

NONRESIDENTS

The board shall operate the schools of this district for the benefit of all children resident in the district and such others as may be admitted, pursuant to statute and policy of the board. The board reserves the right to verify the residency of any pupil and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this district shall be in accord with policy 5111 Admission and the administrative code.

Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district shall be enrolled for a period not to exceed 60 days previous to the anticipated date of residency without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The board reserves the right to verify such claims, and to remove from school a nonresident pupil whose claim cannot be verified.

Former Residents

Regularly enrolled children whose parents/guardians have moved out of the school district during the final marking period shall be permitted to finish the school year without payment of tuition. Transportation is to be provided by the parents without compensation by the district. The final decision on these matters rests with the Board of Education. Regularly enrolled children whose parents/guardians move from the district at any other time during the school year may remain enrolled for the remainder of the school year on payment of tuition prorated.

Children of Nonresident Staff Members

Children of nonresident employees of the board may be enrolled in the schools of this district on payment of one half of the most recent certified tuition costs and in accordance with policy for other nonresident pupils.

Foreign Exchange Students

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.

The board may accept exchange students on a J-1 visa who reside within the district as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

The board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in district schools shall not exceed 12 months. Students attending the schools of this district on an F-1 visa may not participate in any adult-education programs sponsored by the board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the superintendent

by July 1 preceding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

Homeless Pupils

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law.

Other Nonresident Pupils

Other nonresident pupils may be admitted to this district on payment of tuition and availability of space. The superintendent shall develop procedures for the enrollment of nonresident children which admit such children only on the proper application of parent/guardian; verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant; do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and make continued enrollment of any nonresident pupil contingent upon maintaining good standards of citizenship and discipline.

When a child must either relocate to or from this district because his/her parent/guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and has been ordered into active service, the child shall be eligible to attend the schools of this district without paying tuition. The district shall not be responsible for transporting the child.

The superintendent or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The board shall not be responsible for the transportation to or from school of any nonresident pupils. The board shall annually determine tuition rates for nonresident pupils.

Date reviewed and readopted: Reviewed: February 21, 2007; Adopted: March 26, 2007.

Key Words: Nonresidents, Tuition Pupil, Affidavit Pupil, Homeless Pupil.

Legal References

NONRESIDENTS

Other Reasons:

This can be a topic of critical concern to the district. Students attending the district schools illegally can impact on many aspects of district operations.

N.J.A.C. 6A:17-1.1 et seq. outlines procedures to ensure that homeless children and students placed in state facilities receive a thorough and efficient education.

N.J.A.C. 6A:22-2.1 directs boards of education to construe eligibility to attend district schools liberally to ensure student rights to a free public education.

The federal No Child Left Behind law has further requirements to prevent homeless students from being denied admission to district schools, stigmatized or segregated in any way from the general school population. (see file code 5111 Admission).

Recommendation:

A policy setting out any limitations on attendance by nonresident pupils. Cross reference to file code 5111 Admission

If the district allows a grace period for attendance without payment of tuition for pupils entering and exiting the system, it should be addressed here. Admission of foreign exchange students may also be included here.

Because it is a term or condition of employment, allowing nonresident staff members to send their children to district schools for anything less than full tuition should be negotiated.

“Choice districts” as described in N.J.S.A. 18A:36B-1 et seq. should include assurances that they have complied with all requirements of code and statute.

Legal

References:

- N.J.S.A. 18A:7F-3 Definitions
- N.J.S.A. 18A:11-1 General mandatory powers and duties
- N.J.S.A. 18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999
- N.J.S.A. 18A:38-1 et seq. Attendance at school free of charge
- See particularly:
- N.J.S.A. 38-2, 38-3, 38-8, 38-9
- N.J.S.A. 18A:46-20 Receiving pupils from outside district; establishment of facilities
- N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:12-1.3 et seq. Interdistrict Public School Choice
N.J.A.C. 6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
N.J.A.C. 6A:22 Student residency

See particularly:

<u>N.J.A.C.</u> 6A:22-3	Eligibility to attend school
<u>N.J.A.C.</u> 6A:22-3.1	Students domiciled within the school district
<u>N.J.A.C.</u> 6A:23-5.2	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:23-5.3	Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132

N.J. 327 cert. denied, 510 U.S. 991 (1993); subsequent listing

333 N.J. Super. (App. Div. 2000)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div 1999)

Possible Cross References:

3240	Tuition income
*5111	Admission
*5114	Suspension and expulsion
6142.5	Travel and exchange programs
*6151	Class size

*Indicates policy is included in the Critical Policy Reference Manual.