

Looking Out For Your Legal Rights®

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EDUCATION LAW ISSUE

School Residency Requirements

Important things to know about school enrollment and your child's right to attend school. *Page 1*

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ARE YOU enrolling your child in school this September? If so, here are some important things to know about school enrollment and your child's right to attend school.*

How do I know if my child is eligible to attend school in New Jersey?

Your child between the ages of 5 and 20 is entitled to a free public education. If your child has special needs or you live in certain low-income school districts, your child may have the right to attend preschool or stay in school until the age of 21.

What if my child does not have legal immigration status?

Your child cannot be denied admission to a public school based on his or her immigration status. Schools are not allowed to ask about immigration or citizenship status or request Social Security numbers as a requirement to enroll.

Where should I register my child?

In most situations, your child will be enrolled and attend school in the school district where you and your child live. There are some exceptions to this, and these exceptions may apply if your child doesn't live with

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you. For more information, contact Legal Services of New Jersey.*

How do I enroll my child in school?

In order to enroll your child in school, you will have to show that you live in the school district. Schools may not limit the kinds of documents you may use to prove where you live. Schools must accept a variety and combination of documents to show where you live. Some examples include deeds, leases, letters from landlords, driver’s licenses, and utility bills, but there may be others that you can use.

What if I live temporarily in the district?

Even if your housing situation is temporary, your child has the right to enroll in school. In some situations, your child may be entitled to additional rights and protections due to your housing situation. Examples include if you live in a shelter, motel, or temporarily with

friends or family. For more information, contact Legal Services of New Jersey.*

What if the school doesn’t accept what I give them as proof of where I live?

If the school denies admission, they must do so in writing and explain why your child is not eligible. If you do not agree with the school’s decision, you have the right to appeal this decision and must do so within 21 days of the date of the denial notice. If you plan to appeal the decision, you must tell the school that you plan to appeal. The school must allow your child to attend school while the appeal is processed and decided. □

* This article provides a brief summary of the law. For additional information, see *School Residency Requirements* on our website, www.lsnjlaw.org, and *Rights of Homeless Students* below. 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 LSNJLAWSM, Legal Services of New Jersey’s statewide, toll-free legal hotline, at 1-888-576-5529, between 8 a.m. and 5:30 p.m. (Outside of New Jersey, please call 732-572-9100 and ask to be transferred to the hotline.)

Looking Out For Your Legal Rights[®]

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Editor, *Looking Out*
Legal Services of New Jersey
P.O. Box 1357
Edison, NJ 08818-1357
publications@lsnj.org

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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);



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

- In a tent;
- Temporary shelter for migrant farm workers on a farm site.

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.

See the New Jersey Department of Education's Homeless Liaison List at www.state.nj.us/education/students/homeless/liaison.htm for a list of school district liaisons.

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

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

trict 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 school the student should attend, the parent should contact the county superintendent (See the New Jersey Department of Education's list of County Information Services at www.state.nj.us/education/counties). 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. □

What is Early Intervention? Is My Child Eligible?

IF YOUR CHILD seems unable to do things that other children of the same age seem to be able to do, your child may have developmental delays. Developmental delays can include things such as not being able to walk, talk, or play with others in the same way that other children of the same age do. If you think your child may have developmental delays, you may look at examples of age-appropriate developmental milestones online at the Centers for Disease Control and Prevention's Developmental Milestones page at www.cdc.gov/ncbddd/actearly/milestones.

What can I do if my child has a developmental delay?

If your child has a developmental delay and is three years old or younger, he or she may be eligible to receive early intervention services through the New Jersey Early Intervention System. Examples of early intervention services include physical therapy, speech therapy, occupational therapy, family counseling, health and medical services, and transportation.

Why are early intervention services important?

Children learn and develop the most in their early preschool years. Getting your child early intervention services as soon as possible may reduce the need for special education and other services later in life. Early intervention services may also help you and your family better understand and meet your child's developmental and health-related needs.

Where do I bring my child to get early intervention services?

Children usually get early intervention services in a natural environment (a place where children of their age would usually be, such as their home). They may get their services in another location that might be better for their own personal needs.

How do I request early intervention services?

If you think your child may need early intervention services, you should call 1-888-653-4463 and ask for an evaluation. An evaluation will determine if your child qualifies for early intervention services. As part of the evaluation, people trained in early childhood development will look at your child's medical history, development, and abilities. Doctors, day care providers, family, and friends may also call this number if they know a child who may need early intervention services.



Developmental delays can include things such as not being able to walk, talk, or play with others in the same way that other children of the same age do.

What happens after I ask that my child be evaluated?

After you request that your child be evaluated, a service coordinator will be assigned to your case. The service coordinator will explain your rights and make sure that your needs are being met. If English is not your first language or you have problems hearing, your rights must be explained to you in your native language or sign language. The service coordinator also arranges your child's evaluation and develops a written document called an Individualized Family Service Plan (IFSP), which explains the services your child will get. The evaluation and IFSP must be done within 45 days from the date your child is referred to the early intervention system.

How is my child evaluated?

Do I have to give my consent?

Before an evaluation can be done, you must give your consent (permission). If you are not the child's biological or adoptive parent, but you are his or her guardian, foster parent, or acting in the place of the child's parent, you may also give consent.

Several people with professional training in different areas evaluate your child. The evaluation must look at all areas of your child's development, such as talking, walking, and hearing. They will also review your child's health history and medical records.

Families may also get what is called a family-directed assessment. This assessment looks at what your family needs to care for and meet the special needs of your child. You do not have to have this assessment in order to receive services.

How is eligibility determined?

Your child is eligible for early intervention services if he or she is under the age of three and has a developmental delay of at least 33% in one of the developmental areas listed below or at least 25% in two or more of the areas below.

- Physical skills: Gross motor (large movement) skills, fine motor (small movement) skills, and sensory skills. Examples are walking, using hands to play, and hearing.
- Learning skills: For example, thinking.
- Language skills: The ability to talk (communicate).
- Social or emotional skills: For example, playing or talking with other children and adults or interacting with physical surroundings.
- Self-help skills: For example, dressing and feeding.

Your child will also be eligible if he or she has a diagnosed condition that is likely to result in a developmental delay—for example, Down Syndrome, Cerebral Palsy, and Autism Spectrum Disorders (ASD).

What happens if my child is eligible for services?

If your child is eligible, a meeting must be held to develop an IFSP. The meeting must include the services coordinator, you, at least one member of the evaluation team, service providers, and anyone else you choose to include. You have the right to be involved in all decisions concerning your child.

Some of the things an IFSP must include are:

- A description of your child's current functioning in all developmental areas;
- Expected achieved outcomes for your child; and
- A list of the early intervention services that your child needs. This list must also state where, how often, and for how long your child should get these services.

The service coordinator must explain the IFSP to you. You must give written consent before services can start. You may choose to consent to some services and not to others in the IFSP. The services that you have consented to must be provided to your child.

What if my child's needs change?

Required IFSP review. An IFSP must be reviewed every six months. It may be reviewed more often if you make a request. The reason for the review is to make sure that the IFSP still meets your child's needs. The review is done at a meeting or in any other way to which you agree.

Required evaluation meeting. There must also be an evaluation meeting once a year. This meeting must be at a time and place that is good for you and your family. The reason for this meeting is to review how well your child is doing and to decide if the IFSP should be changed. If English is not your first language or you have problems hearing, your rights must be explained to you in your native language or sign language.

Required meeting by age two. By the time your child turns two years old, the service coordinator must meet with you to talk about what will happen when

your child turns three years old and will no longer be eligible to receive early intervention services. The people who give your child services should be at this meeting.

Additional required meeting before age three. With your consent, another meeting must be held at least 90 days (and no more than nine months) before your child turns three. The purpose of this meeting is to develop a plan for when your child turns three and is no longer eligible for early intervention services. At this meeting, you should talk about how to get support and services for your child when he or she turns three. The people who provide your child's services and people from your school district who can discuss special education services should be at this meeting. Some, but not all, children who receive early intervention services are eligible for special education services when they turn three.

Do I have to pay for early intervention services?

Families with an income of less than 350% of the federal poverty level (for example, for a family of four, less than \$86,100 per year) do not have to pay for early intervention services. A child may not be denied services because his or her family is not able to pay for them.

What if I don't agree with the early intervention system?

You have the right to disagree with something that the early intervention system has done or wants to do. You may request mediation, a due process hearing, or a complaint investigation. The next article, *Early Intervention: Your Rights as a Parent*, explains these options in more

A child may not be denied early intervention services because his or her family is not able to pay for them.

detail. If you request a due process hearing or a complaint investigation, your child must continue to receive services while the hearing or investigation takes place, unless you ask that he or she stop receiving those services. Requests for mediation, due process, and complaint investigations must be made in writing to the New Jersey Department of Health and Senior Services, Office of Early Intervention Services, Procedural Safeguards Office, P.O. Box 364, Trenton, NJ 08625-0364. Contact them by telephone toll free at (877) 258-6585, or by fax at

(609) 292-0296.

The Department of Health and Senior Services, Office of Early Intervention Services, has a request form for dispute resolution at their Procedural Safeguards page.

If you need further help or information, contact your service coordinator or the Procedural Safeguards Office at the address listed above.

You may also contact Legal Services of New Jersey's Education Representation Project by calling 1-888-LSNJ-LAW (1-888-576-5529). □

Early Intervention: Your Rights As a Parent

WHAT IS *Early Intervention? Is My Child Eligible?* explains what early intervention services are. This article gives an overview of your rights as a parent if you do not agree with something the early intervention system has done, wants to do, or will not do. This article also explains the process that must take place when the early intervention system suspends (temporarily stops) or terminates (permanently stops) early intervention services.

What if I don't agree with the early intervention system?

You have the right to disagree with something that the early intervention system has done, wants to do, or will not do. You may request *mediation*, a *due process hearing*, or a *complaint investigation*. All three options are described below. If

you request a due process hearing or a complaint investigation, your child must continue to receive services while the hearing or investigation takes place, unless you ask that he or she stop receiving those services.

Mediation

You may choose mediation by itself or with a request for a due process hearing or a complaint investigation. If you select mediation, the other side must attend the mediation. If the other side asks for mediation, it will only happen if you consent (agree). Mediation must be held within 10 days of your request. Parents may refuse or withdraw their request for mediation at any time.

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Can my child's early intervention services be stopped?

Early intervention services may be stopped if you or your child regularly fails to attend scheduled early intervention sessions without letting the service provider know ahead of time. If you cannot attend a scheduled early intervention session, it is very important that you contact your service provider as soon as possible. Services may also be stopped if the service provider believes he or she will be in danger if the services are provided in the chosen location. If the early intervention system plans to suspend (temporarily stop) early intervention services, it must send you notice (explanation in writing) of its decision. The notice must include the date the suspension will begin and the reason for suspending services. The notice must tell you if there is a plan to terminate (permanently stop) services and explain how you may appeal the suspension.

What can I do if I have received a suspension notice?

If you have received a suspension notice, you have the right to appeal it by sending a letter within 21 days of the date on the notice. The letter appeal must be sent to the Procedural Safeguards Office (PSO). Once your letter appeal is received, the PSO must review it and make a decision within 30 days of the date it received your letter. The PSO must send you its decision in writing. It is important to know that if you do not

appeal the suspension, the services may be terminated on the date identified on the notice you received.

May the state terminate early intervention services immediately?

Under some circumstances, the state may terminate early intervention services immediately. It may do this if you or a member of your family physically harms the service provider, puts the service provider at imminent (certain or likely) risk of physical harm, or acts illegally or abusively toward the service provider. The early intervention system may also terminate services if your child is no longer eligible to receive them. Before making a decision about whether or not to immediately terminate services, the staff of the early intervention system must speak with you, the service coordinator, service providers, and others.

You must receive a notice of the termination. The notice must include the date that services will be terminated and explain the reason for termination and how you may appeal the termination. To appeal the termination, you must send a letter within 21 days of the termination notice to the Procedural Safeguards Office (PSO). Once your letter appeal is received, the PSO must review it and make a decision within 30 days of the date it received your letter. The PSO must send you a written decision.

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The mediation must be held on a date and at a time and location good for you. If you come to an agreement, it will be put in writing. You and the others at the mediation must agree to follow the agreement. The agreement will become a part of your child's Individualized Family Service Plan (IFSP), which explains the services your child will get. If you do not solve your problems with mediation, you may request a due process hearing or a complaint investigation. It is important to know that, if you do not make this request, your matter will not be automatically transferred to a judge for a due process hearing.

Due process hearing

You may also request a due process hearing to resolve disputes. You must make your request to the Procedural Safeguards Office of the New Jersey Department of Health and Senior Services Office of Early Intervention Services within one year of the date that you knew or should have known of the issue for which you are now filing a request. The Early Intervention System must respond to your request within 14 days. After this response, your case is assigned to an administrative law judge. Within 30 days of receiving your request, the judge must hold a hearing, make a decision, and send it to everyone involved. You may appeal this decision to a state or federal court.

Complaint investigations

You may also request a complaint investigation. Your complaint may be about a specific problem related to your

child or family. You may also make a general complaint that the way something has been done, or not done, violates (breaks) federal or state law. You must identify what law was violated and provide facts that support your claim. You must sign the complaint and file it within one year of the date that you knew or should have known about the issue that you are addressing in the complaint.

The complaint may be filed later if the violation continues or if you are looking for reimbursement or corrective action (requiring that something be changed) for something that occurred within the last three years. The Procedural Safeguards Office (PSO) will do an on-site investigation if it determines that one is necessary. The PSO must make a written determination within 60 days of receiving the complaint.

How do I make a request for mediation, a due process hearing, or a complaint investigation?

You must make your request in writing to:

New Jersey Department of Health
and Senior Services
Office of Early Intervention Services
Procedural Safeguards Office
P.O. Box 364
Trenton, NJ 08625-0364
Toll Free: (877) 258-6585
Fax: (609) 292-0296

The Department of Health and Senior Services, Office of Early Intervention Services, has a request form for dispute resolution online at www.nj.gov/health/forms/fhs-18.pdf.

If you need further help or information, contact your service coordinator or the Procedural Safeguards Office.

Education Representation Project

You may also contact Legal Services of New Jersey's Education Representa-

tion Project by calling LSNJLAWSM, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529).

For more information about early intervention, please see *What Is Early Intervention? Is My Child Eligible?* on page 5. □

High School Equivalency Tests

I didn't graduate high school.

How can I still get a diploma?

Since 2014, New Jersey has offered three different types of high school equivalency tests that you can take to get a state-issued diploma. In addition to the GED, people can also take the HiSET or TASC. All the tests include subjects that are covered in most high school programs, such as writing, social studies, science, literature, and math. All of these tests are offered electronically. If you need a paper test to accommodate a disability, see the information below about testing accommodations. For more information about the test, visit their websites at:

- GED: <https://ged.com>
- HiSet: <http://hiset.ets.org>
- TASC: <http://www.tasctest.com>

How do I know if I am eligible to take one of these tests?

You may take any of the three tests if you are a New Jersey resident at least 16 years old and

- Are not currently enrolled in high school
- Have not completed a high school program
- Have not received a high school equivalency certificate or diploma.

How do I sign up for the tests?

The tests are given at approved testing centers. You can find a list of testing centers at: www.state.nj.us/education/students/adulted/cp/centers.htm. You can search by county or test type. You should contact the specific testing center to get the schedule and find out how to register.

Is there a fee?

Yes. The total cost (test and administrative fees) will depend on which test you are taking. Information about testing fees (including re-testing) is listed on the state website with the information about testing centers.

If I have a disability, can I get testing accommodations?

The law requires that all approved testing centers provide people with disabilities full access to the offered tests. If you need, or think you might need, accommodations, you should make a request to the specific testing company.

Testing accommodations are based on individual needs, so you should not be told that only a certain type of accommodation is available for your disability.

You can find information about how to get accommodations for the tests at:

- GED: <http://bit.ly/2uFPI0E>

In New Jersey, you have the right to register at your local high school until the age of 20 (or 21 if you are eligible for special education).

- HiSET: <http://bit.ly/2hK3qcg>
- TASC: <http://bit.ly/2wI3Ges>

How can I prepare for one of these tests?

Some people prepare for high school equivalency tests by taking an adult education class. A directory of adult education classes can be found at <http://bit.ly/2wtqS0N>. Contact programs directly for schedule and cost information.

Some people prepare by using the materials made available by the test maker. Each test offers practices tests and preparation materials. Find information at www.state.nj.us/education/students/adulted/prep.htm.

Are there other options that do not require passing a high school equivalency test?

Yes, the *Thirty College Credit Route Program* permits New Jersey residents who are older than 16 and have completed at

least 30 general education college credits from an accredited higher education institution to apply for a state-issued high school diploma. For more information and an application go to www.state.nj.us/education/students/adulted/30ccapp.pdf.

New Jersey residents older than 16 may also complete an adult high school program. These instructional programs permit adults to obtain a locally issued state-endorsed diploma after completing local and state requirements. For a list of programs and fees go to www.state.nj.us/education/students/adulted/ahsp/list.pdf.

If you have any questions about the information contained in this article, you may also contact Legal Services of New Jersey's Education Representation Project by calling LSNJLAWSM, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529) or apply online at www.lsnjlawhotline.org. □

Articles in this issue written by Rachel R. Elkin, Supervising Attorney, Legal Services of New Jersey Education Representation Project

Learn about your legal rights in New Jersey

Did you know that if your household qualifies for school nutrition programs, your child may be eligible for free or reduced-price meals at school? Read the details at <http://bit.ly/2uqdzN5>. Is your child bullied at school? Read about the Anti-Bullying Bill of Rights at <http://bit.ly/2uGDM9M>. Please visit our website, www.lsnjlaw.org, for more information about education law and other legal rights in New Jersey.

Cuáles Son Sus Derechos Legales

Julio–Agosto 2017

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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*

*Looking Out
For Your Legal Rights*
Flip issue over for the
English edition of
*Looking Out for Your
Legal Rights.*

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



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El boletín de educación jurídica para los habitantes de Nueva Jersey

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y acceso gratuito a una educación pública, tal como cualquier otro estudiante.

¿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 viviendo 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 todo padre biológico o adoptivo, tutor legal, padre adoptivo, padre sustituto y a toda persona que actúe en lugar de un padre, 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 una persona encargada de ayudar a los estudiantes desamparados y a sus

Cuáles Son Sus Derechos Legales

Con respecto a *Looking Out*

Looking Out for Your Legal Rights® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web www.lsnj.org/espanol.

Suscripciones

La suscripción cuesta \$20 dólares por año.

Números atrasados

Puede ver números atrasados en www.lsnj.org/espanol.

Cambio de dirección

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al último ejemplar de *Looking Out*.

Comentarios

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

Editor, *Looking Out*
 Legal Services of New Jersey
 P.O. Box 1357
 Edison, NJ 08818-1357
publicaciones@lsnj.org

Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.

Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.

familias. Algunas de las cosas que este coordinador tiene que hacer son:

- Ayudar al estudiante a matricularse;
- 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;
- Cerciorarse 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.

Vea Lista de los enlaces para las personas sin hogar (del Departamento Estatal de Educación) www.state.nj.us/education/students/homeless/liaison.htm donde encontrará una lista de los enlaces en cada distrito escolar.

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

Cuando el estudiante se queda sin techo, el distrito escolar donde los padres del estudiante tenían la última vivienda fija, regular y adecuada es catalogado como el distrito de residencia del estudiante. Dicho distrito es responsable de la educación 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 pudieran 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?

A todo estudiante que durante el año escolar haya dejado 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?

La decisión de a dónde asiste a la escuela un estudiante sin hogar la toma el distrito de residencia y tiene que hacerse de forma inmediata. Al estudiante se le debe permitir que continúe asistiendo a la escuela actual (incluso si no vive en el mismo distrito) a



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 vivienda.

menos que los padre o el alumno no esté de acuerdo. En ese caso, el estudiante puede asistir a la última escuela que haya asistido (si no es 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 tiene los historiales que normalmente se exigen para la inscripción, él o ella todavía tiene que ser matriculado.

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

Si no puede ser determinado ningún distrito de residencia, el distrito donde el menor reside ahora tiene que matricularlo en ese distrito, o 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. Vea servicios informativos del condado (del Departamento Estatal de Educación), www.state.nj.us/education/counties/. 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.

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



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Lláme o solicite ayuda en línea si tiene problemas legales civiles.
LSNJLAWHotline.org
Visite nuestro sitio Web: www.LSNJLAW.org, que contiene ayuda legal.
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¿Si no puedo encontrar un abogado, a dónde puedo acudir?

Llame a LSNJLAWSM, 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. 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.