

## **POLICY**

### **BOARD OF EDUCATION DENVER**

#### **Pupils**

#### **5111. ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)**

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The Denver K-8 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 pupil 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. 6A:22-3.2 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 provides 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 pursuant to 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. Where 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.

Residency checks will be performed according to the following guidelines:

1. A full residency check will be completed on every child during the spring for children entering grades 6.
2. This residency check will include: Proof of residence, Attachment to the address, Photo ID, Proof of Custodial Relationships (Birth certificate, custodial papers, etc.)
3. The elementary building principals are responsible for the residency check. The Director of Special Services will do a residency check on all students placed in out of district placements for children in grade 6.

4. This process will start with a letter sent to parents on April 1 from the Superintendent of Schools. The principals will process all submissions and report to the Superintendent of Schools by June 30<sup>th</sup> of each year.

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 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(s) or guardian(s) 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:22-1.1 et 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:22-4.3 et 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:22-4.3 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 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. 6A:22-6.3 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 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.

Tuition for non-resident pupils in the Denville School District is determined as follows:

1. All tuition charges are payable in advance, on a semester basis. No pupil is to be enrolled, or continued in enrollment, until tuition is paid.
2. The Board shall not be obligated to provide transportation in any case of a non-resident pupil.
3. This policy does not pertain to non-resident pupils attending Denville schools receiving tuition coverage under arrangements with other Boards of Education or other public entities at public expense.
4. Other exceptions, such as hardship cases, will be reviewed and resolved by the Superintendent.
5. The Superintendent shall use these procedures for the enrollment of non-resident children after proper application of the parent(s) or legal guardian(s).

- a. The parent(s) or legal guardian(s) shall submit the appropriate application from as early as possible, but no later than July 1 for September admission and thirty days prior to other dates of enrollment.
  - b. For the purpose of reviewing the application, parent(s) or legal guardian(s) shall make available to the Denville School District confirmation of the pupil's satisfactory attendance and academic progress including the last report card as well as the standardized test information and complete health records. Parent(s) or legal guardian(s) will be required to sign release forms allowing the district to obtain academic and behavioral records.
  - c. The parent(s) or legal guardian(s) and pupil will make themselves available for an interview with the Principal or designee of the building to which he/she may be assigned.
  - d. The Superintendent or designee shall be responsible for making the final decision for the acceptance and assignment of the pupil to the appropriate school and grade in consultation with the Building Principal.
  - e. Pupils with special programmatic needs, behavior or academic problems, or coming from drug rehabilitation may not be accepted.
  - f. Tuition rates will be determined annually by the Board of Education. Payments shall be made for the fall semester prior to August 1 and for the second semester prior to January 1. Other payment schedules may be acceptable if arranged prior with the Superintendent or designee.
  - g. Pupils entering the Denville School District at times other than the beginning of a semester shall pay proportionate tuition.
  - h. The parent(s) or legal guardian(s) will be responsible for transportation to and from school of attendance.
  - i. There is no obligation on the Denville School District to enroll pupils in ensuing years and therefore application must be made on an annual basis. Building assignment may be revised depending on enrollments.
  - j. Non-resident students applying to special programs must meet the same acceptance requirements as resident students i.e. placement tests, standardized test scores, teacher recommendation, etc.
  - k. The Denville Board of Education retains the unilateral right to terminate enrollment of any non-resident tuition pupil for cause at any time. Tuition will be refunded proportionately.
6. Any non-resident pupil may apply for acceptance to the Denville School District and shall be considered for enrollment as a non-resident tuition pupil without regard to the person's race, creed, color, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual, ancestry, sex, or religious affiliation;

and make continued enrollment of any non-resident pupil contingent upon maintaining good standards of citizenship, school work, and discipline.

#### Children Who Anticipate Moving to or from the District

A nonresident child otherwise eligible for attendance whose parent(s) or 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 on a case by case bases, upon the sole discretion of the Superintendent of Schools, contingent upon the availability of classroom space for a period of time not greater than three (3) months prior to the anticipated date of residency. If any such pupil does not become a resident of the district within three (3) months after admission to school, they must reapply to the district and apply for an extension and tuition payment may be required from the original enrollment date.

Pupils whose parent(s) or guardian(s) 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.

#### 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 and that there is sufficient classroom space. Transportation is to be provided by the parent.

The Superintendent may deny the admission of any non-resident pupil if he/she feels that it is in the best interest of the school district.

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

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

Adopted: July 19, 2010

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