

# Regulation

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## Board of Education Nutley

### Pupils

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Admission of Resident/  
Nonresident Pupils

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### 5010/5111 ADMISSION OF RESIDENT/NONRESIDENT PUPILS

#### A. Verification of residency

1. Persons who claim residence within this school district for the purpose of enrolling pupils may be required to support that claim with appropriate informal documentation, such as a driver's license, library card, utility bills, lease, or the like and/or formal documentation, including sworn affidavits.
2. Any claim of residence within this school district may be verified by the Superintendent or his/her designee who may direct a visit to the claimed residence at such times of the day and week as will enable him or her to determine the validity of the claim.
3. The parent or legal guardian of a school age child who intends to take up residence in the district and wishes the child enrolled prior to that residency must present proof acceptable to the Superintendent or his/her designee, which may include, as appropriate, a contract of sale, builder's contract, lease, or certificate of occupancy.
4. The building principal shall be alert to indications of a change in a pupil's residence, such as a change of address, surname, or transportation schedule. Any such change may require verification of residency.

#### B. Affidavits of nonsupport and responsibility, which may include any or all of the following:

1. A nonresident parent or legal guardian whose child resides and is supported by a district resident must file with the Board Secretary a sworn statement that he or she is not supporting the child. The statement shall be accompanied by documentation that supports the validity of the claim of nonsupport.
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Information from or about the documentation shall be supplied only to the Board of Education and only to the extent that it directly pertains to the support or nonsupport of the child.

2. A district resident who claims that he or she supports a child not his or her own must file with the Board Secretary a sworn statement that he or she is a resident of this district, supports the child without assistance, will assume all personal obligations for the child, and intends to keep and support the child beyond the end of the school year. The resident shall be required to support his or her residency with appropriate documentation, including, if he or she is a tenant, a lease or a landlord's acknowledgment of tenancy.
  3. A sworn statement by the child's parent or legal guardian that he/she is not capable of supporting or providing care for the child due to economic hardship.
  4. A sworn statement by the child's parent or legal guardian that the child is not residing with a resident of the school district solely for the purpose of receiving a free public education in the school district.
  5. The nonresident parent or legal guardian and the district resident must execute and swear the statements required in the presence of the Board Secretary if possible. If the nonresident parent or guardian cannot appear before the Board Secretary, the Board Secretary, may, in his/her judgment accept sworn statements or other evidence to determine the validity of the statements.
  6. The nonresident parent or legal guardian and the district resident shall be informed that claims made fraudulently in order to enroll a child in this district may constitute disorderly persons offenses.
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**C. Homeless Children**

1. A child or youth will be considered homeless if he or she lacks a fixed, regular and adequate residence. Such a person may be living in a publicly or privately operated shelter designed to provide temporary living accommodations, in an institution that provides a temporary residence, in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, with a parent or legal guardian in a domestic violence shelter, in a shelter for runaways, in a home for adolescent mothers, in a hospital because he or she is sick or abandoned and has no permanent residence, with his or her homeless family in the residence of relatives or friends, or with a migrant family that lacks adequate housing.
  2. The district of residence for a school age child whose parent or legal guardian moves from one district to another because of homelessness is the district in which the parent or legal guardian last established a permanent residence before becoming homeless, regardless of the length of that residency.
    - a. The district of residence will remain so for as long as the parent or legal guardian remains homeless.
    - b. The district of residence will be determined by the school districts involved.
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- c. A dispute as to the determination of a district of residence will be resolved by the county superintendent(s), whose decision may be appealed to the Assistant Commissioner in the Division of Finance.
  - d. The district of residence is responsible for the child's education and must pay the costs of tuition and transportation when the child attends school in the district of residence while residing in another district.
  - e. Where no New Jersey district of residence can be identified, the child will be immediately enrolled in the district in which he or she resides and tuition costs will be paid by the state.
3. The Director of Special Services shall serve as district liaison for the education of homeless children. He or she shall develop a system to insure that any homeless child temporarily living in this district is enrolled and attending school.
- a. The liaison shall identify homeless children through information received from the Department of Human Services, shelter providers, case managers, or homeless parents or legal guardians.
  - b. The liaison of this district will determine the district of residence of any homeless child so identified and will notify the liaison of that district within twenty-four hours.
  - c. The liaison shall facilitate communication between this district and other districts pertaining to the education of homeless children, when the homeless child is temporarily residing in this district or is enrolled in this district or when this is the district of residence.
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- d. The liaison shall monitor the educational placement of homeless children for whom this district is responsible and report to the Director of Special Services any such child whose attendance is irregular.
  - e. The liaison shall determine, through information gathered from social workers, shelter providers, parents or legal guardians, and other sources, when the parent or legal guardian of a homeless child has established permanent residency. The district in which such residency is established will then be responsible for the child's education in accordance with rules and procedures for pupil transfers.
4. When this district is determined to be the district of residence for a homeless child, the Director of Special Services will decide the child's educational placement.
- a. Within three days of notification of the need for placement;
  - b. After consultation with the parent or legal guardian with notice of the right to appeal, documented in writing; and
  - c. In the best interests of the child, taking into account the preference of the parent or legal guardian, the continuity of the child's education, the child's eligibility for special instructional programs, and the coordination of safe travel arrangements.
5. Placement may be in the district of residence, in the district of last attendance, or in the district in which the child is temporarily living.
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6. The placement decision will be made in writing and signed by the parent or legal guardian and by the liaison officer(s) of the district(s) involved.
7. A parent or legal guardian's dispute regarding the child's educational placement may be appealed to the county superintendent, whose decision may be mediated by the Department of Education's Office for Homeless Children and Youth but will be implemented pending any mediation or appeal process.
8. When an educationally disabled homeless child is enrolled in this district and this district is not the district of residence and the immediate review of placement options cannot be conducted, the child shall be placed in a program consistent with his or her current individualized education program for a period not to exceed thirty days. The district or residence must assure that the IEP is reviewed and revised within the thirty day period.
9. If this district is the district in which a homeless child was last enrolled and the child is enrolled in another district, all records relevant to the child's school and health will be forwarded to the district in which the child is enrolled.

Adopted: July 20, 1998

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Dated:  
July 20, 1998