

POLICY

EAST WINDSOR BOARD OF EDUCATION

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Eligibility of Resident/Nonresident Pupils

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

The East Windsor Regional 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 pupils as is otherwise entitled by law to a free public education.

Eligibility to Attend School

The Board shall admit pupils 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 pupil that is kept in the home of a person other than the pupil's parent or guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child in accordance with N.J.A.C. 6A22-3.2 et seq. A pupil is only eligible to attend school in the district pursuant to this provision if the pupil's parent or guardian 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 pupil due to family or economic hardship and the pupil is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the pupil 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 pupil relative to school requirements; and a copy of his or her lease if a tenant, or a sworn landlord's 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 pupil is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(b) if the pupil 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's return from active military duty.

A pupil is eligible to attend school free of charge N.J.S.A. 18A:38-1-(d) if the pupil's 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. When required by the district, the parent or guardian shall demonstrate that such temporary residence is not solely for purposes of a pupil attending school within the district of temporary residence. Where one of a pupil's 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 pupil is eligible to attend school in the district free of charge:

1. If the pupil's 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 pupil 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 pupil had previously resided in the district and if the parent or guardian 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 pupil out of the district, pursuant to N.J.S.A. 18A:38-3(b). The district shall not be obligated for transportation costs; and
4. If the pupil resides on federal property within the state pursuant to N.J.S.A. 18A:38-7.7 et seq.

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

A pupil's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.

Proof of Eligibility

The district shall accept forms of documentation from persons attempting to demonstrate a pupil's 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 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 an actual or implied 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's determination and an intent to appeal to the Commissioner. A pupil 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 or guardian shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than 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 Department of Children and Families to report a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1, with the pupil's name, the name(s) of the parent/guardian/resident, the pupil's address to the extent known, and shall indicate that admission to the district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

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 pupil's 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 pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, 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 pupil's prior educational record. However, the applicant shall be advised that the initial

educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil 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:22-1.1et 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 Pupils

Nothing in N.J.A.C. 6A:22-4.3et 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, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.

When a pupil, 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 pupil in accordance with N.J.A.C. 6A:22-4.3 (b). No pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an "affidavit pupil" (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, guardian, adult pupil or resident keeping an "affidavit pupil", as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for the hearing, the Board shall make a prompt determination of the pupil's 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:22-4.2 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 pupil may be removed except by vote of the full 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's determination that a pupil is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, guardian, adult pupil or resident keeping an "affidavit pupil", 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. and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1(b)1, appeals of "affidavit pupil" eligibility determinations must be filed by the resident keeping the pupil.

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 pupil's 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. 6A22-6.3 et seq. The district may petition the Commissioner for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10, through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

Nonresident Pupils

The East Windsor Regional School District will consider non-resident students for enrollment in East Windsor Regional District schools, provided that the tuition established by the Board of Education is prepaid and no district transportation is required. Any student who is a non-resident must follow the procedure.

Principals will make the preliminary determination of which students are non-resident, their home school district and their suitability for admission, pending Board of Education approval.

Parents/guardians moving from the district who wish their children to continue in East Windsor for the remainder of the school year will be charged the pro-rata tuition for the remainder of the year, payable in advance. Children moving after May 1 will be permitted to finish the year with no charge. The district will not provide transportation.

Children from families who have signed a contract to buy, build or lease a residence within the school district may be enrolled during the marking period in which they expect to become residents without tuition charge or the provision of district transportation.

An extension of one additional marking period will be granted to a requesting family if they can present a new closing date and documentation that the delay was caused through no fault of the family.

Procedure

1. The East Windsor Regional School District will consider non-resident students for enrollment. The tuition established by the Board of Education must be prepaid in no more than four equal payments. The first installment is due prior to the first day of attendance. The remaining three payments are due November 1, February 1, and April 1 of the school year. No district transportation will be provided.

Tuition and transportation costs for students placed out of district during the school year are over and above the districts' established tuition and are to be paid in full by the party responsible for the tuition.

2. Principals will make the preliminary determination of which students are non-resident, their home school district and their suitability for admission, pending Board of Education approval.

The Principal will notify the Business Office of its intention to enroll an out of district student. The information in the notification will include the student's name and address, grade, special education classification if applicable, and the name and address of the party responsible for tuition.

3. American Field Service students and other students who seek enrollment in our school through their participation in recognized student exchange programs in which our district participates will be enrolled only after:

a. The Superintendent has recommended their enrollment to the Board of Education;

b. The Board of Education has approved their enrollment.

4. Foreign students not participating in a recognized exchange program or participating in an exchange program in which our schools do not participate must:

a. Apply for admission through the Superintendent who will recommend to the Board of Education their suitability for admission, tuition requirements, and the satisfaction of proper legal safeguards for the student and the district;

b. Be approved for admission by the Board of Education.

5. Parents moving from the district who wish their children to continue in East Windsor Regional School District for the remainder of the school year will be charged the pro-rata tuition for the remainder of the year, payable in advance. Children moving after May 1st will be permitted to finish the year with no charge. The district will not provide transportation.

6. Children from families who have signed a contract to buy, build or lease a residence within the school district may be enrolled during the marking period in which they expect to become residents without tuition charge or the provision of the district transportation.

7. A family whose closing date has been delayed and will exceed the one marking period provision will receive an extension. Requests for an extension should be submitted to the principal and must include:

a. Recent written verification of revised closing date
and;

b. Documentation that the delay was caused through no fault of the family.

Children of District Employees

Children of Board employees who do not reside in this school district may be admitted to school in this district in accordance with the negotiated agreement, provided that the educational program of such children can be provided within district facilities.

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

N.J.A.C. 6:5-1.1 et se q.; 6A:14-3.3; et seq.; 6A:17-2.1 et seq;
6A:22-1.1 et seq.

Adopted: 12 December 2005

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