

NONRESIDENTS

The Township of Union Board of Education shall operate the schools of this district for the benefit of all children resident 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. Documentation required to prove eligibility to attend the schools of this district shall be in accord with policy 5111 Admission and the administrative code.

The board of education shall not admit any students who are not full time residents of the school district, except under the following circumstances:

- A. Students who are sponsored and authorized by a sending district that enters into a contract with the board to receive such students who are either:
  - 1. Disabled as defined by law; or
  - 2. Entering the Vocational Educational Program at Union High School
- B. The board may make an exception after the recommendation of the superintendent only if an individual student has substantiated good cause for admittance on a tuition basis.
- C. Exceptions noted in B shall be made only if there is adequate space available for students who are full-time residents of the district. No full-time resident student shall be excluded from a class or program in favor of a tuition student.
- D. Students who have been residents and were enrolled in the district during the preceding three (3) school-years and who moved from the district after completing the end of their junior year shall be permitted to continue as though they were resident students, without tuition charges, upon recommendation of the Superintendent of Schools.
- E. Students who have been residents of Union Township for a minimum of two consecutive years and who move from the district after March 30th of any given school year shall be permitted to continue as though they were resident students for the remainder of that school year without tuition charges. Written prior approval by the superintendent is required. Students moving prior to March 30th must transfer to the new resident district or request to complete the year as a tuition student.
- F. Persons over five (5) and under 20 years of age who are non-residents but who are placed in the home of another person who is a resident of Union Township by order of a Court of competent jurisdiction of this state or a child welfare agency (as defined by statute) shall be allowed to attend school free of charge, in accordance with the provisions of N.J.S.A. 18A:38-2.

G. Students desirous of attending Union Schools whose parents or legal guardians can produce a valid contract to purchase a home or lease agreement in Union, said home to be used as the primary residence and domicile of said student and parent or guardian, shall be eligible to attend school under the following terms and conditions:

1. Parent or guardian must provide a valid check or bank draft for the month or months through the end of the month in which the title closing or lease activation is expected (not to exceed 60 days.)
2. If the title closing or lease agreement is extended beyond the last day in the month it is expected, the check or draft for that month shall be cashed and deposited by the board.
3. The board shall require a new check or draft for each additional month and through the end of the month (not to exceed 60 days) in which the postponed closing or lease enactment is expected to take place.
4. On the 60th day, if the parent or guardian cannot produce a copy of an executed deed or lease which conveys the property, said parent or guardian must remove the child from the Union School District and enroll the student in another school.

H. Non-Resident Children of District Employees

Upon approval the recommendation of the Superintendent and following approval from the Board, children of non-resident, full-time employees under contract with the Board, may be admitted to a school in the District. Admission will be granted, at the discretion of the Board, provided there is seating availability in the District, and that the educational program of such children can be provided within the District's existing curriculum and facilities. The tuition rate will be set annually by the Board pursuant to the New Jersey Department of Education's tuition guidelines and in accordance with N.J.A.C. 6A:23A-17. Transportation, and any costs associated therewith, shall be the responsibility of the parent(s) or guardian(s) of the child(ren). The cost of any supplemental or special services shall also be borne by the parent(s) or guardian(s) of the child(ren).

A nonresident, full-time employee seeking enrollment of their child(ren) shall submit a written request to the Superintendent no later than May 30th, or sooner if possible, of the current school year for consideration of admission for the following school year. Employees may indicate a school of preference, but such preference is not guaranteed. The Board may review and approve/deny the child(ren)'s admission into the District at a Board meeting following the Superintendent's receipt of the written request for admission. If admission is approved, the Superintendent shall inform the employee, in writing, by June 30th. The employee shall enter into a tuition contract with the Board and payment for tuition must be arranged through the business office prior to enrollment.

Upon initial admittance, the continued enrollment of such students in the District's schools shall be at the Board's discretion. Continuation of enrollment shall be conditioned upon the results of a yearly evaluation of the student's satisfactory academic progress, conduct and behavior. Continued enrollment shall also be conditioned upon the employee making all tuition payments. For the child(ren) to be considered for re-admission/re-enrollment in the following school year the employee must make a written request to the Superintendent. All such letters must be received by the Superintendent by May 30th of the current school year or sooner, if possible. The Superintendent will notify the employee of the

Board's decision, in writing, by June 30th. The employee shall enter into a new tuition contract with the Board for each subsequent year that admission is approved.

If an employee is no longer under contract with the Board or is no longer a full-time employee in the District, the child(ren) enrolled in the District will be deemed ineligible to attend the District's schools.

(NOTE: Exceptions to G may be made on a case-by-case basis upon the recommendation of the Superintendent or designee.)

### Foreign Exchange Students

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among 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 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 superintendent by July 1 proceeding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

### 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, as well as pertinent federal law. The district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

### Other Nonresident Students

Other nonresident students 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/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 student 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.

The superintendent or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The board shall not be responsible for the transportation to or from school of any nonresident students, except as may be required by state or federal law.

The board shall annually determine tuition rates for nonresident students.

Adopted: June 1999  
 NJSBA Review/Update: April 2012  
 Readopted: December 2013  
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Key Words

Nonresidents, Tuition Student, Affidavit Student, Homeless Student

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:7F-45  <u>N.J.S.A.</u> 18A:11-1  <u>N.J.S.A.</u> 18A:36B-14 et seq.</p> <p><u>N.J.S.A.</u> 18A:38-1 et seq.  <u>See particularly:</u>  <u>N.J.S.A.</u> 18A:38-2, 38-3, 38-8, 38-9  <u>N.J.S.A.</u> 18A:46-20</p> <p><u>N.J.S.A.</u> 18A:54-20  <u>N.J.A.C.</u> 6A:12-1.3 et seq.  <u>N.J.A.C.</u> 6A:17-1.1 et seq.</p> <p><u>N.J.A.C.</u> 6A:22  <u>See particularly:</u>  <u>N.J.A.C.</u> 6A:22-3  <u>N.J.A.C.</u> 6A:22-3.1  <u>N.J.A.C.</u> 6A:23A-19.2</p>	<p>Definitions                  General mandatory powers and duties  <u>Interdistrict Public School Choice Program Act of 1999</u>                  Attendance at school free of charge</p> <p>Receiving students from outside district; establishment of facilities                  Powers of board (county vocational schools)                  Interdistrict Public School Choice                  Students at Risk of Not Receiving a Public Education                  Student residency</p> <p>Eligibility to attend school                  Students domiciled within the school district                  Method of determining the district of</p>
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N.J.A.C. 6A:23A-19.3	residence Address submission for determining the district of residence
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8 U.S.C. 1101 - Illegal Immigrant and Immigration Responsibility Act of 1997

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 N.J. 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 1999)

**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.