

NONRESIDENTS

The board 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 pupil 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.

Pupils whose parents have moved away from the school district may not continue their children in the Rutherford Public Schools, unless:

- a) the child is in the twelfth grade in which case the pupil may finish the school year without payment of tuition, provided said pupil has completed the first semester of the senior year; or
- b) the child is in the eighth grade, in which case the pupil may finish the school year without payment of tuition, provided said pupil has entered the last marking period; or
- c) the child in any other grade has moved after April 30th.

In the case of a Remission of Tuition Student, the following shall apply:

1. A non-resident Affidavit, Affidavit of Temporary Residence and, if applicable, a Landlord Affidavit must be filled out and signed by the parents, the resident(s) accepting the child, and the Landlord, in the presence of a notary. Please see attachments A, B, and C.
2. Additional documentation to verify the statements contained in the affidavits may be requested by the Board of Education and its administration.

If the Superintendent finds that the parent(s)/guardian(s) of a student already admitted does not reside in the district or that the evidence does not support the tuition-free enrollment of an affidavit student already admitted, he/she may apply to the Board for removal or transfer of the student from the district's schools.

1. The parent(s)/guardian(s) or the resident, where appropriate, shall be entitled to prior written notice of such an application and to a hearing before the Board to oppose the application. If the Board concludes that any of the criteria in sections 1-2 above have not been met, it may order the transfer or removal of the student from school.
2. The parent(s)/guardian(s) or resident may, pursuant to law, contest the Board's decision to remove or transfer the student before the Commissioner of Education within 21 days of the decision date.
3. At the time of its decision, the Board shall notify the parent(s)/guardian(s) or resident in writing of its decision and his/her/their right to contest the decision within 21 days. No student shall be removed from school during that 21 day period or during the pendency of any proceeding before the commissioner.

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4. If no appeal is taken from the Board's decision, or if the Commissioner concludes that the evidence does not support a claim for tuition-free enrollment, prorated tuition shall be assessed for the period of the student's ineligible attendance in the district's schools. The

Board may pursue all available legal remedies to recover assessed tuition from the student's parent(s)/guardian(s), from the student if he/she is an adult, and/or from the Rutherford resident if an affidavit has been executed pursuant to sections 1-2.

Re-evaluation of Tuition-Free Enrollment Eligibility

If the Board reasonably determines that such action is warranted, it may, by Resolution, authorize the Superintendent to conduct a district-wide re-evaluation of the eligibility for tuition-free enrollment of all students currently so enrolled in the Rutherford Public Schools. If the re-evaluation is authorized during the summer recess, all students enrolled on a tuition-free basis as of the end of the preceding school year shall be subject to re-evaluation.

Exchange Students

The board may admit exchange students into district schools in order to promote cultural awareness and understanding among students (see policy 5111.1).

Nonresident Pupils

Nonresident pupils may be admitted to this district on payment of tuition and availability of space. Applications for admission shall be reviewed by the Superintendent who shall forward his/her recommendation to the Board of Education. It is within the exclusive discretion of the Board whether to accept an application for admission as a non-resident tuition pupil. No child, otherwise eligible, shall be denied admission on the basis of the child's race, creed, color, national origin, gender, or disability.

The continued enrollment of any non-resident pupil shall be contingent upon the maintenance of good standards of citizenship and discipline, attendance, and performance. Eligibility shall be reviewed on an annual basis.

The chief school administrator 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 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

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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 chief school administrator 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 pupils.

The board shall annually determine tuition rates for nonresident pupils.

Adopted: April 14, 2003
Revised: March 10, 2008
Revised: March 17, 2009
Revised: November 11, 2013
Renewed: July 18, 2016

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

RUTHERFORD SCHOOL DISTRICT
NONRESIDENT AFFIDAVIT
(PERSON DOMICILED IN THE TOWNSHIP)

STATE OF NEW JERSEY:

SS:

COUNTY OF BERGEN:

_____, of full age, being duly sworn according to law, upon his/her oath depose and say:

1. I am the owner of or rent property located at _____ and am domiciled at this address since the _____ day of _____. This is my permanent place of residence. A copy of my deed or lease, whichever is applicable, is attached hereto. If I do not have a lease, then I understand that I have to produce a sworn statement from my landlord which acknowledges my tenancy.
2. _____ (hereinafter referred to as "student"), is presently residing with me at the address set forth in paragraph one.
3. I am supporting the student gratis as if he/she was my own child. No other person makes any financial contribution for food, clothing, lodging or medical expenses on behalf of the student. I intend to keep and support the student gratuitously for a period longer than merely through the school term. I shall assume all personal obligations for the student relative to school requirements.
4. This Affidavit is submitted in support of my application to admit the student in the Rutherford School District on a tuition free basis. I am aware that the Rutherford School District Board of Education will rely on the accuracy of the information contained in this Affidavit. If any of the information contained in this Affidavit is untrue, I acknowledge that I will be subject to the criminal penalties prescribed by law and be personally liable for the payment of tuition for the student.

Sworn and subscribed to before me
This _____ day of _____

RUTHERFORD SCHOOL DISTRICT
AFFIDAVIT OF TEMPORARY RESIDENCY
(PARENT/GUARDIAN)

Instructions: If the student has more than one parent, then both parents have to sign the affidavit unless a parent's rights have been terminated by a court order. A copy of the court order has to be furnished.

STATE OF NEW JERSEY:

SS:

COUNTY OF BERGEN:

_____, of full age, being duly sworn according to law,
upon their oath depose and say:

1. We are the parents or legal guardians of _____.
2. We are the owners of or rent property located at _____,
and have resided at this address since the _____ day of _____,
_____.
3. My child is presently residing with _____
at their home which is located at _____
_____.
4. My child is not residing with the person named in paragraph three for the sole purpose of receiving a free public education in the Rutherford School District.
5. I am not capable of supporting or providing care for my child due to a family or economic hardship for the following reasons. Please explain the circumstances applicable to this case. Attach documentation to support your claim of hardship.
6. I am not providing any financial support for my child. The person(s) named in paragraph three are instead supporting my child gratis as if he/she were such person's own child.

7. This Affidavit is submitted in support of my request to enroll my child in the Rutherford School District on a tuition free basis.

8. I am aware that if any of the information contained in this Affidavit is untrue, that I will be subject to criminal penalties prescribed by law and be personally liable for the payment of tuition for my child.

Sworn and subscribed to before me

This _____ day of _____, _____

NOTARY PUBLIC

**RUTHERFORD SCHOOL DISTRICT
LANDLORD AFFIDAVIT**

STATE OF NEW JERSEY:

SS:

COUNTY OF BERGEN:

1. I am the owner of property located at

Street Address

in the Borough of Rutherford, County of Bergen, and State of New Jersey. Attached is a copy of my deed.

2. I am renting the property to:

Name of Tenant

There is not a signed lease which memorializes the duration or terms of the rental agreement.

The tenancy commenced on _____ and expires on: _____.

Date Required

Date Required

3. I agree to furnish information on the continued tenancy of the person named in paragraph two to the Rutherford Board of Education and its administration upon request.

I certify that the statements made by me in this certification are true, and I am aware that if any statement made by me is false that I may be subject to civil and criminal penalties.

Signature of Property Owner

Typed or printed Name

Sworn and subscribed to before me
This _____, day of _____

_____, _____

NOTARY PUBLIC