

POLICY

High Bridge Board of Education

Section: Students

5111. ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

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5111- ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

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The Board of Education will admit children of school age who reside in this district and will admit other children in accordance with law and this policy. The Board reserves the right to verify the residency or anticipated residency of any person who claims eligibility for enrollment.

Resident Pupils

Resident pupils shall be provided a free education between the ages of five and twenty except that the district shall provide for children identified as requiring special education from birth to twenty one years of age.

Resident pupils are defined as:

1. Any person who is domiciled within the school district who is over the age of five and under the age of twenty.
2. Any person who is kept in the home of another person domiciled in the school district and such other person is supporting the pupil gratis as if he/she were such other person's own child, upon filing by such other person with the secretary of the Board of the school district, if so required by the Board, a sworn statement that he/she is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he/she intends to keep and support the child gratuitously for a longer time than merely through the school term, and a copy of his lease if a tenant, or a sworn statement by his landlord acknowledging his tenancy if residing as a tenant without a written lease, and upon filing by the child's parent or legal guardian with the secretary of the Board a sworn statement that he is not capable of supporting or providing care for the child due to a family or economic hardship and that the child is not residing with the resident of the school district solely for the purpose of receiving a free public education within the school district. The statement shall be accompanied by documentation to support the validity of the sworn statements, information from or about which shall be supplied only to the Board and only to the extent that it directly pertains to the support or nonsupport of the child. If in the judgment of the Board the evidence does not support the validity of the claim by the resident, the Board may deny admission to the child. The resident may contest the Board's decision to the Commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the Commissioner on the validity of the claim and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the legal criteria. The Board shall, at the time of its decision, notify the resident in writing of his/her right to contest the Board's decision to the Commissioner within 21 days. No child shall be denied admission during the pendency of the proceedings before the Commissioner. In the event the child is currently enrolled in the school district, the pupil shall not be removed from school during the 21 day period in which the resident may contest the Board's decision nor during the pendency of the proceedings before the Commissioner. If in the judgment of the Commissioner the evidence does not support the claim of the resident, he/she shall

assess the resident tuition for the pupil prorated to the time of the pupil's ineligible attendance in the school district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local school district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which the orders of the Commissioner are enforced. Nothing shall preclude a Board from collecting tuition from the resident, parent or legal guardian for a pupil's period of ineligible attendance in the schools of the district where the issue is not appealed to the Commissioner.

3. If the Superintendent or administrative principal of a school district finds that the parent or legal guardian of a child who is attending the schools of the district is not domiciled within the district and the child is not kept in the home of another person domiciled within the school district and supported by them gratis, the Superintendent or administrative principal may apply to the Board for the removal of the child. The parent or legal guardian shall be entitled to a hearing before the Board and if in the judgment of the Board the parent or legal guardian is not domiciled within the district or the child is not kept in the home of another person domiciled within the school district and supported by them gratis as if the child was the person's own child as provided for in the law, the Board may order the transfer or removal of the child from school. The parent or legal guardian may contest the Board's decision before the Commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the commissioner and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria provided in the law. The Board shall, at the time of its decision, notify the parent or legal guardian in writing of his or her right to contest the decision within 21 days. No child shall be removed from school during the 21 day period in which the parent or legal guardian may contest the Board's decision or during the pendency of the proceedings before the Commissioner. If in the judgment of the Commissioner the evidence does not support the claim of the parent or legal guardian, the Commissioner shall assess the parent or legal guardian tuition for the student prorated to the time of the student's ineligible attendance in the schools of the district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner which orders of the Commissioner are enforced. Nothing shall preclude a Board from collecting tuition from the parent or legal guardian for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the Commissioner.
4. The following pupils shall be deemed to be domiciled in the school district:
 - a. Any pupil whose parent or legal guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all-year-round dwelling place within the district for one year or longer;
 - b. Any pupil for whom the Division of Youth and Family Services in the Department of Human Services is acting as guardian and who is placed in the district by said bureau;
 - c. Any pupil whose parent or legal guardian moves from one school district to another school as a result of being homeless and whose district of residence is determined pursuant to 18A:7B-12.

Non Resident Pupils

The admission of any nonresident child must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child's race, creed, color, national origin, gender, or disability. The continued enrollment of any nonresident pupil shall be contingent upon the pupil's maintenance of good standards of citizenship and discipline.

Nondomiciled Children Residing with District Resident Other

A child of school age who resides with a district resident other than his or her parent or legal guardian will be admitted to school provided the following sworn statements are executed and filed with the Board Secretary:

1. The statement of the child's parent or legal guardian that he or she is not supporting the child, accompanied by appropriate documentation in validation of that statement; and
2. The statement of the district resident that he or she is a resident of this district, supports the child gratis, will assume all personal obligations for the child, and intends to keep and support the child beyond the end of the school year. The statement must be supported by evidence of district residency.

The Board reserves the right to verify the validity of either statement and may, if validity is in doubt, institute a proceeding before the Commissioner of Education for a determination of the child's eligibility for admission. The child shall remain enrolled in this district pending the outcome of any such proceeding.

If the Board has reason to believe that a district resident has fraudulently allowed a child of another person to use his or her residence and is not the primary financial supporter of that child or that a parent or legal guardian has fraudulently claimed to have given up custody of his or her child, the Board may report any such person to municipal authorities for prosecution as disorderly persons.

Homeless Children

The Board will accept responsibility for the educational placement of a homeless child of school age when this school district is determined to be the child's district of residence or when the child temporarily resides in this district and no New Jersey district of residence can be determined, pursuant to law and rules of the State Board of Education. Such placement will be made in the best interest of the child and may be in this district, the district of the child's last attendance, or the district in which the child temporarily resides.

The Superintendent shall appoint a district liaison for the education of homeless children. The liaison shall develop a system to insure that any homeless child temporarily residing in this district is appropriately enrolled and attending school and shall communicate with other districts in the interests of homeless children.

Children Who Anticipate Moving to or from the District

A nonresident child otherwise eligible for attendance whose parent or legal guardian anticipates district residency and has entered a contract to buy, build, or rent a residence in this district may be enrolled with payment of tuition for a period of time not greater than six weeks prior to the anticipated date of residency. If any such pupil does not become a resident of the district within six weeks after admission to school, tuition will be charged for attendance commencing the beginning of the seventh week and until such time as the pupil becomes a resident or withdraws from school.

Pupils whose parents or legal guardians have moved away from the school district on or after April 1st and eighth grade pupils whose parents or legal guardians have moved away from the school district on or after February 1st will be permitted to finish the school year in this district without payment of tuition.

Children of District Employees

The tuition for children of Board employees who do not reside in this school district and are admitted to school in this district shall be waived, subject to the student being coded by the New Jersey

Department of Education as a resident for purposes of state funding and provided that the educational program of such children can be provided within district facilities.

Written request for enrollment must be made and approved by the Board of Education.

Admission will be for kindergarten through grade 8.

The grade level in which the child is to attend must not be negatively impacted through his/her addition due to high numbers as determined by Policy #2312, behavioral problems or special education needs.

There shall be no additional costs to the district due to classification or physical disability of any such student prior to or during the term of his/her enrollment at High Bridge.

Special education students will only be admitted in accordance with their IEP with the full cost to be borne by the district of domicile.

The admission of the child for special education classes will not be permitted if it causes the class to go above the number of students permitted by state regulations.

The Board shall not be responsible for the transportation to or from school of any nonresident pupils.

The admission of the child may be for one academic year only. Admission for subsequent years shall be determined by the Board of Education based upon the criteria set forth above.

Other Nonresident Children

Other nonresident children, otherwise eligible for attendance, may be admitted to school in this district with payment of tuition if their admission is warranted by the inaccessibility of school in their home district, the singular availability of an appropriate educational program in this district, the avoidance of transfer and readmission of a child whose legal custody is shared by a parent or legal guardian residing in this district, or other good cause.

N.J.S.A. 18A:7B-12; 18A:7B-12.1;
18A:38-1 et seq.
N.J.A.C. 6:3-8.1 et seq.; 6:20-3.1 et seq.;
6:20-5.3 et seq.; 6:28-10.1

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