

Policy

ADMISSION

Eligibility

The Passaic Board of Education shall admit to its schools free of charge the following persons over five and under 20 years of age, or such younger or older student as is otherwise entitled by law to a free public education:

- A. Any student domiciled within the district;
- B. Any student kept in the home of a person domiciled in the district, other than the parent/guardian, where the parent/guardian 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 the United States armed forces in time of war or national emergency;
- C. Any student whose parent/guardian temporarily resides within the district, notwithstanding the existence of a domicile elsewhere;
- D. Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of administrative code;
- E. Any student placed in the home of a district resident by court order pursuant to statute;
- F. Any student previously residing in the district if the parent/guardian 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 pursuant to statute; and
- G. Any student residing on federal property within the state pursuant to statute.

Proof of Eligibility

The board shall accept any of the forms of documentation that are listed in the administrative code when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the district. The board shall consider the totality of information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student.

The board shall not require or request any information or document protected from disclosure by law or pertaining to criteria that are not legitimate bases for determining eligibility to attend school.

Preschool for Students with Disabilities

Any child residing in the district shall be admitted to the preschool program for children with disabilities provided:

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- A. The child has attained his or her third birthday and has been found by the child study team to be eligible for a program for the preschool educationally disabled in accordance with rules of the State Board of Education.
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Pre-Kindergarten

Any child residing in the district shall be admitted to the pre-kindergarten provided:

- A. The child will have attained the age of three years on or before October 31 of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Kindergarten

Any child residing in the district shall be admitted to the kindergarten provided:

- A. The child will have attained the age of five years on or before October 31 of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Grade One

Any child residing in the district shall be admitted to grade one provided:

- A. The child will have attained the age of six years on or before October 31 of that school year;
- B. He/she has been in the first grade in another public school;
- C. He/she has a record of successful completion of kindergarten in another public school;
- D. Proof has been furnished of immunization against communicable diseases.

Transfers Into Grades Two through 12

Students transferring into the district are expected to present copies of records from the previously

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attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Within the time prescribed by law, the superintendent shall request in writing from the school or district of previous attendance, the student's records.

Initial placement shall be made on the basis of the records, but adjustment may be made at the discretion of the administration when the state-mandated assessment indicates that such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

Joint Custody

When divorced parents/guardians have joint custody of (a) minor child(ren), admission shall be based on the present address of the parent/guardian with whom the child(ren) resided as of the date required by administrative code.

Affidavit Students

When there is any doubt as to whether a child is entitled to free public education in the school district, all procedures of law and code shall be followed.

Nonresidents

The district is obliged to educate children of appropriate age residing in the district. The mere owning of any property whatsoever, does not qualify a parent/guardian to send children to school in this school district. See policy 5118 Nonresidents.

Students Returning from County Detention

The district shall accept all days of attendance and courses studied by a student at a county juvenile detention center and apply them toward district requirements for elementary, middle or high school graduation.

Homeless Students

Each child of a homeless individual and each homeless youth shall have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths of this district. Homeless children and youths shall also have access to the education and other services that they need to ensure they have an opportunity to meet achievement standards of the New Jersey Student Learning Standards to which all students are held.

The homeless liaison will provide any assistance necessary and requested for the prompt enrollment of the student. 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

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parties in accordance with New Jersey statutes and administrative code, as well as, pertinent federal law.

The Superintendent or his or her designee shall ensure that the parent/guardian or adult student is given written notice, at the time the child or youth seeks enrollment in the school, and at least twice annually while the child or youth is enrolled, that describes the general rights provided under the McKinney-Vento Homeless Assistance Act and specifically states the choice of schools the children and youths are eligible to attend, This notice must be signed by the parent/guardian.

The board shall make this policy available to parents and the public.

Initial Assessment and Enrollment

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. Students may be assessed as a part of the admission process.

Provisional Eligibility

Students may be enrolled when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student is admitted on a provisional basis. The applicant shall be notified that the student shall be removed from the school district if defects in the application are not corrected.

Notice of Ineligibility

If the district finds the applicant ineligible to attend the schools of the district or the application submitted is found to be deficient, notice shall immediately be provided in English and the native language of the applicant, and directed to the address at which the applicant claims to reside. In accordance with N.J.S.A 6A:22-4.2, the notice shall include the following:

- A. A clear description of the basis for the determination of ineligibility;
- B. The specific subsection of N.J.S.A 18A:38-1 under which the application was decided;
- C. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained;
- D. A clear statement of the applicant's right to appeal to the Commissioner within 21 days of the notice date, along with an informational document provided by the Office of the Commissioner describing how to file an appeal;
- E. A clear statement of the student's right to attend school for the 21-day period during which an appeal can be made to the Commissioner;
- F. A clear statement that the student will not be permitted to attend school beyond the 21st day following the notice date if missing information is not provided or an appeal is not filed;
- G. A clear statement of the student's right to continue attending school while an appeal to the

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Commissioner is pending;

- H. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed tuition for any period of ineligible attendance, including the 21-day period and the period during which the appeal was pending before the Commissioner;
- I. A clear statement of the approximate tuition rate that an applicant maybe assessed for the year at issue if the applicant does not prevail;
- J. The name of a contact person in the school district;
- K. Notice that a parent/guardian must comply with compulsory education laws and must provided a written statement that the student will be attending school in another school district or nonpublic school. If no such statement is provided, the Office of Student Advocacy shall notify the Department of Children and Families of a potential instance of "neglect" pursuant to N.J.S.A 9:6-1.

Removal of Currently Enrolled Students

Nothing in this policy shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, students 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 student is enrolled and attending school is later determined to be ineligible for continued attendance, the superintendent shall apply to the Board for the student's removal. Students identified as ineligible shall receive a "Notice of Ineligibility" described above. In addition to the above identified elements, the notice shall also provide for a hearing before the Board prior to a final decision on removal.

Removal of an ineligible student shall require a hearing conducted by the full Board or a Board Committee, at the discretion of the full Board. If a hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student shall be removed except by vote of the Board.

Appeal to the Commissioner

The district's determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, legal guardian, adult student, or resident keeping the student.

Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the

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Board may assess tuition for any period of a student's ineligible attendance, including the appeal period.

The board shall make this policy available to parents and the public.

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Key Words

Admission, Resident, Student Records, Affidavit Student, Homeless Student, Student Records, Affidavit Student, Homeless Student

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 18A:7B-12 <u>N.J.S.A.</u> 18A:7B-12.1 <u>N.J.S.A.</u> 18A:7C <u>et seq.</u> <u>See particularly:</u> <u>N.J.S.A.</u> 18A:7C-12 <u>N.J.S.A.</u> 18A:36-19a <u>N.J.S.A.</u> 18A:36-25.1 <u>N.J.S.A.</u> 18A:38 <u>et seq.</u> <u>N.J.S.A.</u> 18A:38-1 <u>N.J.S.A.</u> 18A:38-2 <u>N.J.S.A.</u> 18A:38-3 <u>N.J.S.A.</u> 18A:38-4 <u>N.J.S.A.</u> 18A:38-5 <u>N.J.S.A.</u> 18A:38-5.1 <u>N.J.S.A.</u> 18A:38-6 <u>N.J.S.A.</u> 18A:38-7.7 <u>N.J.S.A.</u> 18A:38-8 <u>N.J.S.A.</u> 18A:38-25 <u>N.J.S.A.</u> 18A:40-20 <u>N.J.S.A.</u> 18A:44-1 <u>N.J.S.A.</u> 18A:44-2</p>	<p>District of residence; determination Homeless child; responsibility for education; determination of placement; payment of costs Proficiency standards and assessment Newly enrolled students; records and identification Proof of child's identity required for enrollment; transfer of record between districts School attendance Attendance at school free of charge Free attendance at school by nonresidents placed in district under court order Admission for nonresidents; parent active duty Free attendance to persons over age Admission of pupils under age No child to be excluded from school because of race, etc. Time of admission of pupils; first school year Legislative findings and declarations Duty to receive pupils from other districts Attendance required of children between six and 16; exceptions Immunization at public expense Establishment of preschool Establishment of kindergarten; eligibility for admission</p>
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<u>N.J.S.A.</u> 26:1A-9.1	Exemption of pupils from mandatory immunization
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:16-2.2	Required health services
<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Education of Homeless Children and Students in State Facilities
<u>N.J.A.C.</u> 6A:22-1.1 <u>et seq.</u>	Entitlement to Attend School Based on Domicile or Student Residency
See particularly:	
<u>N.J.A.C.</u> 6A:22-2.1, -3.1, 3.2, 3.3, 3.4	
<u>N.J.A.C.</u> 6A:23A-19.2, -19.3	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
<u>N.J.A.C.</u> 8:57	Communicable diseases
See particularly:	
<u>N.J.A.C.</u> 8:57 2	
<u>N.J.A.C.</u> 8:61 1.1	Attendance at school by pupils or adults infected by Human Immuno Deficiency Virus (HIV)

McKinney-Vento Homeless Assistance Act, 42 U.S.C.A. 11301 et seq.

Tepper v. Board of Education of the Township of Hackensack, Bergen County, 1971 S.L.D. 549

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div.1999)

Cross References:

3240	Tuition income
*5118	Nonresidents
5119	Transfers
*5120	Assessment of individual needs
*5141	Health
*5141.2	Illness
*5141.3	Health examinations and immunizations
6142.5	Travel and exchange programs
*6164.4	Child study team
*6171.4	Special education

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- 6174 Summer school
- 6178 Early childhood education/preschool

*Indicates policy is included in the Critical Policy Reference Manual.