

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

The Swedesboro-Woolwich Board of Education will admit to its schools, free of charge, persons over five and under fourteen years of age, who are eligible to be admitted pursuant to N.J.S.A. 18A:38-1 et seq. and N.J.A.C. 6A:28-2.1 et seq.

Eligibility to Attend School

The Board will admit pupils eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:28-2.4(a)1.

The Board will also admit any pupil that is kept in the home of a person other than the pupil's parent(s) or legal guardian(s), 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. 6A:28:2.4(a)2. A pupil is only eligible to attend school in the district pursuant to this provision if the pupil's 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 pupil due to family or economic hardship and that 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 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, and will assume all personal obligations for the pupil relative to school requirements.

A pupil is eligible to attend school free of charge if the pupil is kept in the home of a person domiciled in the district, other than the parent(s) or legal guardian(s), where the parent(s) or legal guardian(s) 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(s) or legal guardian(s) return from active military duty.

A pupil is eligible to attend school free of charge if the pupil's parent(s) or legal guardian(s) temporarily resides within the district, notwithstanding the existence of a domicile elsewhere. The parent(s) or legal guardian(s) must 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 temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school will be determined in accordance with the criteria of N.J.A.C. 6:28-2.4(a)1.ii. However, no pupil will be entitled to attend school based upon a parent's temporary residence in a district unless the parent(s) or legal guardian(s) demonstrates that such temporary residence is not solely for purposes of a pupil attending school within the district.

A pupil is eligible to attend school free of charge:

1. If the pupil's parent(s) or legal guardian(s) moves to another

district as the result of being homeless, subject to the provisions of N.J.A.C. 6:5 - Provisions for the Education of Homeless Children and Youth;

2. If the pupil is placed in the home of a district resident by court order pursuant to N.J.S.A. 18A:38-2;

3. If the pupil previously was a resident of the district and 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 pupil out of the district, pursuant to N.J.S.A. 18A:38-3(b); and

4. If the pupil resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

Immigration/visa status will not affect eligibility to attend school. However, the provisions of N.J.S.A. 18A:38-1 shall not apply to pupils holding or seeking a visa issued specifically for the purpose of limited study on a tuition basis in a United States public secondary school (F-1 Visa).

#### Proof of Eligibility

The district will 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:28-2.5 et seq. The district will consider the totality of information and documentation offered by an applicant, and will 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 will 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 will not require or request, directly or indirectly, 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:28-2.6 et seq. The district will use registration forms provided by the Commissioner of Education or locally developed forms that are consistent with the forms provided by the Commissioner. 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 will 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 will 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:28-2.7 et seq.

Where an applicant appears ineligible based on the information provided in the initial application, a preliminary written notice of ineligibility will be provided, including an explanation of the right to appeal to the Commissioner of Education. Enrollment must 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 will 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 will be advised that they must comply with compulsory education laws. In this case, the parent(s) or legal guardian(s) must provide 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. In the event this written statement is not provided, the Superintendent or designee, will contact the school district of actual domicile or residence, or an appropriate social service agency, with the pupil's 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 will 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 will 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, will not be denied based upon absence of a pupil's prior educational record. However, the applicant will 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:28-2.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice will immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. Notices will 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 will be provided and will include information as required in accordance with N.J.A.C. 6A:2-7 et seq.

#### Removal of Currently Enrolled Pupils

Nothing in N.J.A.C. 6A:28-2.1 et seq. and this policy will 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, 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:28-2.8(b). No pupil shall be removed from school unless the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil" (as defined in N.J.A.C. 6A:28-2.2) 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 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 will immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:28-2.7. The hearings required pursuant to N.J.A.C. 6A:28-2.1 et seq. may be conducted by the full Board or a Board Committee, at the discretion of the full Board. The Committee must 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, legal 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. 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. 6A:28-2.10 et seq.

#### Nonresident Pupils

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's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident pupil shall be contingent upon the pupil's 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 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 first week and until such time as the pupil becomes a resident or withdraws from school.

Pupils whose parent(s) or legal guardian(s) have moved away from the school district on or after April will be permitted to finish the school year in this district without payment of tuition.

#### Children of District Employees

It shall be the policy of the Board of Education of the Swedesboro-Woolwich Public School District to accept nonresident children of nonresident employees of the Board under the legal guidelines established in N.J.S.A. 18A:7D-3.

#### Applications

1. The Superintendent is empowered by the Board to receive and accept applications by nonresident employees for the admission of their children to the regular education program on a fee basis. This will apply to students who are eligible for admission to any regular grade in the Swedesboro-Woolwich Public School District.

2. The Superintendent has the Board's delegation of authority to accept or reject requests for enrollment under the foregoing provisions:

a. Children of nonresident employees may attend the Swedesboro-Woolwich Public School District as long as the adjustment resident enrollment law as currently set forth in Chapter 62 of the New Jersey Public Laws of 1991 permits the district to receive state aid for these children.

b. Any child of nonresident employees in need of special services that require an out-of-district placement, as determined by the Swedesboro-Woolwich child study team and the Superintendent, shall not be eligible to attend the Swedesboro-Woolwich Public School District under the provisions of this policy.

c. Transportation for these nonresident students shall not be provided by the Swedesboro-Woolwich Public School District, nor shall the Board of Education be required to pay any reimbursement for the

pupil's transportation. It shall be the responsibility and liability of the parent or guardian of the nonresident child to transport the child to the Swedesboro-Woolwich Public School District, at the expense of the parent(s) or legal guardian(s).

d. An administrative fee shall be charged for each child of a nonresident employee. The amount of this fee shall be set annually by the Board of Education based on the local tax share.

e. Acceptance of these students will be based upon space availability, appropriate program availability, and the student's previous school record (if applicable).

f. This policy expires at the end of each year unless affirmatively readopted by the Board of Education for the subsequent fiscal year.

#### 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(s) or legal guardian(s) residing in this district, or other good cause.

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

N.J.A.C. 6:5-1.1 et seq.; 6A:14-3.3; 6A:28-2.1 et seq.

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