

# Alloway Township Board of Education District Policy Manual

**Students**

**Series 5000**

**Nonresident Students**

**Policy 5118**

**Date Adopted: April 27, 1999**

**Date Revised: Oct.22, 2002,**

**April 29, 2014, Oct.21, 2014,**

**Nov. 17, 2015, Oct. 25, 2016,**

**Dec. 20, 2016**

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The Alloway Township Board of Education will admit children of school age who reside in this district and will admit other children in accordance with Title 18A, New Jersey Administrative Code, and this policy. The Board reserves the right to establish procedures to verify the residency or anticipated residency of any pupil and the validity of any affidavit of guardianship.

Any person who knowingly violates these statutes may be found guilty of a disorderly person's offense and subject to prosecution by legal authorities.

Nonresident students are defined as those students whose parents or legal guardians are domiciled outside the school district. Domicile means a person's true and permanent home. The school district is only obligated to educate residents and those nonresidents who fall with certain narrow categories that are listed below. Nonresident students shall not be permitted to attend public school unless they fall into one of the following categories:

### Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district shall be enrolled for a period not to exceed 30 days prior 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.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The Board of Education reserves the right to verify such claims and to remove from school a nonresident pupil whose claim cannot be verified.

Transportation is the responsibility of the parent/guardian.

### Former Residents

Regularly enrolled children whose parents/guardians have moved out of the school district during the last two months of the school year may, upon written request, be permitted to finish the school year without payment of tuition. Regularly enrolled children whose parents/guardians move from the district at any other time during the school year may remain enrolled for the remainder of the school year upon payment of tuition (prorated).

Transportation is the responsibility of the parent/guardian.

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## Nonresident Tuition Students Rules & Procedures

The Alloway Township Board of Education has the authority to accept non-resident tuition students in accordance with NJSA 18A:38-3 and NJAC 6A:22-2.2. Accordingly, the Board of Education authorizes the establishment of an Alloway Township School District Non-Resident Tuition Student Program to be governed in accordance with the rules and procedures established by the Superintendent.

The tuition amount will be determined each year by the Board of Education. Tuition payments will be made on or before the 1<sup>st</sup> day of each month and in advance of attendance.

Transportation is the responsibility of the parent/guardian.

## Children of Nonresident Teachers and Administrative Staff

Nonresident teachers and administrative staff of Alloway Township School District will be extended the professional courtesy of having their children enrolled on an annual basis as tuition-free students, provided that:

- A. They are not students who require additional educational services outside of the school district.
- B. They are not high school students.
- C. Their enrollment will not necessitate any additional classroom personnel.
- D. All requests must be submitted to the Board of Education for approval annually, in writing; a response will be given following the next regularly scheduled Board meeting.
- E. Transportation is the responsibility of the parent/guardian.

## Foreign Exchange Students

The Board may admit foreign exchange students into the school 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.

## Family Crisis

Notwithstanding the provisions of NJSA 18A:38-1 or any other law, rule, or regulation to the contrary, a child and his/her parent(s)/guardian(s) who moves out of the school district as a result of domestic violence, sexual abuse or other family crises in accordance with the provisions of the Administrative Procedure Act, (P.L. 1968, c410 (C.52:14B-1 et seq.)), shall be permitted to remain enrolled in the school district for the remainder of the school year.

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Parents/guardians are required to inform the Superintendent of Schools immediately, in writing, in all such cases. This notification must include any and all documentation of the family crises, and include pertinent documents on file with the courts, legal authorities and/or the New Jersey Division of Child Protection & Permanency (DCP&P).

If the child remains enrolled in the district 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 State of New Jersey shall reimburse the school district for the cost of the transportation services.

Nothing in this policy shall be construed to affect the rights of homeless students pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12), section 3 of P.L.1989, c.290 (C.18A:7B-12.1), or any other applicable State or federal law.

## Every Student Succeeds Act (ESSA) and Foster Care

In accordance with the provisions of the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), the district shall work with child welfare agencies to ensure the educational stability of children who are in foster care.

## Definitions

For the purposes of this policy and procedures within it, "foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the appropriate child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

## Background

Amendments to NJSA 18A and NJSA 30 established requirements to support and implement federal legislation requiring child welfare agencies and school districts to collaborate, and to keep children in foster care in the same school, even if their living placements change, provided that remaining in that school is in the best interest of the child.

As a part of the legislation, the educational stability of children in foster care is the joint responsibility of both the education and child welfare systems.

The New Jersey Departments of Children and Families (DCF) and Education (DOE) have collaborated with local school districts to successfully implement those amendments, and will continue to collaborate to support the implementation of the new requirements under ESSA.

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## Procedure/Regulation

The district shall implement the Title I educational stability requirements for children in foster care, by ensuring that:

- A child in foster care remains in his/her school of origin unless it is determined that remaining in the school of origin is not in that child's best interest;
- To the extent feasible and appropriate, the child remains in his/her school of origin while this determination is being made by DCF;
- If it is not in the child's best interest to stay in his/her school of origin, the child must be immediately enrolled in the new school even if the child is unable to produce records typically required for enrollment;
- The new or enrolling school must immediately contact the school of origin to obtain relevant academic and other records; and,
- Upon notification from DCF of their designated Point of Contacts (POCs), the district shall designate a corresponding (district) POC.
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The district shall update information such as, but not limited to, the designated district POC.

Additionally, the district shall establish and maintain procedures regarding, but not limited to, the following:

- Collaboration and communication with the appropriate state or local child welfare agency to ensure children in foster care have transportation to and from school; and
- Tuition reimbursement to avoid barriers to immediate enrollment.

## POC Roles & Responsibilities

Once the district has assigned an individual or individuals as POC, the roles and responsibilities of the POC(s) may include, but are not limited to:

- Gathering school related information in order to assist with the best interest determination;
- Facilitating the transfer of records and ensuring that children in foster care are enrolled in and regularly attending school;
- Facilitating data sharing with DCP&P, consistent with FERPA and other privacy protocols;
- Assisting with referrals for Child Study Team services;
- Assisting with school transportation; and
- Providing professional development and training to school staff on the Title I provisions and educational needs of children in foster care, as needed.

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Annually, the POC(s) shall be assigned by the appropriate administrative personnel and updates provided to the DCP&P. In addition, any authorized changes to the roles and responsibilities of the POC(s) shall be provided to the POC(s).

## Legal References

NJSA 18A:7F-3 Definitions  
18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999  
18A:38-1 et seq. Attendance at school free of charge  
18A:46-20 Receiving pupils from outside district; establishment of facilities

NJAC 6A:12-1.3 et seq. Interdistrict Public School Choice  
6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education  
6A:22 Student residency  
6A:22-3 Eligibility to attend school  
6A:22-3.1 Students domiciled within the school district  
6A:23A-19.2 et seq Method of determining the district of residence  
6A:23A-19.3 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 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, 5111