

### NONRESIDENT PUPILS

The Long Hill Township Board of Education shall operate the schools of this district for the benefit of all children residing 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 pupil and the validity of any affidavit of guardianship.

#### A. Eligibility

The Chief School Administrator (CSA), or his/her designee, is authorized to act on behalf of the Board in determining eligibility for enrollment of all non-resident pupils.

The Board will only accept responsibility for the education of those persons of legal school age who are legally domiciled within the geographic boundaries of the Township of Long Hill, and whose parent/guardians are legally domiciled within the geographic boundaries of the Township of Long Hill, with the exceptions only as permitted by this policy and as may be required by New Jersey state statute or the New Jersey Administrative Code.

#### B. Nonresidents Permitted

1. Supported Gratis by Another: Any pupil who lives in the home of and is supported gratis by an adult district resident/residents; the resident(s) must file an affidavit that he/she resides within the district, is/are supporting the pupil gratis, will assume personal and school obligations for the pupil and is/are caring for the pupil beyond the school year. The legal parent(s)/guardian(s) of said pupil must sign an affidavit confirming the arrangement. All parties must satisfy same by producing such proofs as may be required by the district, including, but not limited to an inspection of the domicile by the district attendance officer, and submitting of **Internal Revenue Service form 8821** and the most recent state and federal income tax returns of the parent/guardian and the resident(s) supporting the pupil gratis.

2. Special Education: Any classified, handicapped pupil for whom another school district has requested and received Board approval for placement of such pupil in a special education program operated by the district, will be subject to the schedule of tuition rates established by the Board.
  
3. Moving from District – 8<sup>th</sup> Grade Year: When the parent(s)/guardian(s) of a member of the 8<sup>th</sup> grade class of the Long Hill Township School District shall take residence outside the district after the beginning of that pupil's 8<sup>th</sup> grade, but not prior to February 1, approval may be given subject to payment of the annual tuition prorated for the balance of the school year to be completed, for the completion of the eighth grade year, following receipt of satisfactory evidence that such a decision is in the best educational interest of the pupil. Under this circumstance, the pupil will be allowed to graduate with his/her class at the end of that school year and take part in 8<sup>th</sup> grade class graduation.
  
4. Moving from District – Years Kindergarten thru 7<sup>th</sup> Grade: When the parent(s)guardian(s) of a pupil enrolled in kindergarten through seventh grade shall take residence outside the Long Hill Township School District after February 1, approval may be given subject to payment of the annual tuition prorated for the balance of the school year to be completed, for the completion of that grade only, following receipt of satisfactory evidence that such a decision is in the best educational interest of the pupil. If residency outside the Long Hill Township School District occurs before February 1, it is understood that the pupil will attend the school system of their residency.
  
5. Intent to Move into District: When the parent(s)/guardians of a school age pupil reside outside of the Long Hill Township School District, but have signed a contract to buy, build, or rent any residence in the district, the pupil shall be enrolled for a period not to exceed sixty (60) school days prior to the anticipated date of residency without tuition charges. One additional extension of up to fifteen (15) school days may be considered. Requests for consideration for an extension must be presented in writing to the BOE and include a copy of a signed contract to buy, build or rent a residence in the district. The document must show the revised expected date of occupancy. Submittal of the request does not automatically condition an approval. No extension will be granted beyond seventy-five (75) school days of tuition-free status. If the pupil and the pupil's

parent(s)/guardian(s) do not become residents of the District by the end of the period of free attendance, tuition shall be required as of the sixty-first (61<sup>st</sup>) or seventy-sixth (76<sup>th</sup>) school day, depending upon whether an extension had been granted and thereafter for each day for the remainder of the time until residency is established. Parent(s)/guardian(s) of pupils shall be required to demonstrate such proofs of the anticipated residency as may be administratively required.

The Board reserves the right to verify such claims, and to remove from school a nonresident pupil whose claim cannot be satisfactorily verified. Pupils shall be accepted subject to release from the prior district's board of education.

6. Pupils of Nonresident Staff Members: If so negotiated with the collective bargaining unit, pupils of nonresident, full-time employees of the Board may be enrolled in the schools of this district on payment of tuition and in accordance with the policy for other nonresident pupils based on the recommendation of the CSA. Such enrollment shall be contingent on availability of space and compliancy with all district policies, procedures, and regulations.
7. Other Nonresident Pupils: Other nonresident pupils may be admitted to this district on payment of tuition, on availability of space and compliancy with all district policies, procedures, and regulations.

The CSA shall develop procedures for the enrollment of nonresident children which admit such children only on the proper application of parent/guardian; 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.

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.

8. Foreign Exchange Students – 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 CSA 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 pupils.

C. Terms and Conditions; Tuition Payments; Transportation

1. (a) Terms and Conditions: This arrangement shall continue for the approved period of time subject to the pupil maintaining regular attendance and punctuality; adhering to prescribed district and school building conduct standards; the availability of adequate classroom space; timely tuition payments; maintaining satisfactory academic standards.  
  
(b) Continued Enrollment: The continued enrollment of a nonresident, tuition-paying student may be terminated at any time on a recommendation of the CSA based on concerns regarding: class size, enrollment, discipline, program delivery, academic performance, resident pupils' best interests, or for other reasons as determined by the CSA. In such event, tuition shall be due the District through the end of the last day of school attended.
2. Setting Tuition: The parent(s)/guardian(s) of a pupil enrolled in the district who have residence outside the district, and whose pupil has been accepted based upon a recommendation of the CSA for continuation or placement for any school year, shall be required to pay tuition based on rates, which shall be set by the Board prior to the start of each school year. The tuition rate(s) shall be derived from the current New Jersey State "Per Pupil Costs," and shall be calculated according to policy regulation

5118R. "Per Pupil Cost" as defined by the New Jersey Education Commissioner which excludes capital fund expenditures and general fund expenditures related to special education costs and student transportation.

3. Transportation: The Board shall not be responsible to transport any nonresident pupil to and from school or to and from any school activity.

**D. Tuition and Tuition Payment**

1. Payment of Tuition: Tuition shall be due and payable on the first business day of the month preceding the month of attendance. EXAMPLE: Pupil attending for the four month period from March 1 to June 30 shall have tuition payments due February 1, March 1, April 1, May 1. No credit for payment of tuition will be given for any month in which attendance was for less than one month. Failure to pay tuition forthwith by the date established shall result in the termination of the pupil's enrollment.
2. Waiver of Tuition: In cases of financial hardship, the legally responsible adult(s) may petition in writing the Board through the CSA for a waiver or reduction of tuition. The final decision rests with the Board and shall be determined on a case-by-case basis with no case serving as a precedent for another.
3. Prorated Tuition Payments: Where the non-resident student begins attendance at a Long Hill school after the first day of the school year, or terminates attendance before the last day of the school year, the total tuition shall be prorated based on the number of days the school was in session from the first day of attendance through the last day of attendance, divided by the number of days in which the school is in session.

**E. Development of Forms and Affidavits**

The Board authorizes the CSA to develop any necessary forms or affidavits as may be required to implement the intent of Policy File No. 5118.

**First reading: Jan. 14, 2008**

**Second reading: Feb. 11, 2008**

**Legal References:**

N.J.S.A. 18A:7F-3	Definitions
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:36B-1 et seq.	Interdistrict Public School Choice Program Act of 1999
N.J.S.A. 18A:38-1 et seq.	Attendance at school free of charge
See particularly:	
N.J.S.A. 18A:38-2, 38-3, 38-8,38-9	
N.J.S.A. 18A:46-20	Receiving pupils from outside district; establishment of facilities
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.A.C. 6A:12-1.3 et seq.	Interdistrict Public School Choice
N.J.A.C. 6A:17-1.1 et seq.	Students at Risk of Not Receiving a Public Education
N.J.A.C. 6A:22	Student Residency
See particularly:	
N.J.A.C. 6A:22-3	Eligibility to attend school
N.J.A.C. 6A:22-3.1	Students domiciled within the school district
N.J.A.C. 6A:23-5.2	Method of determining the district of residence
N.J.A.C. 6A:23-5.3	Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. 1101

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 NJ Super. (App. Div. 2000)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super.512 (App. Div. 2000)

**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

