

# POLICY GUIDE

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Eligibility of Resident/Nonresident Students

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## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Tenafly 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 student as is otherwise entitled by law to a free public education.

### Eligibility to Attend School - N.J.A.C. 6A:22-3.1, 3.2, and 3.3

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 and Regulation 5111 - Section B.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, and where the person is domiciled in the school district and is supporting the student without remuneration as if the student were their own child in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 - Section C. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere pursuant to N.J.A.C. 6A:22-3.1(a)4. and Regulation 5111 – Section B.

A student is eligible to attend this school district free of charge in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.

1. If the parent or guardian and students live in Tenafly, but need to relocate out of Tenafly due to renovations that cause their home to be temporarily uninhabitable, the parents/guardians must obtain prior approval from the Superintendent of Schools for the students to remain enrolled. If the students does not return to their home in Tenafly within one year, tuition will be assessed based on the annual rate until their return.



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Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year in pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h) and Regulation 5111 - Section C.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1, immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in and the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status. A student'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 - Section D.

## Proof of Eligibility – N.J.A.C. 6A:22-3.4

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4 and Regulation 5111 - Section E.

In the case of a dispute between the school district and the parent of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3.

## Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

Registration and procedures for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1 and Regulation 5111 - Section F.

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance



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with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 and Regulation 5111 - Section F.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education in accordance with N.J.A.C. 6A:22-4.1(c)2. and Regulation 5111 – Section F.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F.

Enrollment or attendance at the school shall not be conditioned or denied pursuant to N.J.A.C. 6A:22-4.1(e) through (i) and Regulation 5111 – Section F.

## Notice of Ineligibility– N.J.A.C. 6A:22-4.2

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student’s initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4.2 and Regulation 5111 - Section G.

## Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

Nothing in N.J.A.C. 6A:22-4 this policy and Regulation 5111 shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information pursuant to N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for the student’s removal in accordance with the provisions of N.J.A.C. 6A:22-4.3 and Regulation 5111 - Section H.



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## Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I.

## Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

If no appeal to the Commissioner is filed by the parent, guardian, adult student, or district resident keeping an affidavit student following notice of an ineligibility determination, the Board of Education may assess tuition, for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 and Regulation 5111 - Section J.

If an appeal to the Commissioner is filed by the parent, guardian, adult student, or district resident keeping an affidavit student and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a) and Regulation 5111 – Section J. Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2(a)1. and Regulation 5111 – Section J.

## Nonresident Students – N.J.S.A. 18A:38-3.a.

Effective December 6, 2004 the Board generally ceased accepting new nonresident tuition-paying students. This restriction does not apply to the special education program for autism, pre-school disabilities or language learning disabilities self-contained program, for students who successfully apply to the program.

- A. Exceptions to paying tuition by nonresident students may occur under the following situations:



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1. Nonresident School Faculty and Staff. Children of full time Board of Education certificated employees who work a minimum of 35 hours a week in one particular position may attend Tenaflly schools at no tuition cost providing such accommodations place no hardships on school district resources such as, but not limited to, personnel, facilities and program expenses. All stipulations and conditions listed above in this policy shall be applicable to the children of nonresident school faculty and staff seeking to attend or actually attending the Tenaflly Public Schools. If such hardships should evolve, the student shall no longer be granted a waiver of tuition. Application for admission must be made to the Superintendent of Schools at least sixty calendar days prior to the anticipated enrollment dates. A new application must be submitted for each school year.
  
2. Special Students. American Field Service students and other students approved by the National Association of Secondary School Principals may be admitted at no tuition cost at the discretion of the Superintendent.
  
3. High School Seniors. A student who is a senior and whose family moves from Tenaflly or a sending school district after January I, may be allowed to complete the senior year without further tuition payment.



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4. Former Residents. A regularly enrolled student whose parent(s) or guardian(s) moves out of the school district on or after April 15 of any school year may be permitted to complete the school year at the school in which the student is enrolled, provided the parent(s) or guardian(s) submits a written request which must be approved by the Board upon the Superintendent's recommendation.

### B. Annual Board of Education- Superintendent of Schools Review of Policy.

The Superintendent of Schools and the Board of Education will annually review the practical results of policy 5111 for the year in progress and discuss implementation of the policy for the coming school year. Particular attention will be given to anticipated enrollments, space and staffing needs. This annual review will be so scheduled that any conclusions reached may be appropriately reflected in the school budget for the coming school year.

The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship discipline, attendance and payment of tuition.

#### Foreign Exchange Students

The Board of Education recognizes intercultural and international education as an important part of a school program. Foreign exchange visitor programs improve America's knowledge of a foreign culture by allowing students and their communities to experience international understanding on a personal basis. Further, they improve the foreign student's knowledge of American culture and language skills through active participation in family, school, and community life. Only students eligible for high school will be considered.



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In the interest of balancing the needs of Tenafly Public Schools students with the needs of foreign exchange students, the high school may accept a maximum of three foreign exchange students per year. The students may attend school for a maximum of one year. Exchange students are ineligible for enrollment into the senior year. Because of potential disruption to ongoing programs, no student will be accepted for mid-year enrollment.

### Foreign Exchange Students Eligibility Requirements

1. **Sponsorship Criteria:** Applications must be submitted to the high school principal by organizations desiring to sponsor foreign exchange students at Tenafly High School. Any organization sponsoring a student must supply the name, address, and telephone number of a representative who can be contacted at any time in case of emergency or other problem. Sponsors, organizations, and individuals must apply and obtain written approval from the principal for admission by December 1<sup>st</sup> prior to the beginning of the upcoming school year.

The application must include the student's transcript (translated into English), evidence of English competency, pertinent information about the student and host family, the student's health record, and assurance of appropriate medical coverage.

Foreign exchange student organizations interested in sponsoring students must be approved and creditable as determined by the Tenafly Board of Education. Only those students who possess a J-1 visa as part of an exchange program as recognized by the Director of the United States Information Agency will be considered.

2. **Host Family Criteria:** Families residing within the Tenafly School district and intending to host a foreign exchange student must provide proof of residency and must have current or previous students at Tenafly Public Schools. Families hosting an exchange student must present evidence of temporary educational guardianship for that student.



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3. Eligible Student Criteria: Eligible students must meet the following requirements prior to acceptance:
  - a. Agree to be in attendance beginning in September for the entire school year ending in June;
  - b. Be not more than 17 years of age by the start date of the school year;
  - c. Be an applicant for enrollment for a year other than senior year;
  - d. Be considered as a matriculating student who has not yet completed a high school equivalent, terminal or other comparable program abroad;
  - e. Demonstrate sufficient knowledge and ability to use the English language to participate in classes;
  - f. Have appropriate medical insurance coverage with a hold harmless clause of the Tenafly Board of Education;
  - g. Provide proof of medical clearance in compliance with state and school district policies and regulations;
  - h. Be sponsored by an approved foreign exchange organization;
  - i. Be accepted by a host family meeting school district's criteria.
  - j. Fulfill all eligibility requirements in accordance with applicable Federal and State regulations;

Request for admission will be reviewed by the high school principal. The principal shall make recommendation for acceptance or denial of admission to the superintendent, whose decision shall be final. Written acceptance or denial of admission will be provided to the sponsoring organization, the host family, and the exchange student.



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## Enrollment of Exchange Student

The exchange student, accompanied by host family guardian and, if applicable and expedient, a representative of the sponsoring organization, will meet with the principal or his/her designee and be provided with a student handbook and other pertinent orientation materials and information at this initial meeting. Formal entrance to school will occur at the beginning of the school year.

The exchange student, accompanied by a guardian of the host family, will be enrolled at the Board of Education office where all necessary documentation will be reviewed and a copy of the Exchange Student Board Policy provided.

## Responsibilities and Supervision of Exchange Student

The host family is responsible for compliance with all school district policy requirements and expectations of enrolled student. The sponsoring organization will make all travel and accommodation arrangements, including securing the host family. It is the sponsoring organization's responsibility to resolve problems that arise between the student, the host family, and/or the school, including, if necessary, the changing of host families or the early return home of the exchange student because of personal difficulties.

## Financial Support of Exchange Student

All expenses, including school and school-related expenses are the responsibility of the sponsoring organization and the host family.

## Student Transcripts

Upon completion of the stay at Tenafly High School, the student will be issued an official transcript of all work completed at Tenafly High School.

## Attendance

Foreign exchange students are subject to the same attendance requirements as all enrolled students.



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## Children of District Employees - NJSA 18A:38-3.a

A child of a Board of Education certificated employee who does not reside in this school district may be admitted to school in this district with or without the payment of tuition for the child if the child's educational program can be provided in a school in the district. If the Board requires the payment of tuition, the Board shall establish and approve a tuition rate for the child of a Board employee upon a request from the employee for their child to attend a school in the district. The tuition amount for the student is not required to follow the amount established in the uniform tuition amount charged pursuant to N.J.S.A. 18A:38-3, if applicable. This provision shall not supersede a provision included in any collective bargaining agreement.

Children of Board of Education certificated employees who work a minimum of 35 hours per week in one particular position and do not reside in this school district may be admitted to school in this district without payment of tuition, provided that such an accommodation places no hardship on the school district's resources (including, but not limited to, personnel, facilities, and program expenses). If such hardship arises, the student may remain enrolled, but tuition will be assessed. All stipulations and conditions listed above in this policy shall be applicable to the children of nonresident school faculty and staff seeking to attend or actually attending the Tenafly Public Schools. Application for admission pursuant to this section must be made to the Superintendent of Schools at least sixty (60) calendar days prior to the student's anticipated enrollment; a new application must be submitted for each school year.

## Special Students

American Field Service students and other students approved by the National Association of Secondary School Principals may be admitted without payment of tuition, at the discretion of the Superintendent.

## Resident Students Enrolled in Other Schools

Resident students enrolled in other public or private schools are not eligible to participate in any academic courses, including but not limited to Advanced Placement coursework and exams.



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## Annual Review of Policy

The Superintendent of Schools and the Board of Education will annually review the practical results of this policy for the year in progress and discuss implementation of the policy for the coming school year. Particular attention will be given to anticipated enrollments, space and staffing needs. This annual review will be so scheduled that any conclusions reached may be appropriately reflected in the school budget for the coming school year.

N.J.S.A. 18A:38-1; 18A :38-1.1 ; 18A:38-1.3; 18A:38-3; 18A:38-3.1;18A :7B-12  
N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.  
8 CFR 214.3

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