5111.13 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS – CHOICE SCHOOL DISTRICT

The 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 5111.13 – Section B.

The Board shall also admit any student that is kept in the home of a person other than the student's parent and the person is domiciled in the 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 5111.13 – Section C.

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 the district free of charge pursuant to N.J.S.A. 18A:38-1.d. if the student's parent temporarily resides within the district and elects to have the student attend the 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 5111.13 – Section B.

A student is eligible to attend the district free of charge in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111.13 – Section C.

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 district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the district for the remainder of the school year 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 5111.13 – Section C.

Except as set forth in N.J.A.C. 6A:22-3.3(b), immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in the district or otherwise eligible to attend school in the 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 5111.13 – Section D.

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

The Board shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the district in accordance with the provisions of N.J.A.C. 6A:22-3.4 and Regulation 5111.13 – Section E.

In the case of a dispute between the district and the parent of a student in regard to the student's eligibility to enroll in the district or to remain enrolled in the district pursuant to the provisions of N.J.S.A. 18A:38-1., the district may request from the New Jersey Motor Vehicle Commission the parent's name and address for use in verifying a student's eligibility for enrollment in the 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 5111.13 – 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 district 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 and Regulation 5111.13 – Section F.

When a student appears ineligible based on the information provided in the initial application, the 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 5111.13 – 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 5111.13 – 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 5111.13 – Section F.

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

When a student is found ineligible to attend the 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 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 5111.13 – 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 5111.13 shall preclude the Board from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the 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 5111.13 – 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 5111.13 – Section H.

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

An applicant may appeal to the Commissioner of Education the 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 5111.13 – 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, adult student, or district resident keeping an affidavit student following notice of an ineligibility determination, the Board 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 5111.13 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 and Regulation 5111.13 – Section J.

If an appeal to the Commissioner is filed by the parent, 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 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 5111.13 – Section J. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2(a)1. and Regulation 5111.13 – Section J.

All rules and procedures regarding the district's participation in the Interdistrict Public School Choice program are addressed in Policy and Regulation 5117.

F-1 Visa Students

The district is not required to, but may permit the attendance of F-1 Visa students into the district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. A F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving district exhibiting the receiving district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving district for the academic year. The host family must be domiciled in the district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the Board for attendance in the district. The student's continued attendance in the district shall be conditioned on a satisfactory attendance and disciplinary record.

J-1 Visa Students

The district is not required to, but may permit the attendance of J-1 Visa students into the district. The host family must be domiciled in the district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the district and shall not pay tuition. The student's continued attendance in the district shall be conditioned on a satisfactory attendance and disciplinary record.

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

Adopted: