

**ADMISSION**Eligibility

The Board shall admit to its schools free of charge the following persons over five and under 20 years of age:

- A. Any student domiciled within the district;
- B. Any student kept in the home of a person other than the student's parents/guardian, where the person is domiciled in the District and is supporting the student without remuneration as if the student were his/her own child;
- C. Any student kept in the home of a person domiciled in the District, other than the parent/guardian, where the parent/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 the United States Armed Forces in time of war or national emergency;
- D. Any student whose parent/guardian temporarily resides within the District, notwithstanding the existence of a domicile elsewhere;
- E. Any student whose parent/guardian moves to another District as the result of being homeless, subject to the applicable provisions of the New Jersey Administrative Code;
- F. Any student placed in the home of a District resident by Court Order pursuant to statute;
- G. Any student residing in the District if the parent/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 pursuant to statute; and
- H. Any student residing on federal property within the state pursuant to statute.

The Board reserves the right to verify the residency or anticipated residency of any person who claims eligibility for enrollment pursuant to Proof of Eligibility below.

Proof of Eligibility

The Board may accept any of the forms of documentation that are listed in the applicable provisions in the New Jersey Administrative Code when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the District. The Board will consider the totality of the information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student.

The Board shall not require or request any information or document protected from

disclosure by law or pertaining to criteria that are not legitimate bases for determining eligibility to attend school.

Kindergarten

Any child residing in the district shall be admitted to the kindergarten provided:

- A. The child will have attained the age of five years on or before October 1 of that school year; (Parent/guardian will present a child's birth certificate at time of registration)
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Grade One

Any child residing in the district shall be admitted to the kindergarten provided:

- A. The child will have attained the age of six years on or before October 1 of that school year; (Parent/guardian will present a child's birth certificate at time of registration)
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Transfers Into Grades Two through 12

Pupils transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of identity such as a birth certificate, immunization, and a physical examination.

Within the time prescribed by law, the chief school administrator shall request in writing from the school or district of previous attendance, the pupil's records.

Initial placement shall be made on the basis of the records, but adjustment may be made at the discretion of the administration when the state-mandated assessment indicates that such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

Affidavit Pupils

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

- A. The statement of the child's parent/guardian that he or she is not supporting the child, is not capable of supporting or caring for the child because of economic or family hardship, and is not sending the child to live in the District solely to receive a free public education from the District. The statement must be accompanied by appropriate documentations which validate the statement; and
- B. 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 beyond the end of the school year. The statement shall be supported by evidence of district residency.

The Board reserves the right to verify the validity of the statements submitted and may, if validity is in doubt, deny admission and notify the parent/guardian of their right to Petition the Commissioner of Education within twenty-one (21) days should they choose to challenge the Board's decision. Should the parent or guardian choose to challenge the Board's decision, the child will be admitted to school pending the Commissioner's decision.

If the Board has reason, after the child has enrolled, to believe that a fraudulent filing has taken place, it may require the parent/guardian to appear before the Board. The Board determines that the child is not a resident under the law, it may remove the child from school. The Board will inform the parent/guardian of their right to Petition the Commissioner within 21 days. Should the parent/guardian appeal the Board's decision to the Commissioner, the child will be permitted to remain in school pending the Commissioner's decision.

Should the Commissioner decide that the child is ineligible, the Commissioner is then required to order the parent/guardian to pay tuition for the ineligible period of attendance within the District. Should the parent/guardian decide not to contest the Board's decision, the Board may change the parent/guardian tuition for the period the ineligible attendance.

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/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 appropriate.

Joint Custody

When divorced parents/guardians have joint custody of (a) minor child(ren), admission shall be based on the present address of the parent/guardian with whom the child(ren) resided as of the date required by Administrative Code.

Nonresidents

The district is obligated to educate children of appropriate age residing in the district. The mere owning of any property whatsoever does not qualify a parent/guardian to send children to school in this school district. (See Policy 5118 Nonresidents).

Students Returning from County Detention

The District will accept all days of attendance and courses studied by a student at a county juvenile detention center and apply them toward district requirements for elementary, middle or high school graduation.

Verification

The board reserves the right to verify the residency of any pupil and the validity of any affidavit of guardianship and therefore, requires proofs of residence (copy of lease, agreement of sale, tax bills, etc.).

Homeless Pupils

The district will determine the educational placement of homeless students and response 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 Board will make this policy available to parents and the public.

Date: February 10, 1998

Date Revised: February 24, 2014

## Legal References:

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| <u>N.J.S.A.</u> 18A:7B-12         | District of residence; determination   |
| <u>N.J.S.A.</u> 18A:7B-12.1       | Homeless child; responsibility for education; determination of placement; payment of costs |
| <u>N.J.S.A.</u> 18A:7C            | High School Graduation Standards   |
| <u>N.J.S.A.</u> 18A:36-19a        | Newly enrolled students; records and identification  |
| <u>N.J.S.A.</u> 18A:36-25.1       | Proof of child's identity required for enrollment; transfer of record between districts    |
| <u>N.J.S.A.</u> 18A:38-1          | Attendance at school free of charge  |
| <u>N.J.S.A.</u> 18A:38-2          | Free attendance at school by nonresidents placed in district under court order             |
| <u>N.J.S.A.</u> 18A:38-3          | Attendance at school by nonresidents   |
| <u>N.J.S.A.</u> 18A:38-4          | Free attendance to persons over age  |
| <u>N.J.S.A.</u> 18A:38-5          | Admission of pupils under age  |
| <u>N.J.S.A.</u> 18A:38-5.1        | No child to be excluded from school because of race, etc.                                  |
| <u>N.J.S.A.</u> 18A:38-6          | Time of admission of pupils; first school year   |
| <u>N.J.S.A.</u> 18A:38-7.7        | Legislative findings and declarations  |
| <u>N.J.S.A.</u> 18A:38-8          | Duty to receive pupils from other districts  |
| <u>N.J.S.A.</u> 18A:38-25         | Attendance required of children between six and 16; exceptions                             |
| <u>N.J.S.A.</u> 18A:40-20         | Immunization at public expense   |
| <u>N.J.S.A.</u> 18A:44-1          | Establishment of nursery schools or departments; eligibility for admission                 |
| <u>N.J.S.A.</u> 18A:44-2          | Establishment of kindergarten; eligibility for admission                                   |
| <u>N.J.S.A.</u> 26:1A-9.1         | Exemption of pupils from mandatory immunization  |
| <u>N.J.S.A.</u> 26:4-6            | Prohibiting attendance of teachers or pupils   |
| <u>N.J.A.C.</u> 6A:12-3.1         | Choice district application procedures   |
| <u>N.J.A.C.</u> 6A:14-1.1 et seq. | Special Education  |
| <u>N.J.A.C.</u> 6A:16-2.2         | Required health services   |
| <u>N.J.A.C.</u> 6A:16-2.4         | Required student health records  |
| <u>N.J.A.C.</u> 6A:17-1.1 et seq. | Students at Risk of Not Receiving a Public Education                                       |
| <u>N.J.A.C.</u> 6A:22-1.1 et seq. | Entitlement to Attend School Based on Domicile or Student Residency                        |

### See particularly:

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| <u>N.J.A.C.</u> 6A:22-3.1, 3.2, 3.3, 3.4 |   |
| <u>N.J.A.C.</u> 6A:23-5.2, -5.3          | Method of determining the district of residence |
| <u>N.J.A.C.</u> 6A:32-8.2                | School enrollment                               |
| <u>N.J.A.C.</u> 8:57                     | Communicable diseases                           |

### See particularly:

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| <u>N.J.A.C.</u> 8:57-2   |  |
| <u>N.J.A.C.</u> 8:61-1.1 | Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV) |

P.L. 2005, c. 265 concerning students returning to public schools from county detention centers

Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div.1999)

“Pupil Residency”: Who is Eligible for a Free Public Education,” by Donna Kaye, Esq. In N.J. School Leader (July-August 2002).

**Possible Cross References:**

|        |                                       |
|--------|---------------------------------------|
| 5118   | Nonresidents                          |
| 5120   | Assessment of individual needs        |
| 5141   | Health                                |
| 5141.2 | Illness                               |
| 5141.3 | Health examinations and immunizations |
| 6142.5 | Travel and exchange programs          |
| 6164.4 | Child study team                      |
| 6171   | Special education                     |
| 6174   | Summer school/Evening Program         |
| 6178   | Early childhood education/preschool   |