

Brick Township Board of Education District Policy Manual 2

Students

Series 5000

Nonresident Students

Policy 5118

First Reading: August 29, 2013

Second Reading and Adoption:

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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 residency of any pupil 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 Board Policy and the administrative code.

Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district shall be enrolled for a period not to exceed 90 days previous to the anticipated date of residency without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The Board reserves the right to verify such claims, and to remove from school a nonresident pupil whose claim cannot be verified.

Former Residents

Regularly enrolled children whose parents/guardians have moved out of the school district during the final marking period shall be permitted to finish the school year without payment of tuition. Students in their senior year of high school will be permitted to finish the school year without payment of tuition. Regularly enrolled children whose parents/guardians move from the district at any other time during the school year may remain enrolled for the remainder of the school year on payment of tuition prorated.

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 pupils.

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.

Other Nonresident Pupils

Other nonresident pupils may be admitted to this district on payment of tuition and availability of space. The Superintendent of Schools 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

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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 pupil contingent upon maintaining good standards of citizenship and discipline.

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 Superintendent of Schools 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 pupils, except as may be required by state or federal law. The Board shall annually determine tuition rates for nonresident pupils.

Legal References

- NJSA 18A:7F-3 Definitions
18A:11-1 General mandatory powers and duties
18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999
18A:38-1 et seq. Attendance at school free of charge
18A:46-20 Receiving pupils from outside district; establishment of facilities
- NJAC 6A:12-1.3 et seq. Interdistrict Public School Choice
6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
6A:22 Student residency
6A:22-3 Eligibility to attend school
6A:22-3.1 Students domiciled within the school district
6A:23-5.2 Method of determining the district of residence
6A:23-5.3 Address submission for determining the district of residence
- Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101
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)