Sep 05
May 10
Mar 16
Dec 18
June 20
Aug 21
Sep 23
Sep 25

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The 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 – N.J.A.C. 6A:22-3.1, 3.2, and 3.3

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 and Regulation 5111 – Section B.

The Board shall also admit any student that is kept in the home of a person other than the student's parent, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were their own child in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.

Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d. if the student's parent temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere pursuant to N.J.A.C. 6A:22-3.1(a)4. and Regulation 5111 – Section B.

A student is eligible to attend this school district free of charge in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.



© Copyright 2024 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h) and Regulation 5111 – Section C.

Except as set forth in N.J.A.C. 6A:22-3.3(b), immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status. 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 – Section D.

Proof of Eligibility – N.J.A.C. 6A:22-3.4

The Board shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4 and Regulation 5111 – Section E.

In the case of a dispute between the school district and the parent of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3.

Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

Registration and procedures for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1 and Regulation 5111 – Section F.

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance



© Copyright 2024 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500

with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 and Regulation 5111 – Section F.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education in accordance with N.J.A.C. 6A:22-4.1(c)2. and Regulation 5111 – Section F.
When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F.

Enrollment or attendance at the school shall not be conditioned or denied pursuant to N.J.A.C. 6A:22-4.1(e) through (i) and Regulation 5111 – Section F.

Notices of Ineligibility – N.J.A.C. 6A:22-4.2

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4.2 and Regulation 5111 – Section G.

Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

Nothing in N.J.A.C. 6A:22-4, this Policy, and Regulation 5111 shall preclude the Board from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information pursuant to N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

Appeal to the Commissioner – N.J.A.C. 6A:22-5.1



© Copyright 2024 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I.

Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

If no appeal to the Commissioner is filed by the parent, adult student, or district resident keeping an affidavit student following notice of an ineligibility determination, the Board may assess tuition for up to one year 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 in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 and Regulation 5111 – Section J.

If an appeal to the Commissioner is filed by the parent, adult student, or district resident keeping an affidavit student and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a) and Regulation 5111 – Section J. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2(a)1. and Regulation 5111 – Section J.

Nonresident Students – N.J.S.A. 18A:38-3.a.

The Board shall receive the approval of the Executive County Superintendent (ECS) to establish a uniform tuition amount for any Board-approved nonresident student to be admitted to the school district.

The Board shall not charge tuition for nonresident students of teaching staff members, as defined in N.J.S.A. 18A:1-1

The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship, discipline, attendance, and payment of tuition.

© Copyright 2024 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500

Children of Nonresident Teaching Staff Members

For the purpose of this section of the Policy "teaching staff member" shall mean, a member of the professional staff of any district or regional Board of Education, or any Board of Education of a county vocational school, holding office, position or employment of such character that the qualifications, for such office, position or employment, require them to hold a valid and effective standard, provisional or emergency certificate, appropriate to their office, position or employment, issued by the State Board of Examiners and includes a school nurse and school athletic trainer, pursuant to N.J.S.A. 18A:1-1.

A teaching staff member who does not reside in this school district will be permitted to enroll their children in the educational program of the school district without the payment of tuition if the child's educational program can be provided in a school in the district.

Children of Nonresident Non-Teaching Staff Members

A non-teaching staff member who does not reside in this school district will be permitted to enroll their children in the educational program of the school district with the payment of tuition if the child's educational program can be provided in the district.

If the Board permits the enrollment of a child of a non-teaching staff member who does not reside in the district, the Board must establish and approve a tuition rate for the child. The tuition amount charged for the student is required to follow the amount established in the district's uniform tuition amount pursuant to N.J.S.A. 18A:38-3, if applicable.

The uniform tuition amount assigned to non-teaching staff members shall be adjusted to a lesser amount for students of non-teaching staff members who were enrolled in the district prior to the 2024-2025 school year.

Students Who Anticipate Moving to or from the District During the School Year

A nonresident student whose parent or guardian anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled with payment of a tuition rate approved by the Executive County Superintendent for a period of time not greater than five (5) weeks prior to the anticipated date of residency.

© Copyright 2024 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500

Students whose parent or guardian have moved away from the school district on or after May 1st and eighth grade students whose parent or guardian have moved away from the school district on or after January 15th will be permitted to finish the school year in this school district with payment of a tuition rate as approved by the Executive County Superintendent.

F-1 Visa Students

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

J-1 Visa Students

[Option – Select One Option

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

N.J.S.A. 18A:38-1; 18A:38-1.1; 18A:38-1.3; 18A:38-3;
18A:38-3.1; 18A:7B-12
N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.
8 CFR 214.3

Date Adopted: 2/16/76 Date Revised: 4/9/84, 6/30/84, 1/16/89, 6/26/95, 8/15/02, 7/25/05 (citation revision only) 12/19/05, 4/14/08, 7/26/10, 4/25/16, 12/17/18, 8/17/20, 10/18/2021, 12/11/2023, 9/15/25



© Copyright 2024 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500