

## ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

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The Englewood Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education.

#### Eligibility to Attend School

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 et seq.

The Board shall also admit any student who is kept in the home of a person other than the student parent(s) or legal guardian(s), where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2 et seq. A student is only eligible to attend school in the district pursuant to this provision if the student parent(s) or legal guardian(s) files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the district, a sworn statement that he or she: is domiciled within the district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and a copy of his or her lease if a tenant, or a sworn landlord statement if residing as a tenant without a written lease. Pursuant to N.J.S.A. 18A:38-1(c), any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child; and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(b) if the student is kept in the home of a person domiciled in the district, other than the parent or guardian, where the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year upon the parent or guardian return from active military duty.



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A student is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(d) if the student parent or guardian temporarily resides within the district and elects to have the pupil attend school in the district of temporary residence, notwithstanding the existence of a domicile elsewhere. Where required by the district, the parent or guardian shall demonstrate that such temporary residence is not solely for purposes of a student attending school within the district of temporary residence. Where one of a student parents or guardians temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

A student is eligible to attend school in the district free of charge:

1. If the student parent or guardian moves to another district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children;
2. If the student is placed in the home of a district resident by court order (as defined in N.J.A.C. 6A:22-3.2(e)) or by a society, agency, or institution pursuant to N.J.S.A. 18A:38-2;
3. If the student had previously resided in the district and if the parent(s) or legal guardian(s) is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the district, pursuant to N.J.S.A. 18A:38-3(b); and
4. If the student resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

The physical condition of an applicants housing, an applicant(s) compliance with local housing ordinances, or terms of lease shall not affect eligibility to attend school.

A student(s) immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b).

### Proof of Eligibility

The district shall accept forms of documentation from persons attempting to demonstrate a student eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22-3.4 et seq. The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular



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form of documentation, or a particular subset of documents, without regard to other evidence presented.

The district shall not require or request any information or document protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. However, these protected documents or information, or pertinent parts thereof, may be voluntarily disclosed by the person(s) seeking enrollment in the district. However, the district may not, directly or indirectly, require or request such disclosure as a condition of enrollment.

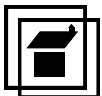
### Initial Assessment and Enrollment

Registration, initial determinations of eligibility and enrollment will be in accordance with N.J.A.C. 6A:22-4.1 et seq. The district shall use registration forms provided by the Commissioner of Education or locally developed forms that are consistent with the forms provided by the Commissioner. A district level school administrator designated by the Superintendent will be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the registration/enrollment process.

Initial determinations of eligibility shall be made upon presentation of an application for enrollment and enrollment shall take place immediately in all cases except those of clear, uncontested denials. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant will be placed on notice that removal will result if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 et seq.

Where an applicant appears ineligible based on the information provided in the initial application, a preliminary written notice of ineligibility shall be provided, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district determination and intent to appeal to the Commissioner. A student enrolled pursuant to this provision shall be notified that he or she will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws. In this case, the parent(s) or legal guardian(s) shall, where the student is between the ages of six and sixteen, be asked to complete a written statement that the student will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than



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at a school pursuant to N.J.S.A. 18A:38-25. In the event this written statement is not provided, the district level administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Division of Youth and Family Services based on neglect pursuant to N.J.S.A. 9:6-1, with the student name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of ensuring compliance with such laws.

Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a student identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the district shall not be denied based upon absence of student medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of students, N.J.A.C. 8:57-4.1 et seq.

Enrollment in the district, attendance at school, or educational services where attendance in the regular education program appears inappropriate, shall not be denied based upon absence of a student prior educational record. However, the applicant shall be advised that the initial educational placement of the student may be subject to revision upon receipt of records or further assessment of the student by the district.

### Notice of Ineligibility

If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22-1.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. Notices shall be in writing, in English and in the native language of the applicant, issued by the Superintendent and directed to the address at which the applicant claims to reside. The Notice of Ineligibility shall be provided and shall include information as required in accordance with N.J.A.C. 6A:22-4.2 et seq.

### Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22-4.3 et seq. and this policy shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, students enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.



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When a student, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the student in accordance with N.J.A.C. 6A:22-4.3(b). No student shall be removed from school unless the parent, legal guardian, adult student or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) as the case may be, has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, legal guardian, adult student or resident keeping an "affidavit student", as the case may be, does not respond to the Superintendent notice within the designated time frame or appear for the hearing, the Board shall make a prompt determination of the student eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2 et seq. The hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

### Appeal to the Commissioner

The district determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, legal guardian, adult student, or resident keeping an "affidavit student", as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. Appeals of "affidavit student" eligibility determinations must be filed by the resident keeping the student.

### Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the Board may assess tuition for any period of a student ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. The district may obtain an order of the Commissioner of Education for tuition, enforceable pursuant to N.J.S.A. 2A:58-10, through recording on the judgment docket of the Superior Court, Law Division by filing a petition of appeal pursuant to N.J.A.C. 6A:3.

### Nonresident Students

The admission of a nonresident child to school free of charge must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child



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race, color, creed, religion, national origin, ancestry, age, marital status, affectation or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student maintenance of good standards of citizenship and discipline.

### Children who Anticipate Moving To or From the District

A nonresident child otherwise eligible for attendance whose parent(s) or legal guardian(s) anticipates district residency and has entered a contract to buy, build, or rent a residence in this district may be enrolled without payment of tuition for a period of time not greater than six (6) weeks prior to the anticipated date of residency. If any such student does not become a resident of the district within six (6) weeks after admission to school, tuition will be charged for attendance commencing the beginning of the seventh (7<sup>th</sup>) week and until such time as the student becomes a resident or withdraws from school.

Students whose parent(s) or legal guardian(s) have moved away from the school district on or after commencement of the third trimester and twelfth grade students whose parent(s) or legal guardian(s) have moved away from the school district on or after commencement of the third trimester will be permitted to finish the school year in this district without payment of tuition.

Children of Board employees who do not reside in this school district may be admitted to school in this district without payment of tuition, provided that the educational program of such children can be provided within district facilities without substantial additional cost to the district, and at the discretion of the Superintendent.

N.J.S.A. 18A:38-1 et seq.

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-2.1 et seq.

Adopted: 28 August 2006

Revised: 14 October 2010

