

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L.2017, CHAPTER 83, *approved May 11, 2017*
Assembly, No. 3785

1 AN ACT concerning the educational costs of students residing in
2 homeless shelters and amending P.L.1979, c.207, P.L.1989,
3 c.290, and P.L.2012, c.80.

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, if the criteria contained herein identify
40 a district of residence outside of the State, or if the child has resided
41 in a domestic violence shelter, homeless shelter, or transitional

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

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

26 (cf: P.L.2012, c.80, s.1)

27

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

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

46 When the homeless child attends school in a district other than
47 the district of residence, the district of residence shall pay the costs
48 of tuition for the child to attend school in that district and shall pay
49 for any transportation costs incurred by that district; except that in
50 the case of a child who has resided in a domestic violence shelter,

1 homeless shelter, or transitional living facility located in a district
2 other than the district of residence for more than one year, the State
3 shall pay the costs of tuition for the child to attend school in that
4 district. When the homeless child attends school in the district of
5 residence while temporarily residing in another district, the district
6 of residence shall provide for transportation to and from school
7 pursuant to the provisions of N.J.S.18A:58-7.

8 (cf: P.L.2012, c.80, s.2)

9
10 3. Section 3 of P.L.2012, c.80 (C.18A:7B-12.2) is amended to
11 read as follows:

12 3. The Commissioner of Education, in consultation with the
13 Department of Children and Families, shall promulgate rules
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), to effectuate the provisions of this act and
16 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
17 bill). The rules shall identify those facilities that qualify as
18 transitional living facilities, homeless shelters, or domestic violence
19 shelters **[under this act]**.

20 (cf: P.L.2012, c.80, s.3)

21
22 4. This act shall take effect immediately and shall first apply to
23 the first full school year following the date of enactment.

24 25 26 STATEMENT

27
28 Pursuant to P.L.2012, c.80, the State is required to pay the
29 educational costs of any student who resides for more than one year
30 in a domestic violence shelter or transitional living facility located
31 outside the student's district of residence. This bill provides that, in
32 addition, the State will pay the educational costs of a student who
33 resides for more than one year in a homeless shelter located outside
34 the student's district of residence.

35 A series of administrative law decisions have ruled that if a
36 homeless family continues to reside in a particular school district
37 for more than one year, then the family is considered to be
38 domiciled in that district, and the district becomes responsible for
39 the costs of the child's education. This bill will avoid concentrating
40 the educational costs of students who live in homeless shelters for
41 an extended period of time on the communities in which the shelters
42 are located.

43
44
45
46 Requires State to pay educational costs of students who reside in
47 homeless shelter outside district of residence for more than one
48 year.

ASSEMBLY, No. 3785

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 23, 2016

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywoman Pintor Marin, Assemblyman Caputo, Assemblywomen Jimenez, Vainieri Huttle, Jones, Mosquera, Assemblymen McKeon, Coughlin, Conaway, Egan and Senator Beck

SYNOPSIS

Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/16/2017)

A3785 DOWNEY, HOUGHTALING

2

1 AN ACT concerning the educational costs of students residing in
2 homeless shelters and amending P.L.1979, c.207, P.L.1989,
3 c.290, and P.L.2012, c.80.

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, if the criteria contained herein identify
40 a district of residence outside of the State, or if the child has resided
41 in a domestic violence shelter, homeless shelter, or transitional
42 living facility located outside of the district of residence for more
43 than one year, the State shall assume fiscal responsibility for the
44 tuition of the child. The tuition shall equal the approved per pupil
45 cost established pursuant to section 24 of P.L.1996, c.138

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 (C.18A:7F-24). This amount shall be appropriated in the same
2 manner as other State aid under this act. The Department of
3 Education shall pay the amount to the Department of Human
4 Services, the Department of Children and Families, the Department
5 of Corrections or the Juvenile Justice Commission established
6 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the
7 case of a homeless child or a child in a family resource home, the
8 Department of Education shall pay to the school district in which
9 the child is enrolled the weighted base per pupil amount calculated
10 pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49) and the
11 appropriate security categorical aid per pupil and special education
12 categorical aid per 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.2012, c.80, 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
31 shall be: a. to continue the child's education in the school district of
32 last attendance, b. to enroll the child in the district of residence if
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 executive county superintendent of schools shall be
38 notified and within 48 hours shall determine the placement of the
39 child based on criteria established by the State Board of Education.
40 Any appeals regarding the determination shall be resolved
41 according to rules 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,
47 homeless shelter, or transitional living facility located in a district
48 other than the district of residence for more than one year, the State

1 shall pay the costs of tuition for the child to attend school in that
2 district. When the homeless child attends school in the district of
3 residence while temporarily residing in another district, the district
4 of residence shall provide for transportation to and from school
5 pursuant to the provisions of N.J.S.18A:58-7.

6 (cf: P.L.2012, c.80, s.2)

7

8 3. Section 3 of P.L.2012, c.80 (C.18A:7B-12.2) is amended to
9 read as follows:

10 3. The Commissioner of Education, in consultation with the
11 Department of Children and Families, shall promulgate rules
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to effectuate the provisions of this act and
14 P.L. _____, c. _____ (C. _____) (pending before the Legislature as this
15 bill). The rules shall identify those facilities that qualify as
16 transitional living facilities, homeless shelters, or domestic violence
17 shelters **【under this act】**.

18 (cf: P.L.2012, c.80, s.3)

19

20 4. This act shall take effect immediately and shall first apply to
21 the first full school year following the date of enactment.

22

23

24

STATEMENT

25

26 Pursuant to P.L.2012, c.80, the State is required to pay the
27 educational costs of any student who resides for more than one year
28 in a domestic violence shelter or transitional living facility located
29 outside the student's district of residence. This bill provides that, in
30 addition, the State will pay the educational costs of a student who
31 resides for more than one year in a homeless shelter located outside
32 the student's district of residence.

33 A series of administrative law decisions have ruled that if a
34 homeless family continues to reside in a particular school district
35 for more than one year, then the family is considered to be
36 domiciled in that district, and the district becomes responsible for
37 the costs of the child's education. This bill will avoid concentrating
38 the educational costs of students who live in homeless shelters for
39 an extended period of time on the communities in which the shelters
40 are located.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3785

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2016

The Assembly Education Committee reports favorably Assembly Bill No. 3785.

Pursuant to P.L.2012, c.80, the State is required to 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. This bill provides that, in addition, the State will pay the educational costs of a student who resides for more than one year in a homeless shelter 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 will avoid concentrating the educational costs of students who live in homeless shelters for an extended period of time on the communities in which the shelters are located.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3785

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3785.

This bill provides that the State will pay the educational costs of a student who resides for more than one year in a homeless shelter located outside the student's district of residence. This bill amends P.L.2012, c.80 which provides that the State is required to 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 will avoid concentrating the educational costs of students who live in homeless shelters for an extended period of time on the communities in which the shelters are located.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that this bill would lead to an indeterminate increase in State expenditures, and a corresponding increase in revenue for school districts in which a homeless shelter is located. The total change in State expenditures would be determined by the number of homeless students who remain in a shelter located outside the school district in which the family last resided prior to becoming homeless for more than one year, and the total amount of time beyond one year that the student remains in the shelter. The OLS has not identified a data source that estimates the average amount of time that homeless children reside in a shelter.

If one assumes that five percent of the homeless students who reside in a homeless shelter do so for more than one year, and remain in that setting for a full school year beyond the first year, the additional State expenditure would be approximately \$1.2 million.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3785

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3785.

This bill requires the State to pay the educational costs of a student who resides for more than one year in a homeless shelter located outside the student's district of residence. The purpose of the bill is to avoid concentrating the educational costs of students who live in homeless shelters for extended periods on the communities in which those shelters are located.

Under current law, if a student's parent or guardian moves from one school district to another as a result of being homeless, the school district in which the parent or guardian last resided prior to becoming homeless is considered to be the district of residence, and is responsible for the student's educational costs. The law also provides that if the student's last district of residence cannot be determined, if that district is out-of-State, or if the student has resided in a domestic violence shelter or a transitional living facility outside the district of residence for more than one year, the State is to assume the fiscal responsibility for the educational costs of the child.

However, 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, the family is considered to be domiciled in that school district. As a result, the particular school district in which the family continues to reside, and not the State or the school district in which the family resided prior to becoming homeless, is responsible for the student's educational costs.

This bill amends current law to require the State to assume the fiscal responsibility for the educational costs of a student in those instances in which a child has resided in a homeless shelter located outside of the student's district of residence for more than one year. As is required for certain other instances involving homeless students or students in a family resource home, the State is to pay tuition to the school district in which the student attends school in an amount equal to the weighted base per pupil amount as calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49), as well as the appropriate amount of security categorical aid and special education categorical aid for each student.

The bill is scheduled to take effect immediately, but provides for its requirements to first apply to the first full school year following the date of enactment.

As reported, this bill is identical to Senate Bill No. 2396, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) expects the bill will lead to an indeterminate increase in State expenditures and a corresponding increase in revenue to school districts in which homeless shelters are located. The magnitude of the increase is expected to be determined by: 1) the total number of homeless students who, for more than one year, reside in a homeless shelter located outside the school district in which they resided prior to becoming homeless; and 2) the total amount of time that the students remain in the shelter beyond that first year.

The OLS has not identified a data source that identifies the number of homeless students for whom the State will assume fiscal responsibility under the bill, or a source of information that allows it to estimate the amount of time these students typically remain homeless. However, if one assumes, for purposes of analysis, that five percent of the homeless students who currently reside in a homeless shelter do so for more than one year, and remain in that setting for a full school year beyond the first year, the additional State expenditure during the first full school year following enactment may total \$1.2 million.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3785
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: FEBRUARY 10, 2017

SUMMARY

Synopsis: Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year.

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

Agencies Affected: Department of Education; School Districts

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|----------------------|------------------------|----------------------|
| State Cost | | Indeterminate Increase | |
| Local Revenue | | Indeterminate Increase | |

- The Office of Legislative Services (OLS) notes that Assembly Bill No. 3785 of 2016 would lead to an indeterminate increase in State expenditures, and a corresponding increase in revenue for school districts in which a homeless shelter is located. The total change in State expenditures would be determined by the number of homeless students who remain in a shelter located outside the school district in which the family last resided prior to becoming homeless for more than one year, and the total amount of time beyond one year that the student remains in the shelter. The OLS has not identified a data source that estimates the average amount of time that homeless children reside in a shelter.
- If one assumes that five percent of the homeless students who reside in a homeless shelter do so for more than one year, and remain in that setting for a full school year beyond the first year, the additional State expenditure would be approximately \$1.2 million.

BILL DESCRIPTION

Under current law, if a student’s parent or guardian moves from one school district to another as a result of becoming homeless, the district in which the parent or guardian resided prior to becoming homeless is considered to be the district of residence, and is responsible for, among other things, the student’s educational costs. However, if the student’s last district of residence cannot be determined, or if that district is out-of-State, then the State assumes the fiscal responsibility. 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 that child's educational costs. Assembly Bill No. 3785 of 2016 provides that if a student resides in a homeless shelter for more than one year, then the State would be responsible for that student's educational costs. It should be noted that the bill only applies to students who reside in a homeless shelter and not homeless students in an alternative living arrangement (e.g., sharing housing with others).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that Assembly Bill No. 3785 would lead to an indeterminate increase in State expenditures and a corresponding increase in revenue to school districts in which homeless shelters are located. The magnitude of the increase would be determined by: 1) the total number of homeless students who, for more than one year, reside in a homeless shelter located outside the school district in which they resided prior to becoming homeless; and 2) the total amount of time that the students remain in the shelter beyond that first year. The OLS has not identified a data source that estimates the amount of time that students remain homeless.

Under the bill, the State would pay an amount equal to the weighted base per pupil amount as calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49), as well as the appropriate amount of security categorical aid and special education categorical aid for each student. In the 2016-2017 school year, the weighted base per pupil amount equals \$11,009 for students enrolled in grades kindergarten through five, \$11,449 for students enrolled in grades six through eight, and \$12,770 for high school students. The per pupil amount for security categorical aid equals \$77 per pupil plus an additional amount for each low-income student; that additional amount varies by district based on the percent of the students residing in the district who are low-income, with the maximum amount being \$452 per pupil in the 2016-2017 school year. The State's payment would include special education categorical aid if the homeless student receives special education services; in the 2016-2017 school year, this per pupil amount totals \$847.¹

While the OLS does not have the data necessary to determine the number of homeless students for whom the State would assume fiscal responsibility under the bill, it is possible to produce a cost estimate based on the assumption that a fixed share of the homeless student population would be affected by the legislation. Based on data provided by states to the federal Department of Education,² in the 2013-2014 school year, there were 1,909 homeless students in New Jersey whose primary nighttime residence was a shelter. Among all of the homeless K-12 students in that year, approximately 53.2 percent were elementary school students, while 22.6 percent and 24.2 percent were middle school and high school students, respectively. If one assumes that the students who reside in homeless shelters follow the same grade distribution, and that five percent of them would be affected by the bill, the State would assume the fiscal

¹ This amount is derived by multiplying the excess cost for general special education services pupil (\$17,034) by the State average classification rate for general special education services pupils (14.92%) by 1/3 (the share of State aid for special education that is awarded through categorical aid).

² Accessed by the OLS at eddataexpress.ed.gov.

responsibility for approximately 51 elementary school students, 22 middle school students, and 23 high school students. Additionally, approximately 36 percent of the students received special education services. Applying the corresponding weighted base per pupil amount, plus \$529 per pupil for security categorical aid,³ and special education categorical aid for 36 percent of the students yields a State cost of \$1.188 million.

Section: Education

*Analyst: Allen T. Dupree
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

³ This reflects the \$77 per pupil amount that is applied to all students plus the assumption that the affected districts receive the maximum amount per pupil, \$452, for low-income students.

SENATE, No. 2396

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 20, 2016

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senator Beck

SYNOPSIS

Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/15/2017)

1 AN ACT concerning the educational costs of students residing in
2 homeless shelters and amending P.L.1979, c.207, P.L.1989,
3 c.290, and P.L.2012, c.80.

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, if the criteria contained herein identify
40 a district of residence outside of the State, or if the child has resided
41 in a domestic violence shelter, homeless shelter, or transitional
42 living facility located outside of the district of residence for more
43 than one year, the State shall assume fiscal responsibility for the
44 tuition of the child. The tuition shall equal the approved per pupil
45 cost established pursuant to section 24 of P.L.1996, c.138

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 (C.18A:7F-24). This amount shall be appropriated in the same
2 manner as other State aid under this act. The Department of
3 Education shall pay the amount to the Department of Human
4 Services, the Department of Children and Families, the Department
5 of Corrections or the Juvenile Justice Commission established
6 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or, in the
7 case of a homeless child or a child in a family resource home, the
8 Department of Education shall pay to the school district in which
9 the child is enrolled the weighted base per pupil amount calculated
10 pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49) and the
11 appropriate security categorical aid per pupil and special education
12 categorical aid per 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.2012, c.80, 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
31 shall be: a. to continue the child's education in the school district of
32 last attendance, b. to enroll the child in the district of residence if
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 executive county superintendent of schools shall be
38 notified and within 48 hours shall determine the placement of the
39 child based on criteria established by the State Board of Education.
40 Any appeals regarding the determination shall be resolved
41 according to rules 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,
47 homeless shelter, or transitional living facility located in a district
48 other than the district of residence for more than one year, the State

1 shall pay the costs of tuition for the child to attend school in that
2 district. When the homeless child attends school in the district of
3 residence while temporarily residing in another district, the district
4 of residence shall provide for transportation to and from school
5 pursuant to the provisions of N.J.S.18A:58-7.

6 (cf: P.L.2012, c.80, s.2)

7

8 3. Section 3 of P.L.2012, c.80 (C.18A:7B-12.2) is amended to
9 read as follows:

10 3. The Commissioner of Education, in consultation with the
11 Department of Children and Families, shall promulgate rules
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to effectuate the provisions of this act and
14 P.L. _____, c. (C. _____) (pending before the Legislature as this bill).

15 The rules shall identify those facilities that qualify as transitional
16 living facilities, homeless shelters, or domestic violence shelters
17 **【under this act】**.

18 (cf: P.L.2012, c.80, s.3)

19

20 4. This act shall take effect immediately and shall first apply to
21 the first full school year following the date of enactment.

22

23

24

STATEMENT

25

26 Pursuant to P.L.2012, c.80, the State is required to pay the
27 educational costs of any student who resides for more than one year
28 in a domestic violence shelter or transitional living facility located
29 outside the student's district of residence. This bill provides that, in
30 addition, the State will pay the educational costs of a student who
31 resides for more than one year in a homeless shelter located outside
32 the student's district of residence.

33 A series of administrative law decisions have ruled that if a
34 homeless family continues to reside in a particular school district
35 for more than one year, then the family is considered to be
36 domiciled in that district, and the district becomes responsible for
37 the costs of the child's education. This bill will avoid concentrating
38 the educational costs of students who live in homeless shelters for
39 an extended period of time on the communities in which the shelters
40 are located.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2396

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2396.

This bill requires the State to pay the educational costs of a student who resides for more than one year in a homeless shelter located outside the student's district of residence. The purpose of the bill is to avoid concentrating the educational costs of students who live in homeless shelters for extended periods on the communities in which those shelters are located.

Under current law, if a student's parent or guardian moves from one school district to another as a result of being homeless, the school district in which the parent or guardian last resided prior to becoming homeless is considered to be the district of residence, and is responsible for the student's educational costs. The law also provides that if the student's last district of residence cannot be determined, if that district is out-of-State, or if the student has resided in a domestic violence shelter or a transitional living facility outside the district of residence for more than one year, the State is to assume the fiscal responsibility for the educational costs of the child.

However, 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, the family is considered to be domiciled in that school district. As a result, the particular school district in which the family continues to reside, and not the State or the school district in which the family resided prior to becoming homeless, is responsible for the student's educational costs.

This bill amends current law to require the State to assume the fiscal responsibility for the educational costs of a student in those instances in which a child has resided in a homeless shelter located outside of the student's district of residence for more than one year. As is required for certain other instances involving homeless students or students in a family resource home, the State is to pay tuition to the school district in which the student attends school in an amount equal to the weighted base per pupil amount as calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49), as well as the appropriate amount of security categorical aid and special education categorical aid for each student.

The bill is scheduled to take effect immediately, but provides for its requirements to first apply to the first full school year following the date of enactment.

As reported, this bill is identical to Assembly Bill No. 3785, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) expects the bill will lead to an indeterminate increase in State expenditures and a corresponding increase in revenue to school districts in which homeless shelters are located. The magnitude of the increase is expected to be determined by: 1) the total number of homeless students who, for more than one year, reside in a homeless shelter located outside the school district in which they resided prior to becoming homeless; and 2) the total amount of time that the students remain in the shelter beyond that first year.

The OLS has not identified a data source that identifies the number of homeless students for whom the State will assume fiscal responsibility under the bill, or a source of information that allows it to estimate the amount of time these students typically remain homeless. However, if one assumes, for purposes of analysis, that five percent of the homeless students who currently reside in a homeless shelter do so for more than one year, and remain in that setting for a full school year beyond the first year, the additional State expenditure during the first full school year following enactment may total \$1.2 million.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2396

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2016

The Senate Education Committee favorably reports Senate Bill No. 2396.

Pursuant to P.L.2012, c.80, the State is required to 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. This bill provides that, in addition, the State will pay the educational costs of a student who resides for more than one year in a homeless shelter 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 will avoid concentrating the educational costs of students who live in homeless shelters for an extended period of time on the communities in which the shelters are located.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2396
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: OCTOBER 24, 2016

SUMMARY

Synopsis: Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year.

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

Agencies Affected: Department of Education; School Districts

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|----------------------|----------------------|------------------------|----------------------|
| State Cost | | Indeterminate Increase | |
| Local Revenue | | Indeterminate Increase | |

- The Office of Legislative Services (OLS) notes that Senate Bill No. 2396 of 2016 would lead to an indeterminate increase in State expenditures, and a corresponding increase in revenue for school districts in which a homeless shelter is located. The total change in State expenditures would be determined by the number of homeless students who remain in a shelter located outside the school district in which the family last resided prior to becoming homeless for more than one year, and the total amount of time beyond one year that the student remains in the shelter. The OLS has not identified a data source that estimates the average amount of time that homeless children reside in a shelter.
- If one assumes that five percent of the homeless students who reside in a homeless shelter do so for more than one year, and remain in that setting for a full school year beyond the first year, the additional State expenditure would be approximately \$1.2 million.

BILL DESCRIPTION

Under current law, if a student’s parent or guardian moves from one school district to another as a result of becoming homeless, the district in which the parent or guardian resided prior to becoming homeless is considered to be the district of residence, and is responsible for, among other things, the student’s educational costs. However, if the student’s last district of residence cannot be determined, or if that district is out-of-State, then the State assumes the fiscal

responsibility. 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 that child's educational costs. Senate Bill No. 2396 of 2016 provides that if a student resides in a homeless shelter for more than one year, then the State would be responsible for that student's educational costs. It should be noted that the bill only applies to students who reside in a homeless shelter and not homeless students in an alternative living arrangement (e.g., sharing housing with others).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that Senate Bill No. 2396 would lead to an indeterminate increase in State expenditures and a corresponding increase in revenue to school districts in which homeless shelters are located. The magnitude of the increase would be determined by: 1) the total number of homeless students who, for more than one year, reside in a homeless shelter located outside the school district in which they resided prior to becoming homeless; and 2) the total amount of time that the students remain in the shelter beyond that first year. The OLS has not identified a data source that estimates the amount of time that students remain homeless.

Under the bill, the State would pay an amount equal to the weighted base per pupil amount as calculated pursuant to section 7 of P.L.2007, c.260 (C.18A:7F-49), as well as the appropriate amount of security categorical aid and special education categorical aid for each student. In the 2016-2017 school year, the weighted base per pupil amount equals \$11,009 for students enrolled in grades kindergarten through five, \$11,449 for students enrolled in grades six through eight, and \$12,770 for high school students. The per pupil amount for security categorical aid equals \$77 per pupil plus an additional amount for each low-income student; that additional amount varies by district based on the percent of the students residing in the district who are low-income, with the maximum amount being \$452 per pupil in the 2016-2017 school year. The State's payment would include special education categorical aid if the homeless student receives special education services; in the 2016-2017 school year, this per pupil amount totals \$847.¹

While the OLS does not have the data necessary to determine the number of homeless students for whom the State would assume fiscal responsibility under the bill, it is possible to produce a cost estimate based on the assumption that a fixed share of the homeless student population would be affected by the legislation. Based on data provided by states to the federal Department of Education,² in the 2013-2014 school year, there were 1,909 homeless students in New Jersey whose primary nighttime residence was a shelter. Among all of the homeless K-12 students in that year, approximately 53.2 percent were elementary school students, while 22.6 percent and 24.2 percent were middle school and high school students, respectively. If one

¹ This amount is derived by multiplying the excess cost for general special education services pupil (\$17,034) by the State average classification rate for general special education services pupils (14.92%) by 1/3 (the share of State aid for special education that is awarded through categorical aid).

² Accessed by the OLS at eddataexpress.ed.gov.

assumes that the students who reside in homeless shelters follow the same grade distribution, and that five percent of them would be affected by the bill, the State would assume the fiscal responsibility for approximately 51 elementary school students, 22 middle school students, and 23 high school students. Additionally, approximately 36 percent of the students received special education services. Applying the corresponding weighted base per pupil amount, plus \$529 per pupil for security categorical aid,³ and special education categorical aid for 36 percent of the students yields a State cost of \$1.188 million.

Section: Education
Analyst: Allen T. Dupree
Principal Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

³ This reflects the \$77 per pupil amount that is applied to all students plus the assumption that the affected districts receive the maximum amount per pupil, \$452, for low-income students.

Governor Christie Takes Action On Pending Legislation

Thursday, May 11, 2017 Tags: [Bill Action](#)



Trenton, NJ - Governor Chris Christie today signed into law additional bills to support New Jersey's military members, veterans, and their families and show pride in the state's military history. On May 1, he signed a number of bills impacting veterans and the military, including a law creating a program to divert certain veterans accused of non-violent offenses from the criminal justice system and into appropriate mental health and substance use services.

Today, Governor Christie signed A450/S750 (Mazzeo, Andrzejczak, Mukherji, Moriarty, Benson, Daniels, Houghtaling/Beach, Van Drew) creating the Wounded Warrior Caregivers Relief Act, which provides a gross income tax credit of up to \$675 to family caregivers of totally disabled veterans whose injuries occurred as a result of serving on active duty on or after September 11, 2001.

"We must do all we can do to make it easier for military members who have been left with debilitating injuries in the line of duty and their family members who now care for them," said Governor Christie. "This compassionate new law provides a tax credit to ease some of the financial burden on those families and show our appreciation for the many sacrifices they have made to keep their loved ones safe and at home."

Other military and veterans bills signed by Governor Christie allow active duty members of the U.S. Armed Forces who have completed basic training to wear their dress uniform at their high school graduation and require the Department of Military and Veterans' Affairs to work with the Division of Travel and Tourism and the New Jersey Historical Commission to develop an online list with a historic tour of war battles fought and places of historical military significance in New Jersey and its State waters.

Governor Christie also took action on the following bills:

BILL SIGNINGS:

ACS for A-815/ACS for S-1088 (Land, Andrzejczak, Mosquera, Vainieri Huttle, Bramnick/Van Drew, T. Kean) - Concerns Code Blue alert plans to shelter at-risk individuals

A-837/S-468 (Jimenez, Green, Mukherji, Sumter, Munoz/Sacco, Greenstein) - Establishes "Hazardous Drug Safe Handling Act;" requires promulgation of standards and regulations concerning safe handling of hazardous drugs by certain health care personnel

A-1256/S-1381 (Caride, Singleton, Jasey, Wimberly/Bateman) - Requires State Board of Education regulations regarding school nurse certification to include certain minimum eligibility requirements

A-1649/S-853 (Schaer, Pintor Marin, Wimberly, Mukherji/Stack) - Requires local governments and authorities to obtain financing cost estimate from NJ Environmental Infrastructure Trust for certain projects

ACS for A-1973/SCS for S-2401 (Prieto, Handlin/Diegnan, Stack) - "Appraisal Management Company Registration and Regulation Act"

A-1991/S-2722 (Prieto, Jimenez, Oliver/Stack, Cunningham) - Provides two elected members of pension commission of closed Hudson County Employees' Pension Fund may be active or retired county employees

ACS for A-2004/SCS for S-731 (Green, Benson, Moriarty, Mukherji, Pintor Marin/Cruz-Perez, Beach) - Establishes certain penalties for operating or participating in pyramid promotional schemes

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.



Related Content

[GOVERNOR'S STATEMENT UPON SIGNING ASSEMBLY BILL NO. 4146](#)

A-2087/SCS for S-2792 (Mukherji, Schaer, Downey, Quijano/Greenstein, Turner) - Grants drivers additional time to resolve parking violations prior to license or registration suspension

A-2340/S-2108 (Benson, Muoio, Gusciora/Greenstein, Diegnan) - Authorizes students in Marie H. Katzenbach school for the deaf to operate State vehicle for driver education and provides protection for such activity under tort claims act

A-2512/S-1899 (DeAngelo, Pintor Marin, Houghtaling/Whelan, Turner) - Requires BPU to render decision on case within 12 months of final public hearing or hold another public hearing prior to deciding case

A-2805/S-2726 (Caputo, Houghtaling, McKeon, Chiaravalloti/Codey, Pou) - Requires DMVA to develop online historic tour identifying locations of war battles and places of significance to war efforts in State

A-3011/S-2796 (Conaway, Singleton/Allen) - Modifies charter of Board of Island Managers of Burlington Island to move elections to November

AS for A-3351/S-2570 (Lampitt, Andrzejczak, Quijano, Holley, Jones, Space/Cruz-Perez, Oroho) - Creates license to manufacturer and sell hard cider and mead

A-3581/SCS for S-2582, 2092 (Downey, Mosquera, Danielsens, Houghtaling, Van Drew, Turner, Moriarty) - Requires Internet-connected baby monitors to include security features

A-3601/S-2209 (Schaer/Vitale, Gill) - Concerns regulation of guaranteed asset protection waivers by DOBI

A-3785/S-2396 (Downey, Houghtaling, Jasey, Singleton, Holley, Caride, Wimberly/Ruiz, Turner) - Requires State to pay educational costs of students who reside in homeless shelter outside district of residence for more than one year

A-4019/S-2491 (Mazzeo, Mukherji, Andrzejczak, Land, DeCroce, McKnight, Danielsens/Cruz-Perez, Madden) - Permits eligible students who are members of United States Armed Forces to wear military uniform at high school graduation

A-4146/S-2521 (Vainieri Huttie, Benson, Lampitt, Johnson, McKnight, Sumter/Vitale, Gordon) – STATEMENT UPON SIGNING - Provides for monitoring and evaluation of transition of mental health and substance use disorder treatment service system and developmental disability system to fee-for-service reimbursement model; makes appropriation

A-4284/S-2675 (Quijano, Benson, Muoio, Caride, Vainieri Huttie, McKnight, Wimberly, Sumter/Diegnan, Beach) - Provides that school districts and nonpublic schools may receive reimbursement for costs incurred on or after January 1, 2016 for testing school drinking water for lead

A-4344/S-2729 (Karabinchak, Pinkin, Coughlin, Wisniewski/Diegnan, Vitale) - Designates portion of Route 18 in East Brunswick as "State Trooper Werner Foerster Memorial Interchange"

AJR-76/SJR-16 (Vainieri Huttie, Holley, McKnight, Jasey/Gill) - Designates September "Affordable Housing Awareness Month"

AJR-130/SJR-92 (Vainieri Huttie, Lampitt/Vitale, Singer) - Designates January 23 of each year as "Maternal Health Awareness Day" in New Jersey

BILLS VETOED:

A-1850/S-2606 (Giblin, DeAngelo, Mukherji, Holley/Diegnan) – ABSOLUTE - Extends by two months seasonal retail consumption alcoholic beverage license

A-1869/S-668 (Wimberly, Vainieri Huttie, Oliver, Tucker, Quijano, Johnson/Rice, Cruz-Perez) - CONDITIONAL - Establishes Division of Minority and Women Business Development and State Chief Disparity Officer to monitor efforts to promote participation by minority-owned and women-owned businesses in State contracting

A-2353/S-367 (Vainieri Huttie, Jasey, Mukherji, Benson, Quijano/Codey, Turner) – CONDITIONAL - Establishes measures to deter steroid use among students; appropriates \$45,000 to DOE for New Jersey State Interscholastic Athletic Association testing of student-athletes for steroids and other performance enhancing substances

A-3091/S-2528 (Munoz, Gusciora, O'Scanlon, Oliver, Lagana, Lampitt, Mukherji, Sumter/Pou, Weinberg, Cunningham) - CONDITIONAL - Bars persons under age 18 from marrying or entering into a civil union

###

Press Contact:
Brian Murray
609-777-2600



Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2017
Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000