



STATE OF NEW JERSEY  
**DEPARTMENT OF EDUCATION**

A Memo from the New Jersey Department of Education

Date: July 10, 2018  
To: Chief School Administrators, Charter School and Renaissance School Project Leads  
Route To: Directors of Special Education  
From: John Worthington, Director  
Office of Special Education Policy and Procedure

### **Determination of Services, Fiscal Responsibility and Data Reporting Requirements for Students with Disabilities**

The New Jersey Department of Education's Office of Special Education Policy and Procedure is providing guidance to address numerous inquiries regarding the provision of educational services, fiscal responsibility and NJSMART reporting requirements for students receiving, or who are eligible to receive, special education and related services who are placed in settings such as resource family homes (foster care) and group homes. The guidance consists of a [determination chart](#) and the Question & Answer information contained below.

This information is intended to provide additional clarity regarding the responsibilities of school districts that are involved when students are placed in these settings. This document is not intended to be comprehensive, as there will be situations which are fact-specific and do not fall within one of the provided scenarios. As such, fact-specific situations should be analyzed and responded to accordingly and in consultation with a district's board attorney.

#### **What process should a Local Education Agency (LEA) follow when there is a disagreement regarding fiscal responsibility for a student?**

In general, an LEA may seek a determination from the Commissioner of Education, through the Office of Controversies and Disputes, when there is disagreement regarding fiscal responsibility for a student.

For certain disputes regarding the district of residence, the following statutes and regulations apply:

When a student is in a residential state facility, or was placed by state agencies in group homes, skill development homes, private schools, or out-of-state facilities, the applicable state agency submits an address to the Commissioner pursuant to *N.J.A.C. 6A:23A-19.2(b)* and the Commissioner determines the student's district of residence. An LEA must contest the Commissioner's determination through the NJDOE's Office of School Facilities and Finance within 30 days pursuant to *N.J.A.C. 6A:23A-19.2(d)*. If the Office of School Facilities and Finance does not resolve the dispute within 90 days, the LEA may file a Petition of Appeal through the Office of Controversies and Disputes.

If the dispute regarding the student's district of residence is a homelessness matter, an LEA must first bring the dispute to the Executive County Superintendent for a determination, which may ultimately be appealed through the Office of Controversies and Disputes. See *N.J.A.C. 6A:17-2.7(b)*.

#### **What process should an LEA follow when there is a disagreement regarding NJSMART reporting requirements for a student?**

Accountability rules which detail the reporting requirements for LEAs are outlined in the [NJDOE's SID Management Student Data Handbook](#).

**A student with an Individualized Education Program (IEP) from District A is placed in a Resource Family Home (foster care) by a state agency in District B. Who is responsible for the child study team services? Who is financially responsible for the student?**

In accordance with [guidance](#) issued by the NJDOE in March 2012, the district of residence is responsible for ensuring that children with special needs placed in resource family homes (foster care) receive a free, appropriate public education, regardless of the district in which the child attends school. The NJDOE encourages districts to work collaboratively to determine the most efficient mechanism for ensuring children receive the special education and related services to which they are entitled. The district of residence of the parent typically retains financial responsibility for the provision of educational services.

**A student with an IEP from District A is placed by a state agency in a Group Home in District B. Who is responsible for the child study team services? Who is financially responsible for the student?**

Pursuant to *N.J.S.A. 30:4C-26*, when a student is placed in a Group Home, the district in which the Group Home is located must make educational benefits available to the student. The district in which the group home is located has an obligation under the IDEA to initiate special education services, without delay, even while conducting any necessary assessments. The district of residence of the parent typically retains financial responsibility for the provision of those services.

**A student from District A, without an IEP, whose parent resides in District A is placed by a state agency in a group home in District B. District B evaluates the student, determines that the student has a disability and is eligible for special education and related services, and subsequently places the student in an approved private school for students with disabilities (APSSD). District B enters into a contract with the APSSD and then seeks reimbursement from District A.**

District B is responsible for providing the educational services, including child study team services, for the student. District A, as the district of residence, is fiscally responsible for the student's placement. District A, the district of residence, includes the student in its annual data submission, if the student was attending school in District A on or is placed as of October 15.

**A student whose parent resides in District A is placed by a state agency at a group home in District B. District B seeks tuition and transportation reimbursement from District A. District A claims the parent became homeless and is living in District C. District C claims the student was never registered in their district.**

In accordance with *N.J.S.A. 18A:38-1(d)*, unless or until there is proof that the parent(s) actually lives in District C for at least one year, District A would be considered the district of residence, and thus, financially responsible. Alternatively, if there is proof that the parent(s) lived in District C for one year or longer, District C would then become District of Residence, and thus responsible for this student.

**A student whose parent resides in District A is placed by the Department of Child Protection and Permanency in a resource family home (foster care) in District B. District A, the district of residence, refuses to assume fiscal responsibility for the student.**

District B, the district of location, may seek a determination from the Commissioner, through the Office of Controversies and Disputes, that District A is the fiscally responsible district.

**District A has four students from one family living in resource family homes (foster care). The parent moves from District A to District B. The superintendent of District A would like to shift the costs of transportation and tuition to District B.**

The fiscal responsibility for a student placed in a resource family home (foster care) changes when the parent moves from one LEA to another. The new district of residence of the parent would be the fiscally responsible district immediately upon residency.

**A Department of Children and Families designated Care Management Organization places a student in a respite care home for a period of one month. Who is responsible for the provision of transportation for the student?**

Such a placement is a temporary state agency placement, and the district of residence is responsible for the cost of transporting the student.

c: Members, State Board of Education  
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