

Determination of Services, Fiscal Responsibility, and Data Reporting Requirements for Students Out-of-Home

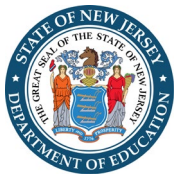
The intended use of this document is to assist in the application of the relevant statutes cited herein. Said statutes are the binding authority. The Department of Education and the State Agencies referenced in this document disclaim any and all liability in connection with the interpretation of and use of this document.

Key:

- DA= District where student attends
- DL= District where facility is located
- DR= District of residence
- PDR= Prior district of residence
- SA= State Agency as defined in *N.J.A.C. 6A:17-1*

Notes:

1. **Authority for Placement:** The Department of Children and Families (DCF), as a state agency defined in N.J.A.C. 6A:17-1.2, only has the authority to place children who are in DCF's care, custody or control pursuant to N.J.S.A. § 9:6-8.54, N.J.S.A. § 30:4C-12, and N.J.S.A. § 30:4C-20. Students placed by parent through DCF Children's System of Care does not result in "State Agency" authority. Additionally, other state agency involvement, including but not limited to the New Jersey Department of Corrections and the New Jersey Juvenile Justice System, does not automatically imply "State Agency" authority for placement.
2. **Transportation (provides):** The fiscally responsible district is also responsible for including the student in the annual District Report of Transported Students (DRTS) submission.
3. **Transportation (pays):** The fiscally responsible district is also responsible for including the student in the annual District Report of Transported Students (DRTS) submission.
4. **Out-of-home Placement—State-Facility:** Entities contracting specifically with DCF's Office of Education constitute a "State Facility" as defined in N.J.A.C. 6A:17-1.2. Table 1: Out-of-Home Placement



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Out-of-Home Placement	<u>Determining District of Residence</u>	Authority for Placement	Residential Care (Provides)	Residential Care (Pays)	CST Services Provides	Education Programs (Provides)	Educational Programs (Pays)	<u>Transportation (Provides)</u>	<u>Transportation (Pays)</u>	Respondent(s) In Due Process Hearing	ASSA Reporting
<u>Resource Family Home (foster care)</u>	1. For student placed before 9/9/10: District where the Resource Family Parents (foster care) reside. 2. For student placed after 9/9/10: District of Residence of parent/guardian with whom student lived prior to most recent placement. <i>N.J.S.A. 18A:7B-12</i>	SA	SA	SA/DR	DL with input from theDR	DL	DR	DL	DR	DL/DR	DR/DA (if applicable)
State Facility (Residential, state group homes, and day programs operated by, contracted with, or specified by, NJ Dept. of Health or DCF)	District of Residence of parent/guardian with whom student lived prior to most recent admission to State facility. <i>N.J.S.A. 18A:7B-12</i>	SA	SA	SA	SA with input from theDR	SA	SA/DR ¹	SA	DR	SA/DR	SA

¹ If a student is state-placed in a state facility prior to the October NJSMART submission, the District of Residence (DR) will provide funding. If the student is not included in the October count, then DCF (SA) provides the funding pursuant to *N.J.S.A. 18A:7B-2*.



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Group Homes	District of Residence of parent/guardian with whom student lived prior to most recent admission to group home. <i>N.J.S.A. 18A: 7B-12</i>	SA	SA	SA	DL	DL	DR	DR	DR	DL/DR	DR/DA (if applicable)
Programs Operated by Department of Corrections or the Juvenile Justice Commission	District of Residence of parent/guardian with whom student lived prior to placement in DOC/JJC. <i>N.J.S.A. 18A:7B-12</i>	SA	SA	SA	DOC/JJC with input from DR	DOC/JJC	DOC/JJC/DR ²	N/A	N/A	DOC/JJC/DR	DOC/JJC

² If students are placed prior to the October NJSMART submission, the District of Residence will provide funding. If the student is not included in the October count, then the Department of Corrections (DOC) or the Juvenile Justice Commission (JJC) provides the funding.

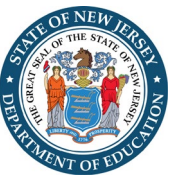


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Placement	<u>Determining District Of Residence</u>	Placed By	Residential (Provides)	Residential Care (Pays)	CST Services (Provides)	Education Programs (Provides)	Educational Programs (Pays)	<u>Transportation (Provides)</u>	<u>Transportation (Pays)</u>	Respondent(s) In Due Process Hearing	ASSA Reporting
Parent/guardian temporarily moves from one District to another as a result of being homeless, i.e., “lacking a fixed, regular and adequate residence” per McKinney-Vento	<p>Student may continue to attend prior district of enrollment.</p> <p>The district of residence shall be the district in which the parent resided prior to becoming homeless. <i>N.J.S.A. 18A:7B-12(c)</i></p> <p>After one year, the student may be considered “domiciled” in the new district pursuant to <i>N.J.S.A. 18A:38-1(d)</i></p>	N/A	N/A	N/A	DR	DR	DR	District of attendance <i>(N.J.A.C. 6A:27-6.2)</i>	DR	DR	DR/DA (if applicable)
Homelessness as a result of an Act of Terrorism or Natural Disaster	<p>Student may continue to enroll in District in which parent/guardian resided prior to becoming homeless for up to 2 full school years after event/incident.</p> <p><i>N.J.S.A. 18A:7B-12.3</i></p>	N/A	N/A	N/A	PDR	PDR	PDR	PDR	PDR	PDR	PDR/DA (if applicable)
Moves out-of-district as a result of domestic violence, sexual abuse or other family crises	<p>Student may continue to attend prior district for the remainder of the school year.</p> <p><i>N.J.S.A. 18A:38-1.1</i></p>	N/A	N/A	N/A	PDR	PDR	PDR	PDR	State reimburses PDR	PDR	PDR/DA (if applicable)

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Placement	<u>Determining District Of Residence</u>	Placed By	Residential (Provides)	Residential Care (Pays)	CST Services (Provides)	Education Programs (Provides)	Educational Programs (Pays)	<u>Transportation (Provides)</u>	<u>Transportation (Pays)</u>	Respondent(s) In Due Process Hearing	ASSA Reporting
Resides in a domestic violence shelter, homeless shelter or transitional living facility located outside of district of residence for more than one year	The State shall assume the fiscal responsibility for the tuition of the child. <i>N.J.S.A. 18A:7B-12(2)(d)</i>	N/A	N/A	N/A	DR	DR	State	DR	DR	DR	DR/DA (if applicable)