

## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

### 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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The Cherry Hill 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 student as is otherwise entitled by law to a free public education.

#### Eligibility to Attend School

The Board shall admit students 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 student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2 et seq. A student is only eligible to attend school in the district pursuant to this provision if the student'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 student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student 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 student relative to school requirements; and provides 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 student is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(b) if the student 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's return from active military duty.



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A student is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(d) if the student's parent or guardian temporarily resides within the district and elects to have the student 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 student attending school within the district of temporary residence. Where one of a student'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 student is eligible to attend school in the district free of charge:

1. If the student'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 student 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 student 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 student 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 student 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 student'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 student'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



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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 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 student 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 student is between the ages of six and sixteen, be asked to complete a written Statement that the student will be attending school in another district,



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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 student’s name, the name(s) of the parent/guardian/resident, the student’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.

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 student’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 student medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of students, 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 student’s prior educational record. However, the applicant shall be advised that the initial educational placement of the student may be subject to revision upon receipt of records or further assessment of the student 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 Students

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, students enrolled in the district who



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may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.

When a student, 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 student in accordance with N.J.A.C. 6A:22-4.3(b). No student shall be removed from school unless the parent, guardian, adult student or resident keeping an "affidavit student" (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 student or resident keeping an "affidavit student", 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 student'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 student 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 student is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, guardian, adult student or resident keeping an "affidavit student", 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 student" eligibility determinations must be filed by the resident keeping the student.

### 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 student'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.



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### Immunization Requirements

Effective participation in control measures will help to prevent the spread of communicable diseases among our school children and the community.

Coordinated efforts between the school and health department exist to protect and improve the health of young people. Mandatory measures have been developed by the health department to help maintain a high degree of protection against communicable disease. In accordance with New Jersey State Sanitary Code Chapter 14 Regulations, pupils are required to show evidence of the immunizations cited on the attached document (age appropriate) prior to entering school.

### Immunization Exemptions

The only pupils who may be exempted from immunization requirements are:

1. Pupils with a written statement from a physician that a specified immunization is medically contraindicated for a period of time specified and reasons for medical contraindication.
2. Pupils with a written statement signed by parent or guardian explaining how the administration of immunizing agents conflicts with the pupil's exercise of bonafide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for exemption.

All required immunizations must appear on a record signed by a physician for registration to be considered completed.

### Barclay Early ChildhoodCenter

The BarclayEarlyChildhoodCenter offers preschool classes for children with special needs in a least restrictive environment that is inclusive of non-classified students. When a parent feels that their child is in need of pre-school special education services, they should contact the BarclayEarlyChildhoodCenter. The parent will receive a packet of information informing them of the current procedures for admission to the school. An evaluation appointment will be made and the parent shall make an appointment in the registration department to complete the registration documents prior to that evaluation. As noted above, proofs of residency immunization and medical records are required for entrance.



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When a parent is interested in the opportunity to have their non-classified student in the inclusion program they must contact the BarclayEarlyChildhoodCenter and complete an application. The child must be three or four years of age and must be toilet trained prior to entry. If the number of applications exceeds the available slots, a lottery will be held. If the student receives placement, a registration date and time will be arranged. In the event that a child does not receive placement, they are placed on a wait list. Proofs of residency, immunization, and medical records are requested at the time of registration.

Information about either of these programs can be found on the district's website, [www.chclc.org](http://www.chclc.org) or by contacting the BarclayEarlyChildhoodCenter at (856) 429-7283.

### Kindergarten Age Requirements

In order to be enrolled in Kindergarten, a child must be five (5) years of age on or before October 1 of the current school year. The child's original (or certified copy) birth certificate must be presented at the time of registration for verification of the birth date. The certificate will be returned to the parent.

### Transfer Students

Pupils who transfer from another public school or a State approved non-public school must meet all requirements for entrance as described above. An exception to the age requirement will be considered when the school a child is transferring from has a different kindergarten age entrance requirement. All transfer students must submit evidence of the immunization and residency requirements noted above and copies of report cards from the prior district.

### 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.

### Nonresident Students

The Cherry Hill Board of Education shall provide a preeminent education 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 student and the validity of any affidavit of guardianship. A grant of admissions under the provisions of this policy 5118 to any non-resident student is a privilege and not a right, is valid only for the school year in which the grant is given, is subject to the



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limitations of this and any other applicable Board policy, and may be terminated during any school year in which the non-resident student's or his or her attendance ceases to be in compliance with any such limitation or condition.

### Future Residents

A child otherwise eligible for attendance (satisfying all requirements of Policy 5200) whose parent/guardian has signed a contract to buy or build a residence in this district shall be enrolled for a period not to exceed thirty calendar days previous to the anticipated date of residency with prepayment of tuition while school is in session. If the child does become a resident of the district by the end of the thirty calendar day period, tuition will be reimbursed by the District. If the child does not become a resident of the district by the end of the thirty calendar day period, the District will commence the disenrollment process by sending a preliminary notice of ineligibility to the parent/guardian. Payment of tuition will be required for the remaining period of any ineligible attendance.

Parents/guardians of children who claim to be future residents shall be required to demonstrate proof of the anticipated residency. Families may not register with a lease that has a future move-in date. Acceptable proofs are noted in Procedure N-1: Nonresident Student Policy and Its Implementation and R-9: Proof of Domicile for New Entrants. The Board reserves the right to verify such claims, and to order the removal from school of any non-resident student whose claim, in the judgment of the Board, is not supported by the evidence presented.

### Former Residents

Regularly enrolled children (PreK-11) whose parents/guardians move out of the school district after May 1 shall be permitted to finish the school year without payment of tuition. Any student in their senior year of high school whose parents/guardians move out of the school district after January 1 may complete their school year without payment of tuition. Regularly enrolled children whose parents/guardians move from the school district at any other time during the school year will be permitted to complete the school quarter and will be charged tuition from the date that they move out of the district until the end of the quarter. The children must then transfer to the new district of residence for the completion of the school year. Any parent/guardian requesting a waiver of this policy must appeal to the Board of Education for consideration.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a child who moves out of a school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in that district for the remainder of the school year. If the child remains enrolled in the district





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for the remainder of the school year, the school district shall provide transportation services to the child, provided the child lives remote from school, and the district receives appropriate documentation to demonstrate eligibility for transportation and State reimbursement, and the State shall reimburse the school district for the cost of the transportation services. The district will seek reimbursement from the State for the cost of transportation services as permitted by State law.

### Remodeling of Home

District residents with children already enrolled in and attending the Cherry Hill Public Schools, who temporarily leave their current residents due to elective remodeling of their primary dwelling, are strongly encouraged to find alternate living quarters within Cherry Hill Township during the period of remodeling. A resident who temporarily moves out of Cherry Hill Township due to elective home remodeling must notify the District's Central Registration Office and the Principal's Office of such temporary relocation and provide an expected date when the primary dwelling will be ready for re-occupancy. In the event the target occupancy date will not be met, the resident will be permitted a thirty-day extension of the occupancy date so long as he/she notifies the District of the need for the extension prior to the original target completion date; provided; however, that the target occupancy date may not be set later than September 1 of the school year immediately following the commencement of the renovation.

If the primary dwelling is not ready for occupancy by the target completion date or any extension thereof, the Board of Education reserves the right to commence proceedings seeking the removal of the student(s) from enrollment in the District. In lieu of such proceedings, the resident will have the option to grant a consent judgment and lien to the Board of Education on the primary dwelling for the amount of one year's tuition cost for each child enrolled in the District. If the resident permanently occupies the primary dwelling within ninety days of the original target completion date or any extended date, the lien will be discharged without any payment due from the resident. If the resident does not resume permanent occupancy in the primary dwelling within such ninety day period, the Board will assess tuition for all days of attendance by the student(s) from the last target completion date until the date the resident actually resumes permanent occupancy in the primary dwelling. In such circumstance the lien will remain in place until the assessed tuition amount, plus interest at the applicable judgment rate, is paid in full.

### Casualty Loss

In the event a resident's primary dwelling is destroyed or rendered uninhabitable by a catastrophic event outside the resident's control, the resident is strongly encouraged to



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secure temporary housing within the Township of Cherry Hill. In the event the resident must temporarily move out of Cherry Hill, the resident shall provide proof of the casualty event and loss to the District's registration office, by copy of insurance claim, police report, or similar proof of loss acceptable to the District. If the resident indicates an intention to have the primary dwelling reconstructed, the resident's child/children shall be permitted to continue attendance in the Cherry Hill Public Schools for a period of twelve months from the date of loss.

If the primary dwelling is not ready for occupancy at the end of such twelve-month period, the resident must apply for an extension of the enrollment period and shall notify the students' Principal and Central Registration Office of the progress of reconstruction and the anticipated completion date. The Board will consider requests to continue student enrollment beyond the twelve-month period on a case-by-case basis.

The Board reserves the right to commence disenrollment proceedings if in the judgment of the Board an individual is violating the purposes of this Policy for personal gain.

### Children of Non-Resident Full-Time Staff Members

Children of non-resident full-time employees of the Board of Education may be enrolled in the elementary, middle (except Rosa), and high schools of this district with payment of tuition at a 50% rate. Such children will not be eligible for District Transportation, [Elementary Open Enrollment], nor can they be included in any enrollment lotteries which may occur. Enrollment in the Cherry Hill Public Schools will only be permitted if their enrollment does not require the employment of additional teaching personnel.

Enrollment in the elementary school grades will only be permitted if the grade level has (7) growth spaces below the Board established class size parameters (Procedure C-6) to allow for any increases in enrollment with the school's regularly assigned areas.

If enrolling in BarclayEarlyChildhoodCenter, the employee must pay full tuition.

Children of Administrators will not be placed in the same school where the Administrator is employed. Children of employees will not be placed in the same classroom where the employee may be assigned.

Please refer to Policy 6150 – Tuition Income for more information on tuition rates for employees.

### Foreign Exchange Students



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The Board may admit foreign exchange students under the conditions noted in Policy 6142.5: Foreign Exchange Student Recognition. These children are subject to and in accordance with the policies, procedures, limitations and conditions of Board policy for other students.

### Transportation of Non-Resident Students

The Board shall not be responsible for the transportation to or from school of any non-resident student.

The Superintendent shall develop procedures in order to effectuate this policy, including, by way of description, provisions regulating the application by and recommendation for the enrollment of non-resident children, the verification of claims of residency, and the submission of affidavits of guardianship, the verification of compliance with this policy, and the method and frequency of tuition payments.

The Superintendent or his/her designee shall initially make a determination concerning the qualifications of applicants seeking admission under the provisions of this policy, and shall make recommendations to the board for its consideration with respect to approval or disapproval concerning the admission of applicants deemed by him or her to be eligible and qualified.

### **F-1 Visa Students**

**F-1 Visa students will not be admitted to this school district.**

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: 28 June 2016

