

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

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The Morris 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(s) or legal guardian(s), 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(s) or legal guardian(s) 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 if the pupil is kept in the home of a person domiciled in the district, other than the parent(s) or legal guardian(s), where the parent(s) or legal guardian(s) 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(s) or legal guardian(s) return from active military duty.



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A pupil is eligible to attend school free of charge if the pupil's parent(s) or legal guardian(s) temporarily resides within the district, notwithstanding the existence of a domicile elsewhere. When required by the district, the parent(s) or legal guardian(s) 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 temporarily resides in the district while the

other is domiciled or temporarily resides elsewhere, eligibility to attend school will be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i. However, no pupil shall be eligible to attend school based upon a parent's temporary residence in a district unless the parent(s) or legal guardian(s) demonstrates, when required by the district, that such temporary residence is not solely for purposes of a pupil attending school within the district.

A pupil is eligible to attend school free of charge:

1. If the pupil's parent(s) or legal guardian(s) 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 pursuant to N.J.S.A. 18A:38-2;
3. If the pupil had previously resided in the district and if the parent(s) or legal guardian(s) 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); 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).

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 may not, directly or indirectly, require or request such disclosure as a 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 an 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.



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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 legal 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 Division of Youth and Family Services based on “neglect” pursuant to N.J.S.A. 9:6-1, with the pupil’s name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of ensuring compliance with such laws.

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, legal 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, legal 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. 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



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N.J.A.C. 6A:22-6.3 et seq. The district may obtain an order of the Commissioner of Education for tuition, enforceable pursuant to N.J.S.A. 2A:58-10, through recording on the judgment docket of the Superior Court, Law Division by filing a petition of appeal pursuant to N.J.A.C. 6A:3.

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.

Former Residents

Pupils in grades Kindergarten through eleven who move out of the Morris School District within sixty days of the end of the school year shall be allowed upon recommendation of the Superintendent to complete the school year in which they have been regularly enrolled with no charge for tuition provided that the parent(s) or legal guardian(s) submits a written request for continued enrollment and agrees there will be no cost for transportation to the Morris School District.

In the event a pupil removes his/her residence from the Morris School District prior to the sixty-day period before the end of the school year, he/she may continue attending Morris School District schools for the balance of the academic year, except that tuition shall be charged from the day he/she removes his/her residence from the Morris School District until the end of the academic year, and the parent(s) or legal guardian(s) shall arrange for transportation at their expense. In addition, the parent(s) or legal guardian(s) must submit a written request for continued enrollment and accepts that they will pay tuition and provide for transportation at no cost to the Morris School District.

Pupils in grade twelve shall be allowed to complete their senior year without payment of tuition upon recommendation of the Superintendent if the family moves anytime after the opening of the school in that year, and the pupil has been regularly enrolled.

All such pupils continued on the rolls under the procedures for this policy must remain in good academic, disciplinary and attendance standing for this arrangement to continue. The Board of Education shall not be responsible for transportation or bedside instruction.



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Future Residents

A child whose parent or guardian intends to become a resident of the district may be admitted to a school in the district, provided that: the parent or guardian applies in writing for such admission and agrees that there will be no cost for transportation to the Morris School District; the date on which he/she shall occupy a residence of domicile in the district is not more than ninety calendar days from the proposed enrollment; and proof of such intended occupancy is satisfactory to the Board. Proof of intended occupancy would require a contract (either rental or purchase) to be enrolled in the Morris School District. The parent or guardian shall be charged a deposit equal to a tuition payment for one month at the time of enrollment; this payment will be returned if the parent becomes a resident within the 90 day calendar period. The parent(s) or legal guardian(s) shall be charged for any period of non-residency commencing 90 calendar days after the date of enrollment if residency has not been established at the anticipated time. The deposit shall be audited against the tuition charges. Permission to enroll will be granted through the recommendation of the Superintendent and approval of the Board of Education. The Morris School District shall not be responsible for bedside instruction.

Pupils admitted under this provision must remain in good standing.

Tuition Pupils-Sending/Receiving Districts

The Morris School District maintains a contractual receiving relationship with Morris Plains School District with tuition charges established by the State formula.

Individual Pupils

When there is room in Morris School District classes, individual pupils may be accepted on the recommendation of the Superintendent. Parent(s) or legal guardian(s) have responsibility for tuition and transportation under such arrangements. These arrangements are subject to review annually. No additional staff or facilities shall be provided to accommodate such pupils. Pupils admitted under this provision must remain in good academic, disciplinary and attendance standing.

Special education pupils may be accepted into Morris School District programs for the handicapped upon application from another school district and with the recommendation of the Superintendent and approval of the Board of Education.

Tuition Charge



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Tuition charges will be the actual cost as determined by the State formula.

For budget purposes, Morris School District in the fall of each year will set up a tuition-billing rate for the next succeeding school year. Upon receipt of the State department's certification of costs of that school year, an adjustment billing or a rebate will be made.

The sending district of any non-resident pupil who has been enrolled in a special education class in the Morris School District shall be charged in accordance with the state approved cost.

Children of Employees

Upon recommendation of the Superintendent and at the discretion of the Board of Education, the policy requirement that non-resident pupils shall pay full tuition charges may be waived on an annual basis of the children of full time Morris School District employees upon submission by the Superintendent and approval by the Board of Education. The waived tuition charges shall include tuition charges as determined under tuition charges. Employees who have children who would be enrolled in special education classes will pay the difference between tuition charges determined in the preceding section (labeled "Tuition Charge") and the actual tuition costs. Transportation for Morris School District employee children attending the Morris School District schools shall be the responsibility of the parent(s) or legal guardian(s).

In the event this policy is changed, children of Morris School District full time employees attending the Morris School District schools shall be permitted to continue to attend tuition free through high school graduation. Transportation will be the responsibility of the parent(s) or legal guardian(s).

Affidavit Pupils

In the case where the parent(s) or legal guardian(s) is not domiciled in the Morris School District, but the child resides with another person in the Morris School District, the child will be provided tuition-free education and transportation under conditions specified in N.J.S.A. 18A:38-1 (b) and (c). The Morris School District resident must present a sworn statement that he/she supports the child gratis with no assistance from the parent(s) or legal guardian(s) and assumes responsibility for all personal obligations of the child beyond the school year. Evidence of residence must also be presented and any other documents required to verify the sworn statement. (The parent(s) or legal guardian(s) must provide sworn statement of nonsupport of the child and reasons why the child does



not reside with the parent(s) or legal guardian(s). The parent(s) or legal guardian(s) may be requested to present documentation of the sworn statement.)

Placement by Agencies

Pupils placed in foster care by court order or under the direction of the New Jersey Division of Youth and Family Services will be provided free public education.

Travel and Exchange Programs

The Board of Education authorizes participation of Morristown High School pupils in recognized exchange programs. The Superintendent shall devise procedures for implementing this policy.

On recommendation of the Superintendent, the Board of Education will waive tuition and provide appropriate instructional materials for exchange students coming to the district, but will bear no other expense for them. Exchange students sponsored by recognized organization with experience in facilitating exchange programs shall be considered for acceptance. Students must complete the formal application process of the agency, be recommended for participation by appropriate personnel in his/her school, meet high academic, attendance, and behavior standards and be likely to function independently in the regular education program. While they may participate in graduation exercises, exchange students do not receive a Morristown High School diploma. The Board of Education encourages Morris School District students to participate in exchange programs, but will not pay any part of the expenses of associated with the program.

Intra-District Choice/Magnet Program

The Morris School District is mandated to maintain racial balance in each district school. The Board of Education of the Morris School District believes that all members of the community benefit from positive, integrated educational experiences. With this purpose in mind, the Morris School District has developed and implemented an integration plan. This plan uses paired schools and an open attendance zone where pupils are assigned to schools to achieve racial balance and a Kindergarten through grade five Multiage Magnet Program. The Kindergarten through grade five Multiage Magnet School provides an alternative method of instructional delivery. The filing of an application to the Kindergarten through grade five multiage program does not guarantee admittance to the Multiage Magnet School at Normandy Park. Enrollment of pupils into the Multiage Magnet Program is based upon the following criteria:



1. Sibling preference;
2. Enrollment composition (ethnic, gender, race within the program and the schools);
3. Space availability;
4. Parent/pupil interest or need;
5. Transportation.

If the number of applicants in any enrollment category and/or grade is greater than the number of available spaces in the Multiage Magnet Program, the remaining pupil registrants in any enrollment category and grade level will be chosen by lottery.

If program preference cannot be granted for the current school year, parent(s) or legal guardian(s) can submit a written request that their child's name be placed on a waiting list. As vacancies occur, pupil assignment will be made in the order in which written requests were received. Changes in program or school assignment will not be made after September 1.

N.J.S.A. 18A:38-1 et seq.

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-2.1 et seq.

Adopted: 12 January 2009

