

P.L. 1997, CHAPTER 202, *approved August 14, 1997*  
Senate, No. 1794

1 AN ACT concerning the tuition of certain pupils and amending  
2 P.L.1979, c.207.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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

9 19. For school funding purposes, the Commissioner of Education  
10 shall determine district of residence as follows:

11 a. The district of residence for children in foster homes shall be the  
12 district in which the foster parents reside. If a child in a foster home  
13 is subsequently placed in a State facility or by a State agency, the  
14 district of residence of the child shall then be determined as if no such  
15 foster placement had occurred.

16 b. The district of residence for children who are in residential State  
17 facilities, or who have been placed by State agencies in group homes,  
18 private schools or out-of-State facilities, shall be the present district  
19 of residence of the parent or guardian with whom the child lived prior  
20 to his most recent admission to a State facility or most recent  
21 placement by a State agency.

22 If this cannot be determined, the district of residence shall be the  
23 district in which the child resided prior to such admission or  
24 placement.

25 c. The district of residence for children whose parent or guardian  
26 temporarily moves from one school district to another as the result of  
27 being homeless shall be the district in which the parent or guardian last  
28 resided prior to becoming homeless. For the purpose of this  
29 amendatory and supplementary act, "homeless" shall mean an  
30 individual who temporarily lacks a fixed, regular and adequate  
31 residence.

32 d. If the district of residence cannot be determined according to the  
33 criteria contained herein, or if the criteria contained herein identify a  
34 district of residence outside of the State, the State shall assume fiscal

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 responsibility for the tuition of the child. The tuition shall equal the  
2 approved per pupil cost established pursuant to P.L.1996, c.138  
3 (C.18A:7F-1 et seq.). This amount shall be appropriated in the same  
4 manner as other State aid under this act. The Department of  
5 Education shall pay the amount to the Department of Human Services,  
6 the Department of Corrections or the Juvenile Justice Commission  
7 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)  
8 or, in the case of a homeless child, the Department of Education shall  
9 pay the appropriate T&E amount and any appropriate additional cost  
10 factor for special education pursuant to section 19 of P.L.1996, c.138  
11 (C.18A:7F-19) to the school district in which the child is enrolled.

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

20 (cf: P.L.1996, c.138, s.44)

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22 2. This act shall take effect immediately.

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#### STATEMENT

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27 This bill requires the State to pay any difference between the  
28 amount of State aid otherwise payable and the amount of the actual  
29 cost of tuition for a pupil for whom the State has assumed fiscal  
30 responsibility when the pupil is classified as needing special education  
31 services and is in a private educational facility. The bill ensures that  
32 adequate funding of State-approved tuition will be provided for  
33 approximately 65 orphan children who have no school district of  
34 residence.

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39 Provides payment of tuition for certain children for whom the State  
40 has assumed fiscal responsibility.