

### 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Rumson Borough Board of Education shall admit to its schools, free of charge, persons over five as of October 30<sup>th</sup> of the school year, pursuant to N.J.S.A. 18A:35-1, or such younger or older student as its otherwise entitled by law to a free public education.

#### Eligibility to Attend School

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:23-3.1.

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student'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 student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: is domiciled within the school 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 student relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. 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 student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1 if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and 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 the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian's returns from active military duty.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1 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. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a student attending the school district of temporary residence. When one of a student's parents or guardians temporarily resides in the school 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 student is eligible to attend this school district free of charge:

1. If the student's parent or guardian moves to another school 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 student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;
3. If the student previously resided in the school 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 student out of the school district, pursuant to N.J.S.A. 18A:38-3. The school district shall not be obligated for transportation costs; and
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

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). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

If the district of residence cannot be determined according to the criteria contained in N.J.S.A. 18A:7B-12; if the criteria contained in N.J.S.A. 18A:7B-12 identify a district of residence out of the State; or if the child has resided in a domestic violence shelter, homeless shelter, or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child in accordance with N.J.S.A. 18A:7B-12.d.

A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing, or his or her compliance with local housing ordinances, or terms of lease.

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 and the school district shall not condition enrollment in the school district on 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.

### Proof of Eligibility

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 et seq.. The Board of Education 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 Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment. However, in the case of a dispute between the school district and the parent or guardian 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 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.

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. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

### Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The Board of Education shall use Commissioner-provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district-level administrator designated by the Superintendent shall be clearly identified to applicants, and available to assist persons who experience difficulties with the enrollment process.

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 with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

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. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student 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.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or a nonpublic school, or receiving instruction elsewhere than at a

school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of “neglect” for the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student’s name, the name(s) of the parent/guardian/resident, and the student’s address to the extent known,. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student’s birth certificate or other proof of a student’s identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.

When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student’s prior educational record. However, the applicant shall be advised the student’s initial educational placement may be subject to revision upon the school district’s receipt of records or further assessment of the student.

### Notice of Ineligibility

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 et seq. 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. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.

### Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22 et seq. and this Policy 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.

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 of Education for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student,

or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) 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 student or resident keeping an "affidavit student", does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2. Hearings required pursuant to N.J.A.C. 6A:22-4.3 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 student 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

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 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 student" eligibility determinations shall be filed by the resident keeping the student.

### Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed 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. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

If an appeal to the Commissioner is filed 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). 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.

### Nonresident Students

The Board shall operate the schools of this district for the benefit of all children resident in the district and such others as may be admitted, pursuant to statute and policy of the Board. The Board reserves the right to verify the residence of any student and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this district shall be in accord with Policy 5111 Admission and the administrative code.

### Future Residents

If the child or children are nonresidents of Rumson Borough at the time of registration, the Superintendent of Schools must be furnished with a copy of a signed contract to buy, build or rent a home which will include the projected date of residency.

Until actual residence takes place and proof has been submitted, a tuition fee, as determined by the Superintendent, shall be paid by the parent or guardian.

Should related and extraordinary services above and beyond those calculated in the regular education tuition fee be required, the parent or legal guardian will be responsible to pay those costs on a monthly basis.

If after a year, actual residence has not taken place, the nonresident student is subject to removal from the school district.

Tuition for all nonresident future students will be paid for half the year in advance. The Board Secretary's office will be responsible for collection.

1. The check for the payment of the tuition for each student wishing to enroll must accompany the anticipated residency documentation before approval to register can be granted.
2. The Board of Education reserves the right to verify such claims and to remove from school a nonresident student whose claim cannot be verified.

3. The Board of Education shall not be responsible for the transportation to or from school of any nonresident student.

Upon domicile, prior to completion of half of the year, prepaid tuition, the Board of Education will provide reimbursement for all full month now domiciled in that pay period.

An exception to the requirement to pay tuition in advance shall be made as a future resident upon the review of the Superintendent.

### Former Residents

Children of parents no longer residing in the Borough during a school year may complete the school year at the discretion of the Superintendent and the Board of Education providing:

1. There is no cost for transportation involving the Rumson School District; and
2. A prepaid, prorated tuition is paid to the Board of Education from thirty days after residence in Rumson Borough terminates, except, tuition shall be figured by the Board Secretary based upon an audited figure of accepted costs. Same cost basis for tuition will apply for students with an IEP as written above.
3. No tuition shall be charged when residence is terminated after May 1<sup>st</sup>, except for prorated continued services based on an IEP.
4. No tuition shall be charged for students in eighth grade when residence is terminated after December 31<sup>st</sup>, except for prorated continued services based on an IEP.

In cases where parent(s) or legal guardian(s) temporarily move out of Rumson due to renovation and/or construction on the current residence, the student(s) enrolled in Rumson shall be permitted to attend tuition free for a period of up to one calendar year, commencing on the date of vacating the current residence, subject to the following circumstances:

1. A letter from the Rumson Planning Board indicating the approval of commencement of work, along with the starting date.
2. Once approved, the commencement of work date will go into effect. There may be no extension after one calendar year.
3. Document indicating the specifics of the renovations and/or construction, including the anticipated completion date.
4. The Board of Education shall not be responsible for the transportation to or from school.

### Children of Nonresident Staff Members



Children of nonresident employees of the Board may be enrolled in the schools of this district at the discretion of the Board and upon such terms as the Board may determine in accordance with the negotiated agreement between the Board and the Rumson Education Association (REA). Should related and extraordinary services, above and beyond those calculated in the regular education tuition fee be required the parent or legal guardian will be responsible to pay those costs on a monthly basis.

### Visa Students

F-1 Visa students will not be admitted to this school district.

J-1 Visa students will not be admitted to this school district.

### Other Nonresident Students

Other nonresident students may be admitted to this district on payment of tuition adequate space and the ability of the District to effectively educate the student.

The Superintendent shall develop procedures for the enrollment of nonresident children that admit such children only on the proper allocation of parent/guardian, verified claims of residency and submission of affidavits of guardianship; do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and make continued enrollment of any nonresident student contingent upon maintaining good standards of citizenship and discipline.

To apply for enrollment, the parents/guardians of the nonresident student applicant shall complete, sign, and submit an Application Form (District Form 5111-A) to the Superintendent of Schools. The enrollment application form shall include a letter of recommendation on behalf of the nonresident student applicant from either a teacher or school administrator of the last school attended by the nonresident student applicant. The nonresident student applicant may be interviewed by the Superintendent or the Superintendent's designee. Upon the District's request, the parents/guardians of the nonresident student applicant shall provide the District with all prior school records of the nonresident student applicant, including but not limited to any prior Individual Education Plans (IEP), 504 Plans, or Child Study Team evaluations. Prior to acceptance, the nonresident student may be administered a placement/screening assessment by school personnel at a cost of \$100.00, which shall be borne by the parent/guardian of the nonresident student applicant. The fee for the placement/screening assessment shall be due prior to the assessment and, should the nonresident student applicant be admitted to the District, the cost of same shall not be applied to any future District tuition that becomes due and owing.

Should related and extraordinary services, above and beyond those calculated in the regular tuition fees be required, and the District is able to effectively educate the nonresident student by providing those services, the parent or legal guardian shall be responsible to prepay those costs on a monthly basis.

Regular educational services are equal to the agreed upon regular education fee amount for the subject school year and do not include Child Study Team evaluations, classification and programming, and/or instruction by a special education teacher.

The Board reserves the right to remove a nonresident student from enrollment in the District for failure to make tuition payments in accordance with the tuition agreement between the parent/guardian of the nonresident student and the Board, as well as the following non-exhaustive list of reasons: the District's inability to effectively educate the nonresident student; lack of adequate space; and the nonresident student's failure to follow all Board policies, regulations, and the Student Code of Conduct. Admission as a nonresident student to the Rumson School District is only for the school year in which the nonresident student is admitted.

The District may deny a nonresident student readmission to the District for the subsequent school year based upon any of the removal reasons set forth herein including, but not limited to, the nonresident student's failure to receive an affirmative recommendation of the nonresident student's principal following a review of the nonresident student's academic progress and student behavior.

When a child must either relocate to or from the district because his/her parent/guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and has been ordered into active service, the child shall be eligible to attend schools of the district without paying tuition. The district shall not be responsible for transporting the child.

The Superintendent or his/her designee shall recommend to the Board for its approval the admission of qualified applicants.

The Board shall not be responsible for the transportation to or from school of any nonresident students.

Tuition shall be figured by the Board Secretary based upon an audited figure of accepted costs.

The Board shall annually determine tuition rates for nonresident students.

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

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