of students who have resided in a domestic violence shelter or other transitional living facility outside the student’s district of residence for more than one year.
- The tuition rate the State would be required to pay for a student under this bill would vary based on the student’s characteristics, including the grade level in which the student is enrolled, and, for the amount of security categorical aid that a district would receive for a student, whether the student is considered “at-risk” (based on the student’s eligibility to participate in the National School Lunch Program). The OLS estimates that the tuition rate may vary from a minimum of approximately \$10,900 to a maximum of approximately \$13,000 per pupil.

## **BILL DESCRIPTION**

Assembly Bill No. 3164 of 2012 requires that the State pay the educational costs of any student who resides in a domestic violence shelter or other transitional living facility outside the student's district of residence for more than one year. The State would pay tuition to the school district in which the student attends school in an amount equal to the weighted base per pupil amount for the student, as determined pursuant to the "School Funding Reform Act of 2008," P.L.2007, c.260, and any special education categorical aid and security categorical aid attributable to the student.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that Assembly Bill No. 3164 of 2012 would lead to an indeterminate increase in State expenditures and a corresponding increase in revenue for school districts. There are two factors that would determine the overall change in revenue that would result from this bill: 1) the number of students who reside in a domestic violence shelter or other transitional living facility located outside the students' resident school district for more than one year, and 2) the tuition to be paid for each student.

The OLS does not have any information that could be used to estimate the number of students to whom the bill's provisions would be applicable. The tuition rate to be paid by the State would vary based on the students' characteristics. Under the bill, the tuition paid for each student would equal the weighted base per pupil amount calculated under the provisions of the "School Funding Reform Act of 2008" (SFRA) P.L.2007, c.260, plus the appropriate special education categorical aid and security categorical aid. Given the provisions of the SFRA, the tuition to be paid for a student will vary based on the grade in which the student is enrolled, and the amount of security categorical aid that a district would receive for the student.<sup>1</sup> Table 1 provides an estimate of the tuition rate for which the State would be responsible for each type of student; the figures are based on the provisions of the SFRA that were applicable in the 2011-2012 school year.

**Table 1**  
**Estimated Per Pupil Tuition Rates Under A-3164**

	Elementary School	Middle School	High School
Base Tuition Amount	\$10,897	\$11,307	\$12,641
Tuition with Security Aid Supplement	Minimum: \$10,908 Maximum: \$11,329	Minimum: \$11,318 Maximum: \$11,739	Minimum: \$12,651 Maximum: \$13,073

<sup>1</sup> A district receives additional security categorical aid for each at-risk student. The additional amount varies by district based on the share of students in the district who are classified as at-risk (based on the students' eligibility to participate in the National School Lunch Program).

*Section: Education*

*Analyst: Allen T. Dupree  
Lead Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 2120

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 25, 2012

**Sponsored by:**

**Senator ANTHONY R. BUCCO**  
**District 25 (Morris and Somerset)**  
**Senator RONALD L. RICE**  
**District 28 (Essex)**

**Co-Sponsored by:**

**Senators 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 introduced.



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

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46 24). This amount shall be appropriated in the same manner as other

**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.**

1 State aid under this act. The Department of Education shall pay the  
2 amount to the Department of Human Services, the Department of  
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4 Juvenile Justice Commission established pursuant to section 2 of  
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16 Department of Human Services, the Department of Children and  
17 Families or the Juvenile Justice Commission, as appropriate, the aid  
18 specified in subsection d. of this section and in addition, such aid as  
19 required to make the total amount of aid equal to the actual cost of  
20 the tuition.

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

22

23 2. Section 3 of P.L.1989, c.290 (C.18A:7B-12.1) is amended to  
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35 guardian objects to the determination made by the district of  
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37 within 48 hours shall determine the placement of the child based on  
38 criteria established by the State Board of Education. Any appeals  
39 regarding the determination shall be resolved according to rules  
40 established by the State Board of Education.

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



1 temporarily residing in another district, the district of residence  
2 shall provide for transportation to and from school pursuant to the  
3 provisions of N.J.S.18A:58-7.  
4 (cf: P.L.1989, c.290, s.3)

5

6 3. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill requires that the State pay the educational costs of any  
12 student who resides in a domestic violence shelter or transitional  
13 living facility located outside the student's district of residence for  
14 more than one year. A series of administrative law decisions have  
15 ruled that once a homeless family continues to reside in a particular  
16 school district for more than one year, then the family is considered  
17 to be domiciled in that district, and the district becomes responsible  
18 for the costs of the child's education. This bill avoids concentrating  
19 these educational costs on the communities in which these shelters  
20 are located.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2120**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: AUGUST 3, 2012

**SUMMARY**

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

**Type of Impact:** Expenditure Increase in General Fund or Property Tax Relief Fund; Revenue Increase in School Districts

**Agencies Affected:** Department of Education; School Districts

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate – See comments below		
<b>Local Revenue</b>	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) is unable to estimate the increase in State expenditures, and the corresponding increase in school district revenue, that would occur as a result of Senate Bill No. 2120 of 2012. Two factors would determine the total cost: 1) the number of students for whom the State would be required to pay tuition, and 2) the tuition rate that the State would be required to pay for each student.
- The OLS does not have sufficient data to estimate the number of students who have resided in a domestic violence shelter or other transitional living facility outside the student’s district of residence for more than one year.
- The tuition rate the State would be required to pay for a student under this bill would vary based on the student’s characteristics, including the grade level in which the student is enrolled, and, for the amount of security categorical aid that a district would receive for a student, whether the student is considered “at-risk” (based on the student’s eligibility to participate in the National School Lunch Program). The OLS estimates that the tuition rate may vary from a minimum of approximately \$10,900 to a maximum of approximately \$13,000 per pupil.

## **BILL DESCRIPTION**

Senate Bill No. 2120 of 2012 requires that the State pay the educational costs of any student who resides in a domestic violence shelter or other transitional living facility outside the student's district of residence for more than one year. The State would pay tuition to the school district in which the student attends school in an amount equal to the weighted base per pupil amount for the student, as determined pursuant to the "School Funding Reform Act of 2008," P.L.2007, c.260, and any special education categorical aid and security categorical aid attributable to the student.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that Senate Bill No. 2120 of 2012 would lead to an indeterminate increase in State expenditures and a corresponding increase in revenue for school districts. There are two factors that would determine the overall change in revenue that would result from this bill: 1) the number of students who reside in a domestic violence shelter or other transitional living facility located outside the students' resident school district for more than one year, and 2) the tuition to be paid for each student.

The OLS does not have any information that could be used to estimate the number of students to whom the bill's provisions would be applicable. The tuition rate to be paid by the State would vary based on the students' characteristics. Under the bill, the tuition paid for each student would equal the weighted base per pupil amount calculated under the provisions of the "School Funding Reform Act of 2008" (SFRA) P.L.2007, c.260, plus the appropriate special education categorical aid and security categorical aid. Given the provisions of the SFRA, the tuition to be paid for a student will vary based on the grade in which the student is enrolled, and the amount of security categorical aid that a district would receive for the student.<sup>1</sup> Table 1 provides an estimate of the tuition rate for which the State would be responsible for each type of student; the figures are based on the provisions of the SFRA that were applicable in the 2011-2012 school year.

**Table 1**  
**Estimated Per Pupil Tuition Rates Under S-2120**

	Elementary School	Middle School	High School
Base Tuition Amount	\$10,897	\$11,307	\$12,641
Tuition with Security Aid Supplement	Minimum: \$10,908 Maximum: \$11,329	Minimum: \$11,318 Maximum: \$11,739	Minimum: \$12,651 Maximum: \$13,073

<sup>1</sup> A district receives additional security categorical aid for each at-risk student. The additional amount varies by district based on the share of students in the district who are classified as at-risk (based on the students' eligibility to participate in the National School Lunch Program).

*Section: Education*

*Analyst: Allen T. Dupree  
Lead Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY BILL NO. 3164

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3164 with my recommendations for reconsideration.

This bill would require that the State assume the educational costs of any student who resides for more than one year in a domestic violence shelter or transitional living facility outside the student's district of residence. I appreciate the sponsors' efforts to address the undue, and sometimes unanticipated, financial burden placed on communities hosting domestic violence shelters and transitional living facilities. These facilities provide an invaluable service to victims of domestic violence, their children, and the homeless, and the municipalities housing them should not be penalized for doing so.

In order to ensure clear and appropriate implementation of this legislation, I recommend amending the bill to authorize the Commissioner of Education, in consultation with the Department of Children and Families, to promulgate rules that would, at a minimum, identify the facilities, or types of facilities, that constitute a "transitional living facility." This is an ambiguous term that is not defined in the bill, statute, or regulation. Further, I recommend clarifying that this act would apply to those educational costs incurred beginning in the 2012-2013 school year.

Accordingly, I herewith return Assembly Bill No. 3164 and recommend that it be amended as follows:

Page 4, Line 7:

Insert new section:  
"3. The Commissioner of Education, in consultation with the Department of Children and Families, shall promulgate rules pursuant to the "Administrative

Procedure Act," P.L. 1968, c.410 (C. 52:14B-1 et seq.), to effectuate the provisions of this act. The rules shall identify those facilities that qualify as transitional living facilities or domestic violence shelters under this act."

Page 4, Section 3, Line 8:

Delete "3." and insert "4."

Page 4, Section 3, Line 8:

After "immediately" insert "and shall first apply in the 2012-2013 school year"

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Charles B. McKenna

Chief Counsel to the Governor