

Policy

NONRESIDENTS

The Mount Laurel Township School District Board of Education 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.

The board will admit school children of school age domiciled 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.

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 handicap. The continued enrollment of any nonresident pupil shall be contingent upon the maintenance of good standards of citizenship and discipline.

The board will not be responsible for the transportation of any nonresident pupil to or from school. Non-domiciled

Children Residing with District Resident Other Than Parent

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

- A. The statement of the child's parent or guardian that he or she 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 a resident of the district solely for the purpose of receiving a free public education within the district, accompanied by appropriate documentation to support the validity of that statement.
- B. The statement of the district resident that he or 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 or she intends to keep or support the child gratuitously for a longer time than merely through the school term, and a copy of his or her lease, if a tenant, or a sworn statement by his or her landlord acknowledging his or her tenancy if residing as a tenant without a written lease.

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 of Education 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 preponderance of the evidence that the child is eligible for a free education under the criteria listed in this section. The board shall, at the time of its decision, notify the resident in writing of his or 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 district, the student shall not be removed from school during the 21 day period in which the resident may contest the board's decision, and shall not be removed during the pendency of the proceeding before the Commissioner.

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If the chief school administrator finds that the parent or 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 as if the child was that person's own child as provided for in this section, the chief school administrator may apply to the board for the removal of the child. The parent or guardian shall be entitled to a hearing before the board and, if in the judgment of the board, the parent or 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 were the person's own child as provided for in this section, the board may order the transfer or removal of the child from school. The parent or 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 listed in this section. The board shall, at the time of its decision, notify the parent or 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 may contest the board's decision or during the pendency of the proceedings before the Commissioner.

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 supporting the child as provided herein, or that a parent 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.

Children Who Anticipate Moving to or from the District

A nonresident child otherwise eligible for attendance whose parent 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 sixty school days prior to the anticipated date of residency. If any such pupil does not become a resident of the district within sixty school days after admission to school, tuition will be charged for attendance commencing the beginning of the sixty first school day and until such time as the pupil becomes a resident or withdraws from school.

Former Residents

Pupils whose parents have moved away from the school district on or after March 1 will be permitted to finish the school year in this district without payment of tuition. Parents requesting this arrangement shall provide transportation for their children.

Pupils whose parents have moved within the district, in mid academic year, and cross sending area lines, may request permission in writing from the chief school administrator for the pupil(s) to remain in their school of origin for the remainder of that school year space permitting. Parent/guardian requesting this arrangement must provide transportation.

Children of District Employees

Children of board employees who do not reside in this school district may be admitted to school in this district with payment of tuition, provided that the educational program of such children can be provided within district facilities space permitting. All requests must be submitted in writing. Parent/guardian requesting this arrangement must provide transportation.

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 . Such placement will be made in the best interest of the child and may be in this district, the district of

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the child's last attendance, or the district in which the child temporarily resides.

The chief school administrator 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.

Foreign Exchange Pupils

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

The board may accept exchange pupils 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 pupils on a J-1 visa.

The board may accept privately sponsored exchange pupils 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 pupils on an F-1 visa, and attendance in district schools shall not exceed 12 months. Pupils 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 chief school administrator by July 1 proceeding the school year of attendance. Foreign exchange pupils shall comply with all immunization requirements for pupils of this district. The chief school administrator shall be responsible for determining the visa status and eligibility of foreign exchange pupils applying for admission.

Homeless Pupils

The district will determine the educational placement of homeless pupils 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. The district will designate a "homeless pupil liaison" to help the homeless pupil enroll in school, make sure that the homeless pupil is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless pupils.

Other Nonresident Pupils 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 residing in this district, or other good cause.

The chief school administrator shall develop procedures for the enrollment of nonresident children that:

- A. Allow admission of such children only on the proper application of parent/guardian;
- B. Verify claims of residency and submission of affidavits of guardianship;
- C. Deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant;
- D. Do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin,

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nationality, affectional or sexual orientation, gender identity or expression, 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 chief school administrator 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, except as may be required by state or federal law.

The board shall annually determine tuition rates for nonresident pupils.

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 March 25, 2003, May 25, 2005
 NJSBA Review/Update: June 2013
 Readopted: January 28, 2014

Key Words

Nonresidents, Tuition Pupil, Affidavit Pupil, Homeless Pupil

Legal References:

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| <p><u>N.J.S.A.</u> 18A:7F-45
 <u>N.J.S.A.</u> 18A:11-1
 <u>N.J.S.A.</u> 18A:36B-14 <u>et seq.</u>

 <u>N.J.S.A.</u> 18A:38-1 <u>et seq.</u>
 <u>See particularly:</u>
 <u>N.J.S.A.</u> 18A:38-2, 38-3, 38-8, 38-9
 <u>N.J.S.A.</u> 18A:46-20

 <u>N.J.S.A.</u> 18A:54-20
 <u>N.J.A.C.</u> 6A:12-1.3 <u>et seq.</u>
 <u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>
 Education
 <u>N.J.A.C.</u> 6A:22
 <u>See particularly:</u>
 <u>N.J.A.C.</u> 6A:22-3
 N.J.A.C. 6A:22-3.1
 <u>N.J.A.C.</u> 6A:23A-19.2

 <u>N.J.A.C.</u> 6A:23A-19.3
 district of residence

 8 <u>U.S.C.</u> 1101 - <u>Illegal Immigrant and Immigration Responsibility Act of 1997</u></p> | <p>Definitions
 General mandatory powers and duties
 <u>Interdistrict Public School Choice Program Act of 1999</u>
 Attendance at school free of charge

 Receiving pupils from outside district;
 establishment of facilities
 Powers of board (county vocational schools)
 Interdistrict Public School Choice
 Pupils at Risk of Not Receiving a Public

 Pupil residency

 Eligibility to attend school
 Pupils domiciled within the school district
 Method of determining the district of residence
 Address submission for determining the</p> |
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Board of Education of the Borough of Englewood Cliffs v. Board of Education of the

NONRESIDENTS (continued)

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

<u>Cross References:</u>	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.