

[See POLICY ALERT Nos. 96, 109, 128, 143, 160, 171, 173, 189, 208, and 217]

## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

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.

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



# POLICY

## RANDOLPH BOARD OF EDUCATION

STUDENTS

5111/page 2 of 12

Eligibility of Resident/Nonresident Students (M)

Jan 19

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.b 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 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.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. 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.b. 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 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.

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. The Board of Education 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 or 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.**

### 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 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 admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The decision to admit a student under this provision shall apply only to the school year in which the decision is made and shall not represent or imply a commitment to admit the child in the next or subsequent school years. The Board shall vote each year on the admission of each non-resident student pursuant to this provision.

#### Children Who Anticipate Moving to or from the District

A child whose parents or guardians are moving into Randolph may be accepted as a tuition student on a temporary basis. The child is not a Randolph resident until the parents or guardians move into Randolph.

The following guidelines apply to students whose residency is pending:

1. A parent or guardian who is in the process of moving into Randolph Township must certify in writing that the family will occupy a home within two months of the date of such certification.
2. The parent or guardian will leave a two month tuition deposit at the prevailing rate for each child with the Board Secretary. The tuition deposit must be a certified check or bank check. The Board Secretary will authorize enrollment of the student upon receipt of the tuition deposit.



3. The Board Secretary will not cash the two month tuition deposit if occupancy is accomplished within two months of the date of certification.
4. If at the end of the two month period occupancy has not occurred, the parent or guardian may appeal to the Superintendent for a maximum of a one month extension. If the Superintendent grants the extension, one additional month tuition deposit must be submitted for each child in attendance in a Randolph School.
5. If an extension is granted and the date of occupancy occurs after three months from the date of certification, the deposit will be kept by the school district for the three month period of time. For each month thereafter, the parent will be charged tuition at the prevailing rate. The student will be considered a tuition student until residency occurs.
6. If an extension is not granted by the Superintendent and the date of occupancy occurs after two months of the date of certification, the deposit will be kept by the school district. For each month thereafter, the parent will be charged tuition at the prevailing rate. The student will be considered a tuition student until residency occurs.
7. Upon moving into Randolph, a certificate of legal residence will be completed for each child. The parent or guardian must verify residency through a deed, lease or current tax bill. The Board Secretary will forward the original certification of legal residence and a copy of the deed, lease or current tax bill to the school to be placed in the student's permanent record folder. A copy will be retained in the Board file.

Children of Randolph residents who are moving to another residence in Randolph and are temporarily displaced outside the Township may continue enrollment based on the following guidelines:

1. The parent or guardian who is in the process of relocating within Randolph Township must certify in writing that the family will occupy their home within two months of such certification.
2. The parent or guardian will leave a two month tuition deposit at the prevailing rate for each child with the Board Secretary. The tuition deposit must be a certified check or bank check. The Board Secretary will





authorize continued enrollment of the student upon receipt of the tuition deposit.

3. The Board Secretary will not cash the two month tuition deposit if occupancy is accomplished within two months of the date of certification.
4. At the end of the two month period, the Superintendent will extend the initial two month period for up to two additional months upon receipt of a two additional months tuition deposit.
5. If the date of occupancy occurs after four months from the date of certification, the deposit will be kept by the school district. For each month thereafter, the parent or guardian will be charged tuition at the prevailing rate. The student will be considered a tuition student until residency occurs.
6. Upon moving back into Randolph, a certificate of legal residence will be completed for each child. The parent or guardian must verify residency through a deed, lease or current tax bill. The Board Secretary will forward the original certification of legal residence and a copy of the deed or lease to the school to be placed in the student's permanent record folder. A copy will be retained in the Board file.

Education in the Randolph Schools without the payment of tuition will be granted to those students who attend Randolph High School as residents for their entire junior year and who move from this district after the opening date of school in the senior year, but who are desirous of completing the year in Randolph Schools.

All other students who move from this district may attend school one calendar month without payment of tuition.

Under no circumstances will the Board be responsible for transportation of nonresident students.

### Children of District Employees

Children of Board employees who do not reside in this school district may be admitted to school, subject to this policy 5111, in this district with payment of tuition, provided that the educational program of such children can be accommodated within district facilities, subject to available space and staff. This decision shall rest in the sole discretion of the



Board. The decision to admit a student under this provision shall apply only to the school year in which the decision is made and shall not represent or imply a commitment to admit the child in the next or subsequent school years. The Board shall vote each year on the admission of each non-resident student pursuant to this provision. The cost of education to be reimbursed to the Board may be calculated by dividing the sum of all public expenditures of the school or district by the number of students or by using the rate certified by the Board.

### Foreign Exchange Students (J-1 Visas)

Foreign exchange students who hold J-1 visas and who are domiciled within a Randolph Township residence may be admitted to school in this district without the payment of tuition provided the resident with whom they are domiciled will execute an affidavit stating:

1. He/She does not receive remuneration for the care of the student; and
2. The resident will assume all personal obligations for the student.

### Foreign Students (F-2 visas - dependents of F-1 students)

To receive an F-2 visa from the United States Department of State, a student must be a dependent of F-1 status visa holders.

Foreign students who hold F-2 visas and who are domiciled within a Randolph Township residence may be admitted to school in this district without the payment of tuition provided the resident with whom they are domiciled will execute an affidavit stating:

1. He/She does not receive remuneration for the care of the student; and
2. The resident will assume all personal obligations for the student

### F-1 Visa Students ~~Foreign Students (F-1 visas)~~

~~Foreign exchange students who hold F-1 visas may not be admitted to an elementary school (K-8) and/or an adult education program in this district.~~

~~Foreign exchange students who hold F-1 visas may be permitted to attend a Randolph High School (Grades 9-12) to a maximum of twelve months, provided the student~~



~~reimburses the school district for the full, unsubsidized per student cost of education as certified annually by the New Jersey Department of Education, for the intended period of study.~~

~~F-1 visa foreign students, who were in a public school before November 30, 1996 and obtained F-1 status before November 30, 1996 may continue in the public school. However if these students travel outside the United States, they will need to conform to the requirements above (twelve month maximum and reimbursement for cost) to be readmitted.~~

~~The cost of education to be reimbursed to the Board may be calculated by dividing the sum of all public expenditures of the school or district by the number of students or by using the rate certified by the Board.~~

**The school district will permit the attendance of F-1 Visa students into the school 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. An 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 school district exhibiting the receiving school 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 school district for the academic year.**

#### Other Nonresident Children

A parent or legal guardian of a nonresident student who may wish to have his/her child attend the Randolph Schools shall file a written request annually for review by the Superintendent. Depending on the availability of space and with Board approval, a student may be granted permission to attend the Randolph Schools upon payment of the annual tuition fee. The cost of education to be reimbursed to the Board may be calculated by dividing the sum of all public expenditures of the school or district by the number of students or by using the rate certified by the Board.

The parent or guardian of a nonresident tuition student shall be responsible for transporting his/her child to and from home to the assigned school.

The number of nonresident tuition students by school and grade will be monitored by the Superintendent.



# POLICY

## RANDOLPH BOARD OF EDUCATION

STUDENTS  
5111/page 12 of 12  
Eligibility of Resident/Nonresident Students (M)  
Jan 19

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.  
**8 CFR 214.3**

Adopted: 17 July 2012  
Revised: 15 November 2016; \_\_\_\_\_

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