

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

The Black Horse Pike Regional Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education.

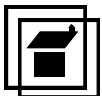
Eligibility to Attend School

The Board shall admit pupils 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 Board shall also admit any pupil that is kept in the home of a person other than the pupil's parent or guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child in accordance with N.J.A.C. 6A:22-3.2 et seq. A pupil is only eligible to attend school in the district pursuant to this provision if the pupil's parent or guardian 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 pupil due to family or economic hardship and the pupil is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the pupil must file, if so 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; will assume all personal obligations for the pupil relative to school requirements; and 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 pupil is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(b) if the pupil 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 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 pupil is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(d) if the pupil's parent or guardian temporarily resides within the district and elects to have the pupil 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 pupil attending school within the district of



temporary residence. Where one of a pupil'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. 6A:22-3.1(a)1.i.

A pupil is eligible to attend school in the district free of charge:

1. If the pupil'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 pupil 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 pupil had previously resided in the district and if 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 pupil 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 pupil resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

The physical condition of an applicant's housing, an applicant's compliance with local housing ordinances, or terms of lease shall not affect eligibility to attend school.

A pupil's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.

### Proof of Eligibility

The district shall accept forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22-3.4 et seq. The district shall 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 shall not require or request any information or document protected from disclosure by law, or pertaining to criteria that are not a legitimate basis 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



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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 will 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. A 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 shall take place immediately, but the applicant will be placed on notice that removal will result if defects in the 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 pupil enrolled pursuant to this provision shall 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 shall comply with compulsory education laws. In this case, the parent(s) or guardian(s) shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement that the pupil 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, with the pupil's name, the name(s) of the parent/guardian/resident, the pupil'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.



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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 pupil'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 pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.1 et seq.

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 pupil's prior educational record. However, the applicant shall be advised that the initial educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil 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 Pupils

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, pupils 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 pupil, 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 pupil in accordance with N.J.A.C. 6A:22-4.3(b). No pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an "affidavit pupil" (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 pupil or resident keeping an "affidavit pupil", as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for the hearing, the Board shall make a prompt determination of the pupil'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 pupil may be removed except by vote of the 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 pupil is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil", 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 pupil" eligibility determinations must be filed by the resident keeping the pupil.

### 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 pupil'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, on the judgment docket of the Superior Court, Law Division.

### Transfer Privileges

Pupils who wish to enroll in a multiple year vocational instructional program offered in only one of the District high schools, may attend that school whether or not they reside on that school's attendance area. This transfer privilege shall not apply to a single course or to a Foreign Language offering. Transportation shall be provided to those pupils in accordance with governing policies and statutes.

1. In lieu of a transfer, when feasible and cost effective, shuttle bus transportation between schools may be arranged by the superintendent to permit pupils to take a course or courses not offered at the high school to which they have been assigned in accordance with this policy.



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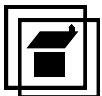
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2. Pupils who have been transferred to a high school in a different attendance area in accordance with the provisions of this section of the policy, shall be returned to the high school in their attendance area at the beginning of the next school year when:
  - a) For any reason, a ninth grade or tenth grade pupil drops the program which prompted the transfer.
  - b) If a transfer student fails his/her special program selection for the second year, said student will be returned to his/her school of attendance.
    - A pupil who does not earn a passing grade in the first year of the program may remain at the school to which he/she transferred for another year to take the failed course(s) a second time.
    - A failure in the introductory course during the second or repeat year shall result in a return to the high school in his/her attendance area, unless the pupil elects to take another vocational program offered only in that school.
    - A pupil who does not earn a passing grade in the second year or second level of a program which prompted his/her transfer, must take the program course(s) again to remain at the school to which he/she transferred. Failure to retake the program course(s) shall result in a return to the school in his/her attendance area.
    - Pupils transferred under this section of the policy and who successfully complete two years of the program which prompted the transfer, may remain in and graduate from the school to which they transferred.
  - c) A ninth or tenth grade pupil elects to return.
3. If a program which exists in only one school becomes heavily subscribed by pupils from the other high school's attendance area, the superintendent may establish the program in the second high school, unless a vocational shop is involved, in which case the superintendent may offer a recommendation to the Board for consideration.
4. Pupils who move from the attendance area of one District high school to the attendance area of the other District high school, may continue to attend and

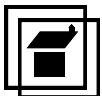


graduate from the high school attended prior to the change in residence.  
Transportation is not included.

5. Including pupils coming to the District from constituent district eighth grade programs, any pupil who wishes to attend a high school outside the pupil's attendance area, must complete an application form developed for this purpose. The form will require the parent/pupil to state the reason for the requested transfer. The completed form is to be submitted to the Guidance Department in the pupil's attendance area for review. If the guidance director perceives the request not to be submitted for a proper reason or if the director believes the pupil may experience difficulty with the requested program, the director may require the pupil and parents/guardians to come to the school for a conference with a counselor or with him/her. Following the conference, if the counselor or director still believe the transfer not to be appropriate and has not been able to convince the pupils/parents/guardians the transfer is not in their best interests, that judgment shall be noted on the form and forwarded to the superintendent's office for a final determination. A transfer request to which no exception is taken shall be forwarded directly to the guidance director in the school to which the pupil wishes to transfer. If the director in the receiving school finds the request to meet the letter and intent of this policy, the pupil shall be admitted and processed for classes. If the director in the receiving school has a question about the request, he/she may call the pupil! parents/guardians in for a conference. Following the conference, if the counselor or director still believes the transfer not to be appropriate and has not been able to convince the pupils/parental guardians the transfer is not in their best interests, that judgment shall be noted on the form and forwarded to the superintendent's office for a final determination.
6. The superintendent may transfer any pupil from one school to the other when he/she feels the best interests of the pupil or the District can be served by such a transfer. Prior to such a transfer, the principals shall have an opportunity to discuss the matter with the superintendent. Parents/Guardians who request transfers which are not approved by the superintendent may appeal directly to the Board of Education.

## Foreign Exchange Students

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.



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The board may accept exchange students on a J-1 visa who reside within the district as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

The board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in district schools shall not exceed 12 months. Students attending the schools of this district on an F-1 visa may not participate in any adult-education programs sponsored by the board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the chief school administrator by July 1 preceding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The chief school administrator shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

#### Nonresident Pupils

The admission of a nonresident child to school free of charge 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, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident pupil shall be contingent upon the pupil's maintenance of good standards of citizenship and discipline.

#### Future Residents

A child otherwise eligible for attendance whose parent(s) or legal guardian(s) has signed a contract to buy, build, or rent a residence in this district shall be enrolled for a period not to exceed sixty 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.

Parent(s) or legal guardian(s) 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.

#### **Senior Privilege**

**Regularly enrolled students whose parent(s) or legal guardian(s) have moved out of the school district during the final school year of their attendance may make a formal request for "Senior Privilege" whereby they are seeking**





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permission for continued enrollment within the district, at no charge, for the duration of that school year.

Eligible students include only those who have attended a district school for three consecutive years and will be of senior status, or eligible for senior status, during the subsequent school year, which would constitute their final year of attendance within the district. Students who have moved prior to the conclusion of their third consecutive year within the district will not be considered eligible to request "Senior Privilege".

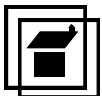
Eligible students must be deemed in "Good Standing" where factors including, but not limited to, attendance, academic achievement, and disciplinary record may be considered. Student eligibility is also contingent upon the parent(s) or guardian(s) consent to provide transportation to and from school, as well as all extra-curricular and/or non-academic activities. The Board of Education will bear no responsibility for the provision of transportation to any student deemed eligible for "Senior Privilege".

The provisions of this policy are also applicable to students who move from one area of the Black Horse Pike Regional School District to another, which would necessitate a transfer from one of the district's high schools to another.

The initial request must be approved by the building principal, who will forward his/her approval to the Superintendent/Designee. Following receipt of Superintendent/Designee approval, the request will be forwarded to the Board of Education for approval. With this policy, the Board of Education asserts that approval is for the requesting student-only. The approval is not applicable to any siblings of the student for whom the request was made.

### Former Residents

Regularly enrolled children, who are not eligible to apply for senior privilege, and whose parent(s) or legal guardian(s) have moved out of the school district during the final marking period of the school year shall be permitted to finish the school year without payment of tuition. Regularly enrolled children, who are not eligible to apply for senior privilege, and whose parent(s) or legal guardian(s) 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 at a tuition rate equal to one-half of the tuition calculated by State formula under the following conditions:

1. Occasional employees such as substitutes, referees, consultants, contractors and other are not to be extended this benefit. To be eligible an employee must draw a regular semi-monthly salary.
2. The State formula shall be the most recent one available. The actual tuition paid will be based upon the formula calculation from the prior year.

## Other Nonresident Pupils

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

The Superintendent shall develop procedures for the enrollment of nonresident children that allow admission of such children only on the proper application of parent(s) or legal guardian(s); verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the 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.

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.

Adopted: 9 April 2009

Revised: 19 August 2010

**Second Reading: 13 March 2014**

