

5116 EDUCATION OF HOMELESS CHILDREN

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

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

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

The school district liaison for the education of homeless children shall is be the Superintendent or his/her designee. The liaison will facilitate communication and cooperation between the school district of residence and the school district where the homeless child is temporarily residing resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a) and will develop procedures to ensure that a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.

When a homeless child is living temporarily in the resides in a school district, the school district liaison, upon receiving notification from the parent(s) or legal guardian(s), the Department of Human Services, a shelter director, an involved agency, or a case manager, will shall notify the liaison of the school district of residence within twenty-four hours of receiving the notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence will shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.65(b).

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

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

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

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

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

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

Financial responsibility, including the payment of tuition for the homeless child, will be in accordance with N.J.A.C. 6A:17-2. ~~89 et seq.~~ The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until for as long as the parent(s) ~~or legal guardian(s) remains homeless and the child is enrolled in another school district.~~ establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the

~~school district of residence shall no longer list the student on its ASSA. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c). If a district of residence cannot be determined for a homeless child or if a district of residence is outside of the State, the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition, in accordance with N.J.A.C. 6A:17-2.9(c)1., to the school district in which the child is currently enrolled for as long as the child and his or her parent(s) or legal guardian(s) remain homeless.~~

~~N.J.S.A. 18A:7B-12; 18A:7B-12.1~~

~~N.J.A.C. 6A:17-2.1 et seq.~~

~~N.J.A.C. 6A:17-2.1 et seq.~~

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