

Policy

NONRESIDENTS

The Mainland Regional High School District Board of Education shall operate the school 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 residency 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.

Prospective Students

High school children of parents/guardians who plan to move into the district but whose residence is not ready when school opens in September, may be enrolled in the Mainland Regional High School District on an interim basis, start school on the opening day in September, and continue without tuition payment for a board approved time period, subject to the following:

- A. The parent(s)/guardian(s) must present documentation showing why the housing will not be available prior to the start of the school year, as well as the date when full occupancy can reasonably be expected to occur. The parent(s)/guardian(s) are responsible for presenting sufficient documentation to establish the fact that the occupancy date is a realistic date;
- B. If the anticipated date of occupancy is more than 30 days after the start of the school year, interim permission shall not be granted without prior approval of the full board of education;
- C. If the anticipated date of occupancy is after the first quarter of the school year, permission to enroll and start school on the opening day of school shall not be granted;
- D. If the parent(s)/guardian(s) are unable to take full occupancy of the residence on or before the date set forth in subparagraph a, above, prior permission of the full board of education is required for any extension, which extension shall be for no more than 30 days at a time;
- E. Failure to obtain prior approval of the full board of education shall result in the child or children being dis-enrolled from the district at the end of the occupancy date set forth in "A", above, or any extension granted pursuant to "D", above;
- F. The granting of a one month extension, pursuant to "D", above, shall not be construed to obligate the board of education to grant subsequent extensions;
- G. In no event may an extension be granted beyond the end of the first semester. Any student permitted to enroll and attend school subject to this paragraph who is not residing in the district at the end of the first semester shall be dis-enrolled from the district;
- H. No waiver of the residency requirement shall be granted for any student anticipating to move into the district during the second semester. Any student anticipating moving into the district in the second semester may only be enrolled once that student is an actual resident of the district.

Temporary Change Of Residence

Any student of the school, whose bona fide residence becomes temporarily situated outside the district, may continue in this school subject to the following conditions:

NONRESIDENTS (continued)

- A. The parent(s)/guardian(s) shall present to the district full documentation as to the reason why the student must reside out of the district, including, but not limited to documentation evidencing when the student is expected to return to residency in the district;
- B. The superintendent may grant interim approval to a student, pending approval of the full board of education;
- C. The student's continued attendance in this district must be approved by the full board of education for a specific period of time;
- D. If it subsequently appears that the conditions which require the student to reside outside the district on a temporary basis will continue beyond the date approved by the board of education, pursuant to "C" above, it is the obligation of the parent(s)/guardian(s) to bring that to the attention of the superintendent prior to the expiration of the date of the period approved by the board. At that time the parent(s)/guardians shall present full documentation indicating why the student cannot return to the district within the approved time and the new anticipated return date. The superintendent may grant interim approval for such extension pending the next full meeting of the board of education. The board of education shall, at its next full meeting, either grant an extension for a period of time, as approved by the board of education, or deny the request for extension. If the request for extension is denied, either on an interim basis by the superintendent or by the full board of education, the student shall be immediately dis-enrolled from the district;
- E. If the student has not returned to residence in the district by the date specified in "C" above, or any extension granted pursuant to "D", above, the student shall be automatically dis-enrolled on the day after the date approved pursuant to "C" and "D".

Moving Out Of District

- A. Students who are enrolled in this district and who move out of the district on a permanent basis after the first quarter of any semester may continue to attend school in the district without tuition payment, until the end of the semester;
- B. **Senior** students who have attended school in the district for three full years and who move out of the district following the end of their junior year, may attend school in the district for their senior year, without payment of tuition, provided that the reason for moving out of the district is for extraordinary reasons which are beyond the control of the student's parent(s) or guardian(s).
 - 1. The following are examples of extraordinary reasons which could result in the student being permitted to remain in the district pursuant to this policy:
 - a. Death of a sole parent or guardian;
 - b. Destruction of the student's residence or damage to the residence to such an extent that it is not capable of being rendered habitable during the forthcoming school year. This applies regardless of whether the property is owned or leased by the student's parent(s) or guardian(s);
 - c. For students residing in leased property loss of the leasehold due to the owner of the property seeking to occupy the property or otherwise take the property off the rental market;
 - d. Such other reasons as the board shall determine, in its sole discretion and sound judgment, to be of similar extraordinary nature.
 - 2. New Jersey law requires that students attend school in the district within which they reside. As a result, it is the intention of the board that the following shall not normally constitute the type of extraordinary reason which would permit a student to remain in the district pursuant to this policy:
 - a. The voluntary sale of the student's residence regardless of the reason;
 - b. The termination of a lease whether voluntary or involuntary, except as described in 1(c) above;

NONRESIDENTS (continued)

- c. The change of custody of the student, regardless of whether done voluntarily or involuntarily.
 - 3. Parent(s)/Guardians(s) seeking to avail themselves of this privilege must present a request to the superintendent no less than 30 days prior to the start of the student's senior year, which request will include such documentation as the superintendent deems necessary to establish the existence of extraordinary reasons for moving out of the district. Failure to submit the necessary documentation 30 days prior to the start of the school year shall result in automatic denial of the request. The only exception to this shall be when the event which causes the student to move out of the district occurs less than 30 days prior to the start of the school year and could not have been anticipated in sufficient time to submit the request in a timely manner.
 - 4. The superintendent shall submit any recommendations to permit students to attend school to the board of education for approval. It is the intention of the board that all approvals of such requests shall be made prior to the commencement of the school year.
- C. It is the policy of the board of education that allowing a student, whose parent(s)/guardian(s) have permanently moved out of the district, to remain in the district, pursuant to "A" and "B" above, is a privilege and conditioned on the student complying with all school rules of conduct. Disciplinary action or honor code action against the student for that student's conduct during the approved may result in the privilege being withdrawn and the student dis-enrolled forthwith. The board of education expressly delegates to the school administration the authority to determine whether a student's conduct warrants withdrawing this privilege.

Transportation

Any student who resides out of the district and attends school in the district pursuant to this policy shall provide his or her own transportation while residing out of the district.

Affidavit Students

Persons who are domiciled outside of the district do not have the right to a public education paid for by the district. In order to maintain a free public education for students domiciled within the district, the board of education shall, together with the superintendent and with the advice of the board attorney, shall:

- A. Require an affidavit from any individual with whom any pupil lives who is not the parent or guardian of that pupil, in accordance with N.J.S.A. 18A:38-1(b);
- B. Require reasonable proof that any individual who submits an affidavit on behalf of a pupil is domiciled within the district and receives no direct payment of support from the parent(s) of the child.

Action Concerning Suspected Non-Resident Students

In those circumstances where there is reason to believe that a student is not a valid resident of the district, the superintendent shall:

- A. Require all parents or guardians of pupils attending school within the district to submit reasonable proof that they are residents within the district;
- B. Investigate any pupil who is suspected of not maintaining a residence within the district;
- C. Take any necessary action in accordance with N.J.S.A. 18A:38-1(b)(2) to remove any pupil not resident within the district from school and to collect tuition from the parents or guardians of any such student;
- D. Seek reimbursement of tuition and transportation expenses from the former district of residence of any homeless pupil attending school within the district

NONRESIDENTS (continued)

- E. Investigate the residence of any student incarcerated in a state facility for whom reimbursement of tuition is sought by the State.

Anonymity

Any action taken by the board of education in any public meeting with regard to any student pursuant to this policy shall be done in a manner to preserve the anonymity of the student, either by using initials or assigning a case number.

Children of Nonresident Staff Members

Children of nonresident employees of the board may be enrolled in the schools of this district on payment of tuition and in accordance with policy for other nonresident students.

Foreign Exchange Students

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.

The board may accept exchange students on a J-1 visa who reside within the district as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

The board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in district schools shall not exceed 12 months. Students attending the schools of this district on an F-1 visa may not participate in any adult-education programs sponsored by the board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the superintendent by July 1 preceding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

Homeless Pupils

The district will determine the educational placement of homeless students in each child's best interest and respond 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 district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

Other Nonresident Pupils

All other nonresident students shall not be admitted to this district and enrollment for tuition shall not be allowed.

The superintendent shall develop procedures for the enrollment of nonresident children that allow admission of such children only on the proper application of parent/guardian; verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant; 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.

NONRESIDENTS (continued)

When a child must either relocate to or from this 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 the schools of this district without paying tuition. The district shall not be responsible for transporting the child.

The board shall annually determine tuition rates for nonresident students meeting the criteria of this policy.

Adopted: August 19, 1996
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Key Words

Nonresidents, Tuition Pupil, Affidavit Pupil, Homeless Pupil

<p><u>Legal References:</u> <u>N.J.S.A.</u> 18A:7F-45 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:36B-14 <u>et seq.</u> <u>N.J.S.A.</u> 18A:38-1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.S.A.</u> 18A:38-2, 38-3, 38-8, 38-9 <u>N.J.S.A.</u> 18A:46-20 <u>N.J.S.A.</u> 18A:54-20 <u>N.J.A.C.</u> 6A:12-1.3 <u>et seq.</u> <u>N.J.A.C.</u> 6A:17-1.1<u>etseq.</u> <u>N.J.A.C.</u> 6A:22 <u>See particularly:</u> <u>N.J.A.C.</u> 6A:22-3 <u>N.J.A.C.</u> 6A:22-3.1 <u>N.J.A.C.</u> 6A:23A-19.2 <u>N.J.A.C.</u> 6A:23A-19.3 district of residence</p>	<p>Definitions General mandatory powers and duties <u>Interdistrict Public School Choice Program Act of 1999</u> Attendance at school free of charge Receiving students from outside district; establishment of facilities Powers of board (county vocational schools) Interdistrict Public School Choice Students at Risk of Not Receiving a Public Education Student residency Eligibility to attend school Students domiciled within the school district Method of determining the district of residence Address submission for determining the</p>
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8 U.S.C. 1101 - Illegal Immigrant and Immigration Responsibility Act of 1997

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)

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

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

Possible Cross References: *5111 Admission
 *5114 Suspension and expulsion
 *6151 Class size

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

NONRESIDENTS

To help ensure that all students who attend Mainland Regional High School are legitimately enrolled therein, the following steps should be followed:

- A. The folders for all incoming ninth graders should have complete information with at least two proofs of residency required;
- B. Parents/guardians residing in rental units must present a current lease agreement;
- C. If a change of address occurs within the District, the District requires two proofs of the new residence;
- D. Any student who moves into the District during the High School years will need to submit an affidavit of residency;
- E. All leases will be red flagged for annual review and updating;
- F. Proof of guardianship shall consist of a copy of the court order granting custody should be provided by the person domiciled within the district with which the student will be living.

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