

# Looking Out For Your Legal Rights®

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To enroll in public school, students must show that they are residents of the school district. This article explains basic rules about school residency (registration) requirements. *Page 1*

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*Cuáles Son Sus  
Derechos Legales*  
La versión en  
español la encontrará  
al reverso.

## SCHOOL OPENING ALERT: School Residency Requirements

**EACH FALL**, many school-age children in New Jersey are not allowed to register for or attend public schools because of disputes about where they live. Many of these students should be permitted to register for school. Some children are mistakenly denied because they are not able to produce written leases, or because they cannot show that their homes have certificates of occupancy. Other children are wrongly denied because of their immigration status. This article explains some of the basic rules about school residency (registration) requirements.

**Any child living in New Jersey and between the ages of 5 and 20 has a right to a free public education.**

### Right to Free Public Education for Students Ages 5–20

Any child living in New Jersey and between the ages of 5 and 20 has a right to a free public education. This includes children who do not have legal immigration status. This also includes children who are unable to provide written leases or show that the apartment where they live complies with local housing laws.

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*continued from page 1*

**Note:** Some children younger than 5 and older than 20 also have a right to a free public education. One example is children who have disabilities and are receiving special education and related services. Another example is children living in certain low-income school districts, formerly called Abbott Districts, where the district must provide public preschool.

To enroll in public school, students must show that they are residents of the school district. There are special rules and procedures that school districts must use when determining where a child may attend school. These rules and procedures include a right to appeal when a school denies admission. School districts must allow students to attend the school during the time that it takes to decide the appeal.

Homeless children are entitled to

certain rights and protections when they try to enroll in school. To learn more about the rights of homeless children, please see *Rights of Homeless Students* on page 7.

### **Who can attend school in New Jersey?**

All school-age children who live in New Jersey have a right to a free public education from kindergarten through 12th grade. In 1982, the U.S. Supreme Court ruled in a case called *Plyler v. Doe* that undocumented children and young adults have the same right as U.S. citizens and permanent residents to attend school. Like other children in New Jersey, undocumented students are required to attend school from age 6 to 16. Public schools cannot deny free admission to students because of their immigrant status.

(There is one exception to this rule. A student who is in the United States with an F-1 Visa for



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the sole purpose of attending a public high school is not entitled to receive a free public education.) Public schools may not treat immigrant students differently in order to prove residency. A public school cannot stop or discourage a student from enrolling by threatening to contact the Department of Homeland Security–United States Citizenship and Immigration Services (USCIS) [formerly known as the Immigration and Naturalization Service (INS)]. A public school cannot ask for proof of immigration status as a condition of school enrollment.

### ***Where can a child attend school in New Jersey?***

Students have the right to go to school in the school district where their parent or legal guardian is residing, even if the home is temporary. Students whose parents live in two different places will likely go to school in the district of the parent’s home where the student spends the most time. Usually students must attend school where their parent or legal guardian lives. In certain circumstances, students may attend school somewhere else when someone who is not their parent or legal guardian is caring for them. These students are called *affidavit* students.

### ***What is an affidavit student?***

An affidavit student is a student who lives with someone other than a parent or legal guardian and wants to attend school in the district where that person lives. The person they live with (caretaker) must support the student without any payment for the student’s care.

### ***How can a child qualify as an affidavit student?***

In order to qualify as an affidavit student, the student’s parent or legal guardian must give the school district an affidavit (a sworn statement) along with supporting documentation. The parent or guardian must show that he or she cannot support or provide for the child due to a family or economic hardship. The affidavit must also state that the student is not living with the caretaker solely to attend school in that district.

A school district may also ask the caretaker for an affidavit.

The affidavit must state the following:

- The caretaker lives in the district.
- The caretaker financially supports the student without payment.
- The caretaker plans to continue to support the student for more than the school year.
- The caretaker will be responsible for all of the student’s personal obligations related to school requirements.

The caretaker may also have to submit a copy of his or her lease if he or she



**Students have the right to go to school in the district where their parents or legal guardians reside, even if the home is temporary.**

is a tenant or a statement from the landlord if there is no written lease.

Even if there are no affidavits, the school must enroll the student if the above requirements are established.

Schools cannot deny admission when the evidence shows that the student has no home or possibility of attending school other than with the caretaker.

A parent or legal guardian is allowed to give gifts or limited contributions (cash or otherwise) for the welfare of the student. A school district cannot use parental gifts or limited contributions as the only reason to find a student ineligible. Courts have interpreted gifts and limited contributions in different ways. For example, in at least one case a caretaker was permitted to receive child support payments from the child's parent. The court reasoned that the child support was to benefit the child and not the caretaker.

### ***How can students prove that they are entitled to attend school in a school district?***

School districts must accept a variety and combination of documents in order to show where a student lives and is entitled to attend school.

Specific examples of documents that can be used include:

- Property tax bills,
- Leases,
- Letters from landlords,
- Voter registrations,
- Driver licenses,
- Cancelled checks, and
- Utility bills.

School districts are not permitted to require certain types of proof of resi-

dency. School districts are required to review and consider any proof of residency that is submitted. If the school district disagrees that residency has been established, it is required to give a written notice (see below).

### ***Can a school request proof of immigration status or income tax returns?***

A school district cannot ask for documentation about immigration status, including passports, green cards, or other immigration-related information (except for F-1 Visa holders, explained above). A school district cannot require a student or parent to have a Social Security number. A school district cannot ask for income tax returns or require a Certificate of Habitability or a Certificate of Occupancy. A school cannot deny admission because it believes that an apartment violates zoning or housing codes.

The Family Education Rights and Privacy Act (FERPA) does not allow schools to provide any outside agency—including USCIS—with any information from a child's school file that would expose the student's undocumented status without first getting permission from the student's parents. The only exception is if the agency gets a court order—known as a *subpoena*—that parents can then challenge.

### ***Can a school remove a child from school if it thinks that the child's residence has changed?***

Yes, but a school district must first follow certain rules. Schools are allowed to investigate a student's residency status and ask for current proof of eligibility. If a school thinks an enrolled student is no

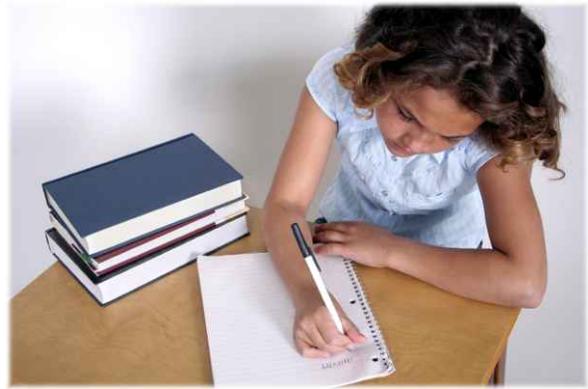
longer eligible to attend the school, it must ask the board of education to remove the child from the school. The child's parent, guardian, or caregiver (if an affidavit student) has a right to have a hearing before the board of education. Before the hearing, the district must give written notice that explains why the district is challenging the student's residency. This notice must also meet the notice rules that are outlined below.

At the hearing, a parent, guardian, or caregiver will have the chance to show that the student is eligible to attend the school (see *Where can a child attend school in New Jersey?* and *What is an affidavit student?* above). At the hearing, a parent, guardian, or caregiver should bring any witnesses who can testify about the student's residency or eligibility as an affidavit student. Any documents that support the claim should also be brought to the hearing.

After the hearing, the board of education must make a decision and send the parent, guardian or caregiver a written decision. In order to decide to remove the student from school, the whole board of education must vote at a public meeting.

### ***What happens if a school will not allow enrollment?***

If a school denies enrollment, it must give a written notice of ineligibility. The notice must clearly describe the reason the child is not eligible. It must also specify what law or part of the law is the basis for the denial. If English is not the applicant's native language, the school must also give notice in the applicant's native language.



**A school can remove a child from school if it thinks the student's residence has changed, but the school district must follow certain rules.**

An applicant who disagrees with the school's decision has a right to appeal the denial within 21 days of the date of notice. If the parent, guardian, or caregiver intends to appeal the decision, the student must be allowed to attend school while the appeal is processed and decided. (They may be charged tuition for the time that the child attends school if they lose the appeal. See below.)

A parent, legal guardian, or caregiver who files an appeal *pro se* (without a lawyer) can submit a letter or use the *pro se* residency appeal form provided by the NJ Department of Education. The form can be downloaded at [bit.ly/1pu6Z0H](http://bit.ly/1pu6Z0H) (the form is on page 17).

If you choose to write a letter, the letter must include the following information:

- The name, address, and telephone number (if available) of the person filing the appeal (known as the *petitioner*);
- The name of the district board of education (known as the *respondent*);
- A statement that this is an appeal from a determination of ineligibility to attend school in the district based upon residency or domicile;

- The date when the determination of ineligibility to attend school was made; and
- A signed statement by you that you understand that you may be charged tuition for the period of the child's ineligible attendance and that such assessment may be recorded as a judgment if the Commissioner of Education determines that the appeal was abandoned, withdrawn, or that the child is ineligible for a free education in the school district.

Appeals must be sent to the Bureau of Controversies and Disputes at:  
State Commissioner of Education  
c/o Director of Bureau of Controversies and Disputes  
New Jersey Department of Education  
100 Riverview Plaza  
P.O. Box 500  
Trenton, NJ 08625-0500

You can fax the appeal to the Controversies and Disputes office at (609) 292-4333, and send a copy in the mail afterward if you have any questions about filing the appeal, you can call the Controversies and Disputes office at (609) 292-5705.

The Bureau will fax a copy of the petition to the school district. It will also send the school district a notice requiring them to respond in writing to your petition and to ensure that the child attends school pending the outcome of the hearing.

The school district has 20 days from the date of service to respond to your petition. Once the response has been filed with the Commissioner, the case will be

scheduled for a hearing before an Administrative Law Judge, who will make an initial decision. The case will then go to the Commissioner for a final decision.

When a claim goes before the Administrative Law Judge and the Commissioner, there are a few things you (the petitioner) should know:

- You are responsible for proving that the student is eligible for a free public education in the district.
- If the Commissioner decides the case in your favor, the student can attend public school in the district until graduation, as long as the student continues to meet the legal requirements for residency.
- If the student is an affidavit student, the board of education might require the parent, guardian, or caregiver to provide statements every year showing that the student's family or economic circumstances have not changed.

### ***What happens if the Department of Education agrees with the school district and finds the child ineligible?***

If you do not win the case or if you file a petition and do not go to court, you may be required to pay the school district tuition for the time the student attended public school there. For example, if the case is lost and the school district spends \$10,000 per student each school year (10 months), and the student attended the school for three months while the case was pending, then the parent, guardian, or caregiver could be required to pay \$3,000 to the district. A school district can collect



The school board has 20 days from the date of service to respond to the petition.

tuition from a parent or guardian, or from a caregiver who resides in the district, for any period of ineligible attendance, even if an appeal is not filed. Under certain circumstances, a school

board or the Commissioner of Education may decide not to charge tuition.

### Education Representation Project

For additional information, contact Legal Services of New Jersey’s Education Representation Project by calling LSNJLAW<sup>SM</sup>, Legal Services of New Jersey’s statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). You can also write to the ERP at:

Legal Services of New Jersey  
Education Representation Project  
P. O. Box 1357  
Edison, New Jersey 08818-1357

*By Rachel R. Elkin, Legal Services of New Jersey  
Chief Counsel, Education*

## Rights of Homeless Students

**THE MCKINNEY-VENTO** Education Assistance Improvement Act of 2001 (McKinney-Vento) is a federal law that requires states to make sure that homeless students have equal access to a free public education. New Jersey has laws to ensure that homeless students have the same rights and access to a free public education as any other student.

### ***When is a student considered homeless?***

Students are homeless for the purpose of school enrollment when they lack fixed, regular, and adequate residence. The most common example of when students may be homeless is when they, with or without their family, are temporarily living with friends or family because they do not have their own housing. Other examples of where a student may live include:

- Temporary housing shelter;

- Temporarily in a hotel or motel;
- Transitional housing;
- Domestic violence or runaway youth shelters;
- Vehicle (this could include a mobile home);
- In a tent;
- Temporary shelter for migrant farm workers on a farm site.



New Jersey has laws to ensure that homeless students have the same rights and access to a free public education as any other student.

## All school districts must have a person assigned to help homeless students and their families.

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When enrolling a child in school, parents should tell the district board of education about their housing situation. They should also ask for the school district liaison (formerly called homeless liaison).

**Note:** In this article, the word parent means biological or adoptive parent, legal guardian, foster parent, surrogate parent, and people acting in the place of a parent, such as a relative with whom the child lives or someone who is legally responsible for the child's welfare.

### ***What is a school district liaison?***

All school districts must have a person assigned to help homeless students and their families. Some of the things they must do include:

- Help with school registration;
- Make sure the student is enrolled and attending school;
- Make sure the student is receiving any educational or other services they are entitled to or need;
- Make sure parents have a chance to participate in their child's education; and
- Ensure the student has transportation services.

You may find a list of school district liaisons at [bit.ly/2b4glju](http://bit.ly/2b4glju).

### ***What school district is responsible for the education of homeless students?***

When a student is homeless, the school district where the student's par-

ents last had a fixed, regular, and adequate residence is called the student's district of residence. The district of residence is responsible for the education of the homeless student.

### ***Is there a time limit a student can be homeless?***

A student will be considered homeless and have the protections of the McKinney-Vento law for as long as they do not have a fixed, regular, and adequate residence.

In some cases if the student has been living in one place for a year or longer, the district of residence (or responsible school district) may change. This should not negatively impact the student and their ability to continue with their schooling and services.

### ***What if the student gets fixed, regular, and adequate housing during the school year?***

A student who is no longer homeless because they get fixed, regular, and adequate housing during the school year will be permitted to remain in their school with transportation through the end of the school year.

### ***Where does a homeless student go to school?***

The decision where a homeless student attends school is made by the district of residence and must be done so immediately. The student should be permitted to continue to attend their

current school (even if they are not living in the same district) unless the parent(s) or student does not agree. In those cases the student may attend the last attended school (if not the same) or school in the school district they are currently living.

Once the school is chosen, the student must be enrolled immediately. If the student does not have the records normally required for enrollment, he or she must still be enrolled.

***What happens when a district residence cannot be determined?***

If no district of residence can be determined, the district where the child currently resides must immediately enroll the child in the district, or the district he or she last attended.

***What happens when the parents and district do not agree?***

If parents and the district do not agree that a student is homeless or what



**Once the school is chosen, the child must be enrolled immediately. If the child does not have the records normally required for enrollment, he or she must still be enrolled.**

school the student should attend, the parent should contact the county superintendent (find a list by county at [bit.ly/2aQYhtA](http://bit.ly/2aQYhtA)). The county superintendent must immediately make a decision. If the parents do not agree with this decision, they can file an appeal with the Commissioner of Education. □

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*By Rachel R. Elkin, Legal Services of New Jersey  
Chief Counsel, Education*

**LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's  
Statewide, Toll-Free Legal Hotline**

Read more about education law on our website, [www.lsnjlaw.org](http://www.lsnjlaw.org). If you have questions or need further legal advice about any of the information in this article or any other matter regarding your child's schooling, contact LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide,



Scan this QR  
code to apply  
online.

toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). You may also apply online at <https://lsnjlawhotline.org>. Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. The Hotline provides free legal assistance to low-income New Jersey residents in civil legal issues. If you are not eligible for assistance from Legal Services, the hotline will refer you to other possible resources.

## Preparing for a Domestic Violence Trial

**ONE OF THE MAJOR** decisions a judge must make in a domestic violence trial is the credibility of the parties—who the judge believes more. In a case where the only available evidence is the testimony of the parties, credibility is extremely important and it can make or break your case. If you change your version of the story, avoid questions, become defensive or argumentative, the judge may not believe what you are saying.

You can avoid all of these pitfalls with preparation.

**Review testimony.** Remember that the judge does not know what happened. You only have one chance to tell your story to the judge, so you want to do it well. You want to do it in a way that the judge can picture exactly what happened. While you do not want to sound rehearsed, you should tell your story out loud to yourself or someone else before court, so that you know how it sounds and if it will make sense to someone who was not there. Tell the story with enough detail for the judge to understand what led up to the domestic violence incident. Tell the story in order, as if you are



The most important thing you can do in order to be believable is to tell the truth.

describing scenes of a play or television show. Avoid saying “he” and “she,” and instead use names. Do not get off track and start describing events that happened in the past before you have completely described the incident that caused you to get the current temporary restraining order.

You cannot read your testimony but you can write down bullet points to guide the order of your testimony and make sure you do not forget key points.

**Tell the Truth.** The most important thing you can do in order to be believable is to tell the truth. While it is not necessary to stress your own negative behavior and you should not blame yourself for the domestic violence incident, you should also not sugar coat your role in the incident. If you describe an incident that would naturally make a person upset but you tell the court you were not upset at all, that will not be believable to the court. For instance, if you found out that the other party was cheating on you, it would make sense that you were upset or angry. If you tell the court you did not care, it may not be believable.

**Focus on what is important.** If you want to get a final restraining order, the judge has to believe that there was an incident of domestic violence that caused you to get the temporary restraining order, so that is the most important part of your testimony. You must describe clearly what happened, and it must fit one of the 18 domestic violence crimes. [bit.ly/2bnUSA8](http://bit.ly/2bnUSA8).

You may want to skip over the worst part of the story because it is upsetting for you to remember and say out loud. You need to remember, however, that the judge was not there and has to understand exactly how serious the incident was. It is normal not to want to dwell on the details of a traumatic incident, but in order to be granted a final restraining order, the judge needs to understand everything that happened.

Don't get sidetracked by the other party's past bad behavior in your relationship or bad parenting. The court will not enter a final restraining order against the other party for being a bad spouse or parent.

The court will also not enter a final restraining order against the other party because of domestic violence that happened in the past. The court will only consider past domestic violence if the court first finds that the current or most recent incident was domestic violence.

If you insist on telling the judge bad things about the other party and bad things the other party has done to you or others in the past, but you do not describe a current incident of domestic violence, the court will grow impatient and may think that there is no current incident.

**Give complete answers.** Stick to what is important, but don't skip details that would help the judge understand what happened. For instance, if you can suggest a motive for the other party's actions, it can be an important part of the judge's understanding of the story.

**Give direct answers to questions.** When the judge or the other party questions you, listen carefully to the question. Answer the question that was asked. Do not give an answer that does not answer the question. If you refuse to answer questions, it may seem like you are trying not to tell the truth. If you do not understand a question, say that you do not understand.

**Be specific, not general.** Don't use phrases like "the defendant abused/harassed/beat/threatened me." Tell the judge what the defendant actually did. For example, punched, slapped, told me s/he would kill me.

**Think. Breathe. Use short sentences.** If you find that you are rambling when you tell your story, try slowing down and using short sentences, so you can tell the judge each step in order.

**Honest emotions are fine.** Domestic violence trials can be very emotional. It is alright to get emotional, but if your emotions get out of hand, it may seem exaggerated and insincere to the judge. At the same time, if you don't show any emotion, the judge may not understand how upsetting the situation is to you.

### ***Where can I get more help?***

If you need help with a domestic violence issue, please contact Legal Services of New Jersey's Domestic Violence Representation Project through LSNJLAW<sup>SM</sup>, LSNJ's statewide, toll-free legal hotline (see box on page 9). □

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*By Shoshana Gross, Staff Attorney, Legal Services of New Jersey*

# Cuáles Son Sus Derechos Legales

Julio–Agosto 2016

Publicado por Los Servicios Legales de Nueva Jersey

Nueva Jersey tiene leyes para asegurar que los estudiantes sin vivienda tengan los mismos derechos y acceso gratuito a una educación pública, tal como cualquier otro estudiante. *Página 1*

¡Conozca sus derechos a recibir asistencia pública, *welfare!* Sanciones. *Página 5*

*Looking Out For Your Legal Rights: Flip over for English edition*

## *Alerta para la apertura escolar:* **Los derechos de los estudiantes desamparados o sin vivienda**

**LA LEY** para el mejoramiento de la ayuda escolar, *The McKinney-Vento Education Assistance Improvement Act of 2001* (McKinney-Vento), es una ley federal que exige que todo estado se cerciore que los estudiantes que no tienen vivienda, tengan acceso gratuito a una educación pública. Nueva Jersey tiene leyes para asegurar que los estudiantes sin vivienda tengan los mismos derechos y acceso gratuito a una educación pública, tal como cualquier otro estudiante.

*continúa en la página 2*

***El boletín de educación jurídica para los habitantes de Nueva Jersey***



continúa de la página 1

### **¿Cuándo se considerará a un estudiante como alguien sin vivienda?**

Para efecto de la matrícula escolar, cuando un menor no tiene una vivienda fija, regular, ni adecuada; se le considera ser un estudiante desamparado o sin hogar. El ejemplo más común de cuando un menor podría ser un estudiante sin hogar, es cuando este, con o sin su familia, está conviviendo temporalmente con amigos o parientes porque carece de una vivienda. Otros ejemplos de lugares donde podría estar viviendo incluyen:

- Un albergue temporal;
- Un hotel o un motel;
- Una vivienda transitoria;
- Un refugio para víctimas de violencia doméstica o jóvenes escapados de sus hogares;
- Un vehículo (incluyendo una vivienda móvil);
- Una tienda de campaña;
- Un refugio temporal para trabajadores migratorios ubicado en una finca.

Cuando el padre de familia matricula al menor en la escuela, debe informarle a la junta de educación del distrito sobre su situación con respecto a la vivienda. También debería hablar con la persona que sirve de enlace con el distrito escolar; antiguamente denominada enlace para las personas sin hogar.

**Nota:** En este artículo, la palabra padre se refiere a toda madre o padre biológico o adoptivo, tutor legal, padre adoptivo, padre sustituto y a toda persona que actúe en lugar de un padre o madre, tal como un pariente con quien el menor vive o alguien que es legalmente responsable del bienestar de dicho menor.

### **¿Qué hace la persona que sirve de enlace con el distrito escolar?**

A todo distrito escolar se le exige tener habilitada a una persona que se encargue de ayudar a los estudiantes desamparados y a sus familias:

- Ayudar al estudiante desamparado a matricularse en la escuela;

## *Cuáles Son Sus Derechos Legales*

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### **Comentarios**

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P.O. Box 1357  
Edison, NJ 08818-1357  
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**Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.**

- Cerciorarse de que el estudiante esté matriculado y asistiendo a clase;
- Cerciorarse de que el estudiante obtenga todo servicio al que pueda tener derecho o necesite;
- Garantizar de que los padres tengan la posibilidad de participar en la educación de su hijo; y
- Cerciorarse de que el estudiante dispone del servicio de transporte.

Podrá encontrar una lista de los enlaces con el distrito escolar en el sitio, [bit.ly/2b4glju](http://bit.ly/2b4glju).

### ***¿Cuál distrito escolar es responsable por la educación de un estudiante desamparado?***

El distrito responsable por la educación del estudiante al momento de quedarse sin techo se corresponde con el distrito escolar donde los padres del estudiante tenían la última vivienda fija, regular y adecuada; lo cual es definido como el distrito de residencia del estudiante.

### ***¿Existe un límite de tiempo en el que el estudiante puede estar sin hogar?***

A un estudiante se le considerará estar sin hogar y a recibir las protecciones de la Ley *McKinney-Vento* mientras no tenga una vivienda fija, regular y adecuada. En aquellos casos que el estudiante ha estado viviendo en un mismo lugar por más de un año y aun cuando pudiera cambiar el distrito de residencia o el distrito escolar responsable, esto no debería afectar negativamente al estudiante ni su capacidad para continuar con sus estudios y recibir servicios.

### ***¿Qué pasa si durante el año escolar, el estudiante consigue una vivienda fija, regular y adecuada?***

Si durante el año escolar, el estudiante deja de ser desamparado porque ha conseguido una vivienda fija, regular y adecuada, se le permitirá permanecer en la escuela y recibir transporte hasta el final del año escolar.

### ***¿A qué escuela va un estudiante sin hogar?***

El distrito de residencia definirá de manera inmediata la escuela a la cual deberá asistir un estudiante sin hogar. Permitiéndole al estudiante que continúe asistiendo a su escuela actual, incluso en aquellos casos en los que ya no viva en el mismo distrito a menos que los padres o el alumno, no estén de acuerdo. En ese caso, el estudiante puede asistir a la última escuela en la que cursó sus estudios dado el caso que no sea la misma o a la escuela en el distrito escolar, donde vive en la actualidad.

Una vez que se escoja la escuela, el estudiante tiene que ser matriculado inmediatamente. Si el estudiante no



**NJ tiene leyes para asegurar que los estudiantes sin vivienda tengan los mismos derechos y acceso gratuito a una educación pública, tal como los estudiantes que tienen hogar.**



**Una vez que se escoja la escuela, el estudiante tiene que ser matriculado inmediatamente.**

tiene los historiales que normalmente se exigen para la inscripción, él o ella tendrá que ser matriculado.

### ***¿Qué pasa cuando no se puede determinar el distrito de residencia?***

Cuando no se pueda determinar ningún distrito de residencia, el menor tiene que ser matriculado en el distrito que se

corresponda con el lugar donde él vive o en el distrito donde asistió a la escuela por última vez.

### ***¿Qué pasa cuando los padres y el distrito no están de acuerdo?***

Cuando no hay un consenso entre los padres y el distrito sobre a qué escuela debe asistir un estudiante sin hogar, los padres tienen que ponerse en contacto con el superintendente del condado. El superintendente tiene que tomar inmediatamente una decisión respecto a la inscripción. Si los padres no están de acuerdo con esta decisión, pueden presentar una apelación ante el Comisionado de Educación. Esta información está disponible en el sitio [bit.ly/2aQYhtA](http://bit.ly/2aQYhtA). □

*Este artículo fue traducido del inglés por Al Moreno, coordinador del servicio lingüístico en LSNJ.*



Escanee el código QR con su teléfono para tener acceso a la solicitud electrónica de la línea directa.

### ***¿Si no puedo encontrar un abogado, a dónde puedo acudir?***

Llame a LSNJLAW<sup>SM</sup>, la línea directa gratuita de asistencia jurídica de los Servicios Legales de Nueva Jersey para todo el estado, al 1-888-LSNJ-LAW (1-888-576-5529) o solicite por medio de la Internet (sólo en inglés por el momento) en [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org). El horario de la línea directa es de lunes a viernes, desde las 8 de la mañana hasta las 5:30 de la tarde. Si no llena los requisitos para recibir asistencia de los Servicios Legales, la línea directa le enviará a otras posibles fuentes de información.

## ¡Conozca sus derechos a recibir asistencia pública, *welfare*! Sanciones

¿LE HAN reducido o anulado las prestaciones de la asistencia pública porque no hizo lo que la oficina le mandó a hacer? ¡No se rinda!

Si la oficina encargada de brindar la asistencia pública cree **que usted no** participó en una actividad obligatoria, será *sancionado*. Esto significa que le van a reducir, o quizás anular, la ayuda en dinero efectivo o los cupones para alimentos. Le pueden sancionar por no cooperar con las obligaciones al pago de la manutención para los menores o por no cumplir con el programa de trabajo de la asistencia pública. Cada vez que le sancionen, el periodo de tiempo de dicha sanción es más grande que el anterior y el periodo durante el cual no puede recibir prestaciones aumentará.

¿*Qué es una actividad laboral?* Para obtener ayuda en dinero efectivo o los cupones para alimentos, la mayoría de personas tiene que participar en una actividad laboral. Esto significa que una persona tiene que trabajar, asistir a un entrenamiento o una “actividad laboral” que se le haya asignado. Dicha actividad podría incluir la búsqueda de trabajo, la asistencia a reuniones o clases o trabajar en una labor asignada.

¿*Qué pasa si no puedo llevar a cabo la actividad que me mandaron a hacer?* Hable con la persona que maneja su caso y déjele saber que tiene un problema. Si el problema no se puede resolver, debe pedir una audiencia imparcial para oponerse a la decisión tomada por la oficina que brinda la asistencia pública.

Algunas personas no tienen que participar en el programa de trabajo por el hecho de tener una razón médica o porque están cuidando a un familiar discapacitado.

Para averiguar si llena los requisitos, le debe preguntar a la persona que maneja su caso los detalles sobre quién está exento de participación en la actividad laboral.

Si tiene una buena razón por la que no puede participar en una actividad, no lo deben sancionar. Algunas de las razones validas incluyen:

- Problemas médicos.
- No tener cuidado infantil.
- Falta de transportación.
- Estar cuidando a un familiar discapacitado.
- Otros asuntos personales que son importantes, incluyen una comparecencia ante un tribunal o una reunión en la escuela de un hijo.

¿*Que debo hacer si me sancionan?* Si le sancionan y tiene una buena razón por no haber cumplido con el programa, **debe pedir una audiencia imparcial para oponerse a la sanción**. Si solicita la audiencia dentro de los 15 días a partir de la fecha en que recibió la notificación escrita indicándole la sanción, puede pedir que no le cambien las prestaciones por el tiempo que espera la audiencia. Aun si no tiene una razón valida para no haber hecho lo que le pidieron y si cumple con los requisitos del programa, puede recibir de nuevo las prestaciones.

**Si tiene un problema, consiga ayuda jurídica.** Si recibe asistencia pública, puede conseguir ayuda legal gratuita al comunicarse con la oficina local de los Servicios Legales. El número de teléfono y la dirección de la oficina de los Servicios Legales aparecen en la notificación enviada por la oficina que brinda la asistencia pública, de igual manera se encuentra en la guía telefónica. □