

NONRESIDENTS

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 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

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 60 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 student 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. 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.

Temporary Displacement

The temporary displacement of a resident student from their home due to elective or emergency remodeling of their primary dwelling are strongly encouraged to find temporary domicile within the district(s). In the event that the family cannot find temporary housing within the district(s), the resident shall provide written notice of the temporary housing situation along with an expected return to dwelling date. In the event of any delays of occupancy date, a written request for extension must be submitted to the CSA. Any requests to go beyond a 12 month period will be considered on a case-by case basis. Transportation will be the responsibility of the parent or guardian.

Children of Nonresident Staff Members

Nonresident children of full time employees of the district may be admitted to this district (1) after the employee has completed 3 consecutive years of employment (2) based on availability of space and appropriate educational programming; (3) in compliance with all district policies, procedures, and regulations. Up to two natural born, adopted, or stepchildren whose primary domicile is with the staff member, may be enrolled in the school of this district without payment of tuition during the course of employment. Any additional children of the staff member may be enrolled upon payment of tuition.

Staff members' children may only enroll in September along with other nonresident children. Criteria for admission shall be consistent with other nonresident tuition students.

NONRESIDENTS (continued)

Homeless Students

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 Students

Other nonresident students may be admitted to this district (1) on payment of tuition; (2) based on availability of space and appropriate educational programming; and (3) in compliance with all district policies, procedures and regulations.

The Chief School Administrator is authorized to accept nonresident students on a tuition basis, consistent with this policy and following Board approval. The Chief School Administrator shall develop procedures for the enrollment of nonresident students that allow admission of such children only on the proper application of the parent/guardian. These procedures shall be reviewed annually and posted on the district website. The Chief School Administrator shall consider the following criteria when recommending for Board approval the admission of a nonresident student:

- (1) The educational program maintained for the children of the Avalon Stone Harbor School District is adequate to meet the needs of the applicant. When the educational program is not adequate to meet the applicant's needs admission shall be denied;
- (2) No otherwise eligible pupil shall be denied admission on the basis of such child's race, color, creed, national origin, affectational or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and
- (3) Continued enrollment of any nonresident pupil shall be contingent upon maintaining good standards of citizenship, attendance, discipline, grades and timely payment of tuition.

The Avalon Stone Harbor Schools will accept tuition students into the regular education program only. Special education needs and Section 504 accommodations, modifications, and supports that incur any additional costs cannot be made at regular tuition rates. This includes any programs or services that require Child Study team evaluation, classification, programming, or instruction by a special Education teacher or certified therapist. If, after enrollment, it is determined by the district that a Special Education referral, classification, ad/or 504 modifications are necessary:

1. The Board may, at its discretion, allow the student to remain as a tuition student on the condition that the parents or guardians (a) agree to enter into an additional contract with the Avalon Stone Harbor Schools and (b) pay the full costs of all testing and additional services required and recommended to meet the students' needs within thirty days of the determination date; or
2. The parents or guardians agree to withdraw the students from the District.

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.

NONRESIDENTS (continued)

The board shall not be responsible for the transportation to or from school of any nonresident students, except as may be required by state or federal law.

The chief school administrator or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The board shall annually determine tuition rates for nonresident students.

	<u>Avalon</u>	<u>Stone Harbor</u>
Adopted:	May 11, 1988	June 29, 1994
NJSBA Review/Update:	May 2010	May 2010
Readopted:	September 2010	September 2010
Revised:	December 15, 2021	December 8, 2021

Key Words

Nonresidents, Tuition Student, Affidavit Student, Homeless Student

Legal References:	<u>N.J.S.A.</u> 18A:7F-3	Definitions
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
1999	<u>N.J.S.A.</u> 18A:36B-1 <u>et seq.</u>	Interdistrict Public School Choice Program Act of
	<u>N.J.S.A.</u> 18A:38-1 <u>et seq.</u>	Attendance at school free of charge
	<u>See particularly:</u> <u>N.J.S.A.</u> 18A:38-2, 38-3, 38-8, 38-9	
establishment	<u>N.J.S.A.</u> 18A:46-20	Receiving students from outside district; of facilities
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:12-1.3 <u>et seq.</u>	Interdistrict Public School Choice
	<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students at Risk of Not Receiving a Public Education
	<u>N.J.A.C.</u> 6A:22	Student residency
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:22-3	Eligibility to attend school
	<u>N.J.A.C.</u> 6A:22-3.1	Students domiciled within the school district
	<u>N.J.A.C.</u> 6A:23A-19.2	Method of determining the district of residence
	<u>N.J.A.C.</u> 6A:23A-19.3	Address submission for determining the district of residence
		Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. 1101
	<u>Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood</u> , 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)	
	<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, 20 U.S.C.A. 6301 <u>et seq.</u>	

NONRESIDENTS (continued)

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

Possible

Cross References: 3240 Tuition income
*5111 Admission
*5114 Suspension and expulsion
6142.5 Travel and exchange programs
*6151 Class size

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