

POLICY

RANDOLPH BOARD OF EDUCATION

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Eligibility of Resident/Nonresident Students
(M)

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

The Randolph School District shall admit to its schools, free of charge, persons over five and under twenty years of age, who are eligible to be admitted pursuant to N.J.S.A. 18A:38-1.

Eligibility to Attend School

The District 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 et seq.

The District will also admit any student that is kept in the home of a person other than the student's parent(s) or legal guardian(s), 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 et seq. A student is only eligible to attend school in the district pursuant to this provision if the student's parent or guardian(s) 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 that 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, as is required by the district, a sworn statement that he or she is domiciled within the district; is supporting the child without remuneration and intends to do so for a time longer than the school term; and will assume all personal obligations for the student relative to school requirements and provides a copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease. 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 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 district, other than the parent or guardian, where the parent or guardian—is a member of the New Jersey National Guard or the reserve component of the United



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States armed forces and has been ordered into active military service in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year upon the parent or guardian return from active military duty.

A student is eligible to attend school free of charge pursuant to N.J.S.A. 18A: 38-1 (d) if the student's parent or guardian temporarily resides within the district, and elects to have the student attend school in the district of temporary residence, notwithstanding the existence of a domicile elsewhere. Where required by the district, the parent or guardian shall demonstrate that such temporary residence is not solely for purposes of a student attending school within the district of temporary residence. Where one of a student's parents or guardians temporarily resides in the 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. 6:22-3.2(c)1(a)(1) et seq.

A student is eligible to attend school free of charge:

1. If the student's parent or guardian moves to another 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 in the home of a district resident by court order (as defined in N.J.A.C. 6A:22-3.2(e)) or by a society, agency, or institution pursuant to N.J.S.A. 18A:38-2;
3. If the student previously was a resident of the district and 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 district, pursuant to N.J.S.A. 18A:38-3(b); the 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.

In accordance with N.J.A.C. 6A:22-3.3(a) the physical condition of an applicant's housing, an applicant's compliance with local



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housing ordinances, or terms of lease shall not affect eligibility to attend school.

Students' immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b).

Proof of Eligibility

The district shall accept forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22-3.4 et seq. The district will 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 district will not require or request any information or document protected from disclosure by law, or pertaining to criteria that are not legitimate bases for determining eligibility to attend school. However, these protected documents or information, or pertinent parts thereof, may be voluntarily disclosed by the person(s) seeking enrollment in the district. However, the district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

Initial Assessment and Enrollment

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

Initial determinations of eligibility shall be made upon presentation of an application for enrollment and enrollment shall take place immediately in all cases except those of clear uncontested denials. Where an applicant has provided incomplete, unclear or questionable information, enrollment will take place immediately, but the applicant will be placed on notice that removal will result if defects in the



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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 et seq.

Where an applicant appears ineligible based on the information provided in the initial application, a preliminary written notice of ineligibility shall be provided, 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 intent to appeal to the Commissioner. A student enrolled pursuant to this provision will be notified that he or she 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.

Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they must comply with compulsory education laws. In this case, the parent(s) or guardian(s) shall, where the student is between the ages of six and sixteen, be asked to complete a written statement that the student will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the event this written statement is not provided, the district level administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Department of Children and Families to report a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1, to provide the student's name, the name(s) of the parent/guardian/resident, the student's address to the extent known, and shall indicate that admission to the district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere

Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a student's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the district shall not be denied based upon absence of student medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of students, N.J.A.C. 8:57-4.1 et seq.



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

Notice of Ineligibility

If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22 1.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. 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. The Notice of Ineligibility shall be provided and shall include information as required in accordance with N.J.A.C. 6A:22-4.2 et seq.

Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22 4.3 et seq. and this policy shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, students enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.

When a student, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the student in accordance with N.J.A.C. 6A:22-4.3(b). 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) as the case may be, 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", as the case may be, does not respond to the Superintendent's notice within the designated time frame



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or appear for the hearing, the Board shall make a prompt determination of the student's eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2 et seq. The hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. 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 full 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

The district's determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, guardian, adult student or resident keeping an "affidavit student", as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. 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 must be filed by the resident keeping the student.

Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the Board may assess tuition for any period 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. The district may petition the Commissioner for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10, through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12.1, on the judgment docket of the Superior Court, Law Division.

Nonresident Students

The admission of a nonresident student to school must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child's race, color, creed, religion, national origin, ancestry, age, marital



status, affectional or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline. 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/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/guardians move into Randolph.

The following guidelines apply to students whose residency is pending:

1. A parent/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/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/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



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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/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/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/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.



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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/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 residence will be completed for each child. The parent/guardian must verify residency through a deed, lease or current tax bill. The Board Secretary will forward the original certification of 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



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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

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



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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.

Other Nonresident Children

A parent or 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.

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

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.

Policy 5111 adopted: 28 February 2007
amended: 14 April 2008

Formerly Policy 501.0 which was:
Adopted: 15 November 1988
Revised: 10 December 1996; 28 March 2000

Formerly Policy 500.4 which was:
Adopted: 15 November 1988



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Revised: 19 July 1999

Formerly Policy 501.9 which was:
Adopted: 20 February 1998

