

# Policy

SCHEDULE D

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## Board of Education Nutley

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Eligibility of Resident/  
Nonresident Pupils

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### 501/5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

The Board of Education will admit children of school age who reside in this district and will admit other children in accordance with law and this policy. The Board reserves the right to verify the residency or anticipated residency of any person who claims eligibility for enrollment.

#### Resident Pupils

Resident pupils shall be provided a free education between the ages of five and twenty except that the district shall provide for children identified as requiring special education from three to twenty one years of age.

Resident pupils are defined as:

1. Any person who is domiciled within the school district who is over the age of five and under the age of twenty.
  2. Any person who is kept in the home of another person domiciled in the school district and such other person is supporting the pupil gratis as if he/she were such other person's own child, upon filing by such other person with the secretary of the Board of the school district, if so required by the Board, a sworn statement that he/she is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he/she intends to keep and support the child gratuitously for a longer time than merely through the school term, and a copy of his lease if a tenant, or a sworn statement by his landlord acknowledging his tenancy if residing as a tenant without a written lease, and upon filing by the child's parent or legal guardian with the secretary of the Board a sworn statement that he is not capable of supporting or providing care for the child due to a family or economic hardship and that the child is not residing with the resident of the school district solely for the purpose of receiving a free public education within the school district. The statement shall be accompanied by documentation to support the validity of the sworn statements, information from or about which shall be supplied only to the Board and only to the extent that it directly pertains to the support or nonsupport of the child.
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If in the judgment of the Board the evidence does not support the validity of the claim by the resident, the Board may deny admission to the child. The resident may contest the Board's decision to the Commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the Commissioner on the validity of the claim and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the legal criteria. The Board shall, at the time of its decision, notify the resident in writing of his/her right to contest the Board's decision to the Commissioner within 21 days. No child shall be denied admission during the pendency of the proceedings before the Commissioner. In the event the child is currently enrolled in the school district, the pupil shall not be removed from school during the 21 day period in which the resident may contest the Board's decision nor during the pendency of the proceedings before the Commissioner. If in the judgment of the Commissioner the evidence does not support the claim of the resident, he/she shall assess the resident tuition for the pupil prorated to the time of the pupil's ineligible attendance in the school district. Tuition shall be computed on the basis of  $1/180$  of the total annual per pupil cost to the local school district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which the orders of the Commissioner are enforced. Nothing shall preclude a Board from collecting tuition from the resident, parent or legal guardian for a pupil's period of ineligible attendance in the schools of the district where the issue is not appealed to the Commissioner.

3. If the Superintendent finds that the parent or legal guardian of a child who is attending the schools of the district is not domiciled within the district and the child is not kept in the home of another person domiciled within the school district and supported by them gratis, as if the child was the person's own child as provided for in paragraph two, the Superintendent may apply to the Board for the removal of the child. The parent or legal guardian shall be entitled to a hearing before the Board, and if, in the judgment of the Board, the parent or legal guardian is not domiciled within the district or the child is not kept in the home of another person domiciled within the school district and supported by them gratis as if the child was the person's own child as provided for in the law, the Board may order the transfer or removal
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of the child from school. The parent or legal guardian may contest the Board's decision before the Commissioner within 21 days of the date of the decision and shall be entitled to an expedited hearing before the Commissioner and shall have the burden of proof by a preponderance of the evidence that the child is eligible for a free education under the criteria provided in the law. The Board shall, at the time of its decision, notify the parent or legal guardian in writing of his or her right to contest the decision within 21 days. No child shall be removed from school during the 21 day period in which the parent or legal guardian may contest the Board's decision or during the pendency of the proceedings before the Commissioner. If in the judgment of the Commissioner the evidence does not support the claim of the parent or legal guardian, the Commissioner shall assess the parent or legal guardian tuition for the student prorated to the time of the student's ineligible attendance in the schools of the district. Tuition shall be computed on the basis of 1/180 of the total annual per pupil cost to the local district multiplied by the number of days of ineligible attendance and shall be collected in the manner in which orders of the commissioner are enforced. Nothing shall preclude a Board from collecting tuition from the parent or legal guardian for a student's period of ineligible attendance in the schools of the district where the issue is not appealed to the Commissioner.

4. The following pupils shall be deemed to be domiciled in the school district:
    - a. Any pupil whose parent or legal guardian, even though not domiciled within the district, is residing temporarily therein, but any person who has had or shall have his all-year-round dwelling place within the district for one year or longer shall be deemed to be domiciled within the district;
    - b. Any pupil for whom the Division of Youth and Family Services in the Department of Human Services is acting as guardian and who is placed in the district by said bureau;
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- c. Any pupil whose parent or legal guardian moves from one school district to another school district as a result of being homeless and whose district of residence is determined to be Nutley pursuant to 18A:7B-12.
- d. Any pupil placed in the home of a resident of the district by court order pursuant to the provisions of 18A:38-2.

### Non Resident Pupils

The admission of any nonresident child must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child's race, creed, color, national origin, gender, or disability. The continued enrollment of any nonresident pupil shall be contingent upon the pupil's maintenance of good standards of citizenship and discipline.

If the Board has reason to believe that a district resident has fraudulently allowed a child of another person to use his or her residence and is not the primary financial supporter of that child or that a parent or legal guardian has fraudulently claimed to have given up custody of his or her child, the Board may report any such person to municipal authorities for prosecution as disorderly persons.

### Homeless Children

The Board will accept responsibility for the educational placement of a homeless child of school age when this school district is determined to be the child's district of residence or when the child temporarily resides in this district and no New Jersey district of residence can be determined, pursuant to law and rules of the State Board of Education. Such placement will be determined by the Board and will be made in the best interest of the child and may be in this district, the district of the child's last attendance, or the district in which the child temporarily resides.

The Superintendent shall appoint a district liaison for the education of homeless children. The liaison shall develop a system to insure that any homeless child temporarily residing in this district is appropriately enrolled and attending school and shall communicate with other districts in the interests of homeless children.

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### Admission

#### A. Future Residents

The children of families who have signed a contract to rent, buy or build a residence in the school district may be enrolled during the semester in which they expect to become residents.

#### B. School Staff

The children of non-resident members of the staff may be enrolled at any time on a tuition basis.

#### C. Pupils from Other School Districts

The Board may accept pupils from other school districts to attend school in the district under the following provisions:

1. The Board of Education from the district where the pupil is domiciled has made a request to have the pupil enrolled in the Nutley School District.
2. The enrollment of the pupil has been recommended by the Superintendent, and approved by a vote of the Board.
3. The sending Board of Education has signed a contract agreeing to pay for the tuition and other costs associated with the pupil's attendance.

Any pupil admitted under the above provisions B and C must be approved on an annual basis by a vote of the Board.

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### Tuition Fees

An annual tuition fee shall be established, payable semi-annually. This fee shall be pro-rated when a student attends less than a full school year. The following provisions shall apply:

1. Future Pupils

Pupils will not be required to pay tuition, provided they occupy a home in the district prior to November 1 in any school year. If they occupy a home after November 1, tuition will have to be paid retroactive to the date they enrolled in a Nutley school, until they occupy a home in the district.

2. Former Pupils

Pupils, other than High School seniors, who move to another school district on or after February 1 of a school year may, at the parents written request to the Superintendent of Schools, be permitted to complete that school year in Nutley without tuition charges. Such pupils may not continue in the Nutley Public Schools the following year unless tuition is paid.

Pupils who move to another school district prior to February 1 of a school year may, at the parent's written request to the Superintendent of Schools, and with the Board's approval, be permitted to complete the school year, provided tuition is paid from the date they move out of the district.

Other non-resident pupils, including children of non-resident members of the school staff, will be required to pay tuition for the period during which they are enrolled.

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High School seniors who move to another district may, at the parent's request, be allowed to complete the school year in Nutley without tuition charges provided they have completed their junior year as residents and qualify for admission for their senior year.

N.J.S.A. 18A: 7B-12; 18A:7B-12.1;  
18A:38-1 et seq.

N.J.S.A. 6:3-8.1 et seq.; 6:20-3.1 et seq.;  
6:20-5.3 et seq.; 6:28-10.1

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Dated:  
July 20, 1998