

Looking Out For Your Legal Rights®

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All children who live in New Jersey and are between the ages of 5 and 20 have a right to a free public education.

- Who can attend school in New Jersey? *Page 2*
- What is an affidavit student? *Page 3*
- How can students prove that they are domiciled in a school district? *Page 4*
- How can a parent, legal guardian, or caregiver appeal a denial of admission or continued enrollment? *Page 5*

Homeless students have the same rights and access to a free public education as non-homeless students. *Page 8*

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Derechos Legales*
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español la encontrará
al reverso.

School Opening Alert: School Residency Requirements

EACH FALL, a number of school-age children in New Jersey are denied admission to public schools because of disputes about where they live. Many of the students denied admission to a school are, in fact, eligible for enrollment. 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 regarding school residency requirements.

Right to Free Public Education for Students Ages 5-20

All children who live in New Jersey and are between the ages of 5 and 20 have a right to a free public education. These children have a right to attend public schools in the school districts where they live. This includes children who are undocumented aliens and immigrant children who do not have permanent resident status or citizenship. This also includes children who are unable to provide written leases or certifications that the apartment where they live complies with all local ordinances and codes.

Continued on page 2

School Residency Requirements

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, known as Abbott Districts, where the district must provide public pre-school.

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 8.

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 the sole purpose of attending a public high school is not entitled to receive a free public education.) Public schools



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may not treat immigrant students differently in order to prove residency. A public school cannot deter 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?

A child between the ages of 5 and 20 (or younger than 5 and older than 20 as explained earlier) must be admitted to a public school in the school district where the child is living. The place where the child's parent or legal guardian is living is called a *domicile*. Once a student and his or her parent or legal guardian live in a district for one year or more, they are considered domiciled within the district for the purposes of school enrollment. If a student's parents live in two different places, then the student's domicile is the parent's home where they spend the majority of their time. Usually students must attend school where their parent or legal guardian lives. In certain circumstances, a student 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*.

A student has the right to go to school in the district where his or her parent or legal guardian is residing, even if the home is temporary. A district may ask a parent or legal guardian to show proof



All school-age children who live in New Jersey have a right to a free public education from kindergarten through 12th grade.

that the reason the student is living there is not just so he or she can attend school in the district.

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 them without any payment for their 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 file 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 require that a caretaker file an affidavit. The affidavit must include the following statements:

- 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 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.



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

The court reasoned that the child support was to benefit the child and not the caretaker.

How can students prove that they are domiciled 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's licenses
- Cancelled checks
- Utility bills.

The law allows parents and legal guardians to use other documents as proof of where they live. Other documents may also be used to show that a student is cared for in a particular school district. A parent, legal guardian, or caretaker can also submit an affidavit stating where they live.

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

School districts cannot request certain types of documents as a condition of enrollment. 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 districts 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, they have to ask the board of education to remove the child from the school. The child’s parent, guardian, or caregiver (if an affidavit student) has the right to have a hearing before the board of education. Before the hearing, the district must give written notice that tells 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 the sections above explaining where a student is domiciled and affidavit students). A parent, guardian, or caregiver should bring any witnesses who can testify about the student’s residency or eligibility as an affidavit student to the hearing. Any documents that sup-



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.

port the claim should also be brought to the hearing.

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

How can a parent, legal guardian, or caregiver appeal a denial of admission or continued enrollment?

A parent, guardian, or caregiver (if it is a case involving an affidavit student) who disagrees with a denial of admission or continued enrollment has the right to appeal the denial within 21 days of the date of the denial notice. If the parent, legal guardian, or caregiver files the petition *pro se* (without a lawyer), then the petition can be in the form of a letter. The letter must contain 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 the petitioner that the claim or entitlement to attend school is based upon facts that are true to the best of the petitioner's knowledge and belief.

You can file a *pro se* appeal (where you represent yourself without an attorney) with the Bureau of Controversies and Disputes at:

State Commissioner of Education
c/o Director of Bureau of
Controversies and Disputes
N.J. Department of Education
100 Riverview Plaza
P.O. Box 500
Trenton, NJ 08625-0500

If possible, a copy of the papers should also be faxed to the Controversies and Disputes office at (609) 292-4333. You may call that office at (609) 292-5705 to ask questions about filing.

The Bureau will fax a copy of the petition to the district board. It will also send the district a notice requiring the school board to answer the petition and to ensure that the child attends school pending the outcome of the hearing.

The school board has 20 days from the date of service to respond to the petition. Once the board's response has been given to the petitioner and 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 the petitioner should know:

- The petitioner is responsible for proving that the student is eligible for a free public education in the district.
- If the Commissioner decides the case in the petitioner's favor, the student can attend public school in the district until graduation, as long as he or she 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 school will a child attend while waiting for an appeal to be decided?

If a school denies admission, it must give the parents or guardians written notice of ineligibility. The notice must clearly describe the reason why 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.

If the parent or caregiver intends to appeal the decision, the student must be allowed to attend school while the

Contact Legal Services of New Jersey's Education Representation Project for more information.

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.)

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

If the Commissioner of Education decides against the petitioner, the petitioner could be required or asked to pay tuition to a school district for the time the student attended public school there. For example, if the case is lost and the district spends \$6,000 per student each year, and the student attended the school for 90 days while the case was pending, then the parent, guardian, or caregiver could be required to pay \$3,000 to the district. A school board can collect 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.

Contact the Education Representation Project

For additional information, contact Legal Services of New Jersey's Education Representation Project by calling LSNJ-LAW™, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). You may also write to:

Legal Services of New Jersey
Education Representation Project
P. O. Box 1357
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School Opening Alert: **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 non-homeless students.

When is a student considered homeless?

In New Jersey, a student is homeless for the purpose of school enrollment when the student lives:

- In a temporary housing shelter;
- Temporarily in a hotel or motel;
- In transitional housing;
- In a domestic violence shelter;



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 shelter for runaway youth;
- In a vehicle (including mobile homes);
- In a tent;
- In a temporary shelter for migrant farm workers on a farm site;
- Temporarily with relatives or friends because the family lacks a regular or permanent residence of its own; or
- In a temporary placement while waiting to receive foster care placement.

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

Note: In this article, the word parent means natural or adoptive parents, legal guardians, foster parents, surrogate parents, 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 homeless liaison?

A school district is required to have a homeless liaison to help homeless students and their families. Some of the things the homeless liaison must do are:

- Help the homeless student enroll in school;
- Make sure that the homeless student is enrolled and attending school;
- Make sure that the homeless student and his or her family get any educational services that they may

have a right to receive—such as Head Start, preschool programs, and health care services;

- Make sure that parents have a chance to participate in their child’s education; and
- Make sure that families and homeless students know that the school district must provide transportation to and from school. They must also help them get transportation.

You may find a directory of school district liaisons at www.nj.gov/education/students/homeless/liaison.htm.

What school district is responsible for the education of a homeless student?

When a student is homeless, the school district where the student’s parents last lived is called the student’s *district of origin*. The district of origin is responsible for the education of the homeless child.

- This district is the district of origin for as long as the student is homeless;
- This district will be the district of origin even when a student becomes homeless in between school years; and
- When a student gets permanent housing during the school year, the district of origin will last to the end of that school year.

The responsibilities of the district of origin are to:

- Educate the homeless student;
- Decide where to enroll the homeless child in school;
- Pay the cost of tuition of a homeless



The district of origin must provide transportation for the homeless student, even if the student is enrolled in a different school district.

student, even if he or she is enrolled in another school district; and

- Provide transportation for the homeless student, even if the student is enrolled in a different school district.

The chief school administrator in the district of origin must immediately decide where a homeless student should be enrolled. The student’s parents must be involved in this decision. The choices are as follows, in this order of priority:

- The school district the student attended when he or she became homeless, unless this is against the parents’ wishes;
- The school district where the student last attended school, if it is not the same as above; or
- The school district where the student is temporarily living.

The following things must also be considered:

- Enrollment in the district of origin—the first choice, unless the parents object;
- Stability of the child’s schooling;
- Available special educational and/or instructional programs that the child may be eligible to

receive, such as bilingual, special education, and gifted and talented programs;

- Distance of the school from the child's residence;
- Travel time between the school and the child's residence; and
- The child's safety traveling back and forth between the school and the child's residence.

When the district of origin makes a decision, it must put certain things in writing. The writing must include a notation that the parents participated. It must also include a statement that the district told the parents they had a right to appeal the decision. Any decision not to enroll the child in the district of origin must be made in writing. Any decision not to enroll the child in the school requested by the parents must be explained in writing. A copy must be given to the student's parents.

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.

What happens when a district of origin cannot be determined?

If no district of origin 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, either the parents or district must notify the county superintendent. The county superintendent must immediately decide whether the student is homeless. If the parents do not agree with this decision, they can file an appeal with the Commissioner of Education.

If parents and the district do not agree on where to enroll the student, the district must immediately inform the county superintendent. The county superintendent must immediately make an enrollment decision. If the parents do not agree with this decision, they may seek mediation through the Department of Education. Mediation must take place within five days after it is requested. If mediation fails, then the matter can be appealed to the Commissioner of Education.

Disagreement over where a student should be enrolled does not delay school enrollment. The student must immediately be enrolled into the school where the parents want to enroll the student. The student will remain in that school until the dispute is resolved. □

By Rachel R. Elkin, Supervising Attorney, Legal Services of New Jersey Education Representation Project. Portions of the articles in this issue have been adapted from materials provided by the Education Law Center.

Read more about education law on our Web site, 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 LSNJ-LAW™, 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.)

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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 que los estudiantes que tienen vivienda.

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

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 requiere 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 que los estudiantes que tienen vivienda.

continúa en la página 2

El boletín de educación jurídica para los habitantes de Nueva Jersey

Alerta para la apertura escolar

continúa de la página 1

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

En Nueva Jersey, un estudiante es catalogado como alguien desamparado para matricularlo en la escuela cuando el estudiante vive:

- En un refugio de albergue temporal;
- Temporalmente en un hotel o un motel;
- En una vivienda transitoria;
- En un refugio para víctimas de violencia doméstica;
- En un refugio para jóvenes que han huido de sus hogares;
- En un vehículo (incluyendo una casa móvil);
- En una tienda de campaña;
- En un refugio temporal para trabajadores migratorios ubicado en una finca
- Temporalmente con parientes o amigos porque la familia carece de una vivienda regular o permanente; o
- En una colocación temporal mientras espera ser adoptado.

Cuando el padre de familia matricule al menor en la escuela, debe informar a la

junta de educación del distrito sobre su situación de vivienda. También debería hablar con la persona encargada de los asuntos de los desamparados en el distrito.

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

¿Qué hace la persona encargada de los asuntos de los desamparados?

A todo distrito escolar se le exige tener una persona encargada de ayudar a los estudiantes sin vivienda y a sus familias. Algunas de las cosas que la persona encargada de los asuntos de las personas sin vivienda debe hacer son:

- Ayudar al estudiante sin vivienda a matricularse en la escuela;
- Cerciorarse de que el estudiante esté matriculado y asistiendo a clase;
- Cerciorarse de que el estudiante y su familia obtengan todo servicio educativo al que puedan tener derecho—como el programa *Head Start*, los programas preescolares y los servicios de asistencia médica;

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- Cerciorarse de que los padres tengan la posibilidad de participar en la educación de su hijo;
- Cerciorarse de que las familias y los estudiantes sin vivienda sepan que el distrito escolar debe proporcionar transporte de ida y regreso de la escuela. También debe ayudar a conseguir el transporte.

Puede ver un directorio de las personas que sirven de intermediarios para los distritos escolares en el sitio Web del Departamento de Educación: www.nj.gov/education/students/homeless/liaison.htm.

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

Cuando el estudiante se queda sin vivienda, el distrito escolar donde los padres del estudiante estaban viviendo es considerado como el distrito de origen del estudiante. El distrito de origen es responsable por la educación del menor.

- Continuará siendo el distrito de origen mientras el estudiante permanezca sin vivienda;
- Será el distrito de origen incluso si el estudiante se queda sin hogar en medio del año lectivo; y
- Si el estudiante obtiene un alojamiento permanente durante el año escolar, el distrito de origen continuará siéndolo hasta el final de aquel año lectivo.

Las responsabilidades del distrito de origen son:

- Educar al estudiante desamparado;
- Decidir en qué escuela inscribir al menor;
- Pagar el costo de la matrícula del estudiante, incluso si éste es matriculado en otro distrito escolar;
- Proporcionar el transporte del

estudiante, incluso si éste es matriculado en un distrito escolar diferente.

El administrador principal de la escuela en el distrito de origen debe decidir inmediatamente dónde se debe matricular al estudiante desamparado. Los padres del estudiante deben ser incluidos en esta decisión. Las opciones, en este orden de prioridad, son a seguir:

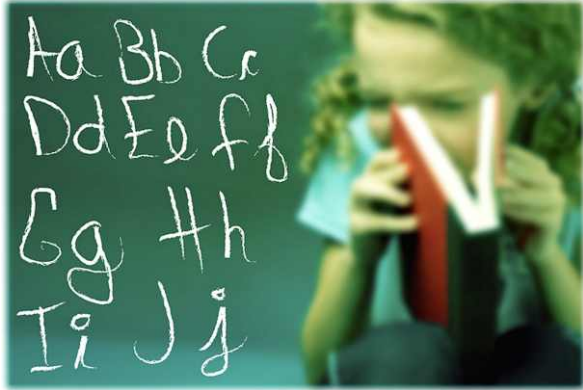
- El distrito escolar donde el estudiante asistió cuando se quedó sin hogar, a no ser que tal cosa esté en contra de los deseos de los padres;
- El distrito escolar donde el estudiante asistió a la escuela por última vez, si no es el antes mencionado;
- El distrito escolar donde el estudiante esté viviendo temporalmente.

También se deben considerar las siguientes cosas:

- La primera opción es la inscripción en el distrito de origen, a no ser que los padres se opongan;
- La estabilidad de la educación del menor;
- Los programas educativos especiales o de instrucción disponibles a los que



El distrito de origen debe proporcionar el transporte del estudiante sin hogar, incluso si éste es matriculado en un distrito escolar diferente.



Para obtener información adicional, póngase en contacto con el Proyecto para la Representación en asuntos educativos de los Servicios Legales de NJ.

el menor pueda tener derecho, tales como la educación bilingüe, especial y los programas para los estudiantes dotados y los talentosos;

- La distancia entre la escuela y la residencia del menor;
- El tiempo de viaje entre la escuela y la residencia del menor;
- La seguridad del menor mientras viaja de ida y regreso entre la escuela y la vivienda.

Si el distrito de origen toma una decisión, éste debe exponer ciertas cosas por escrito. La declaración debe incluir un comentario de que los padres participaron. También debe incluir una declaración de que el distrito les dijo a los padres que ellos tenían el derecho de apelar la decisión. Cualquier decisión de no matricular al menor en el distrito de origen debe ser presentada por escrito. Cualquier decisión de no matricular al menor en la escuela que los padres solicitaron, debe ser presentada por escrito. A los padres del estudiante se les debe dar una copia.

Una vez que se escoja la escuela, el menor debe ser matriculado inmediatamente; aun si no tiene los documentos normalmente requeridos para la inscripción.

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

Si no se puede determinar ningún distrito de origen, el distrito donde el menor reside en la actualidad debe matricular inmediatamente al menor en el distrito o en el último distrito donde asistió.

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

Si los padres y el distrito no están de acuerdo en que el estudiante está desamparado, los padres o el distrito deben notificarle al superintendente del condado. El superintendente debe decidir inmediatamente si el estudiante está sin hogar. Si los padres no están de acuerdo con esta decisión, pueden presentar una apelación ante el Comisionado de Educación.

Si los padres y el distrito no están de acuerdo sobre dónde matricular al estudiante, el distrito debe informarle inmediatamente al superintendente del condado. El superintendente debe tomar inmediatamente una decisión para la inscripción. Si los padres no están de acuerdo con esta decisión, pueden buscar una mediación a través del Departamento de Educación. La mediación debe ocurrir dentro de cinco días después de que se haya solicitado. Si la mediación no funciona, entonces el asunto puede ser apelado ante el Comisionado de Educación.

El desacuerdo de dónde se debe matricular al menor no retrasará la inscripción en la escuela. El estudiante debe ser matriculado inmediatamente en la escuela donde el padre lo quiere matricular. El estudiante permanecerá en aquella escuela hasta que la disputa se resuelva. □

Traducido por: Al Moreno, M.A., Coordinador de los servicios lingüísticos en los Servicios Legales de Nueva Jersey

Los requisitos escolares para demostrar domicilio

¿Piensa usted matricular a su hijo o hija en la escuela este septiembre? De ser así, aquí hay algunas de las cosas importantes que debe saber sobre la inscripción escolar y el derecho que el menor tiene a asistir a la escuela.*

¿Cómo sé si mi hijo llena los requisitos para asistir a la escuela en Nueva Jersey?

Todo niño entre los 5 y 20 años tiene derecho a recibir una educación pública gratuita. Si su hijo tiene necesidades especiales o si usted vive en un distrito de bajos ingresos, el menor puede tener el derecho a asistir a un jardín infantil o continuar asistiendo a la escuela hasta que cumpla los 21 años de edad.

¿Qué sucede si mi hijo no tiene un estatus migratorio legalizado?

A ningún menor se le puede negar admisión a una escuela pública debido a su estatus migratorio. Las escuelas no pueden preguntar sobre el estatus migratorio ni pedir un número de Seguro Social como un requisito para la matrícula.

¿Dónde debo inscribir a mi hijo para que asista a la escuela?

En muchos casos, su hijo será matriculado y asistirá a la escuela en el distrito donde usted y su hijo vivan. Hay algunas excepciones, y éstas pueden emplearse en su caso si su hijo no vive con usted. Para obtener más información, póngase en contacto con los Servicios Legales de Nueva Jersey, LSNJ.*

¿Cómo matriculo a mi hijo en una escuela?

A fin de matricular a su hijo en una escuela, usted tendrá que mostrar que vive en el distrito escolar. La escuela no puede hacer que

presente un tipo específico de documento para demostrar donde vive. Para demostrar dónde vive usted, la escuela tiene que aceptar una variedad y combinación de documentos. Por ejemplo, el tipo de documentos incluye escrituras, contratos de arrendamiento, cartas del propietario de la vivienda, licencia de conductor, y cuentas de servicios públicos, pero también puede haber otros documentos que usted puede presentar.

¿Qué sucede si vivo temporalmente en el distrito escolar?

Incluso si su situación habitacional es temporal, su hijo tiene el derecho a matricularse. En algunas situaciones, su hijo podría tener derechos y protecciones adicionales. Por ejemplo: si vive en un refugio, motel, o temporalmente con amigos/familiares. Para obtener más información, póngase en contacto con LSNJ.*

¿Qué sucede si la escuela no acepta mis documentos como prueba de dónde vivo?

Si la escuela le niega la admisión, lo tiene que hacer por escrito y explicarle por qué su hijo no llena los requisitos. Si no está de acuerdo con la decisión, usted tiene derecho de apelar y tiene que hacerlo 21 días después de la negativa. Si planea apelar, le tiene que informar a la escuela. La escuela tiene que permitir que su hijo asista a clases mientras se evalúa y determina la apelación. □

Traducido por: Al Moreno, M.A., Coordinador de los servicios lingüísticos en los Servicios Legales de Nueva Jersey

* Este artículo proporciona un resumen de las leyes. Si desea más información, lea **Alerta para la apertura escolar: Los requisitos escolares para demostrar domicilio** en nuestro sitio Web aquí: www.lsnjlaw.org/espanol/escuela/requescolares/index.cfm. Si tiene preguntas o necesita algún consejo jurídico adicional sobre la educación de su hijo, llame a LSNJ-LAW™, la línea directa gratuita de asistencia jurídica de LSNJ para todo el estado, en el 1-888-576-5529, entre las 8 a.m. y las 5:30 p.m. (Si está fuera de NJ, llame al 732-572-9100 y pida que le transfieran a la línea directa, Hotline).

Oficinas de Servicios Legales

Programa encargado de la coordinación para todo el estado

Los Servicios Legales de Nueva Jersey

(732) 572-9100

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Condado de Middlesex—New Brunswick (732) 249-7600
Condado de Middlesex—Perth Amboy (732) 324-1613
Condado de Union (908) 354-4340

Essex-Newark Legal Services (973) 624-4500

Legal Services of Northwest Jersey

- Condado de Hunterdon (908) 782-7979
Condado de Morris (973) 285-6911
Condado de Somerset (908) 231-0840
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