

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 5118

NON-RESIDENT STUDENTS

The Cherry Hill Board of Education shall provide a preeminent education for the benefit of all children residing 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. A grant of admissions under the provisions of this policy 5118 to any non-resident student is a privilege and not a right, is valid only for the school year in which the grant is given, is subject to the limitations of this and any other applicable Board policy, and may be terminated during any school year in which the non-resident student or his or her attendance ceases to be in compliance with any such limitation or condition.

Future Residents

A child otherwise eligible for attendance (satisfying all requirements of 5141.3) whose parent/guardian has signed a contract to buy or build a residence in this district shall be enrolled for a period not to exceed 30 days previous to the anticipated date of residency with prepayment of tuition charges. If the child does become a resident of the district by the end of the 30 day period, tuition will be reimbursed at a per diem rate. If the child does not become a resident of the district by the end of the 30 day period, the District will commence the disenrollment process by sending a preliminary notice of ineligibility to the parent/guardian. Payment of tuition will be required for the remaining period of any ineligible attendance.

Parents/guardians of children who claim to be future residents shall be required to demonstrate proof of the anticipated residency. Acceptable proofs are noted in Procedure N-1: Nonresident Student Policy and Its Implementation and R-9: Proof of Domicile for New Entrants. The board reserves the right to verify such claims, and to order the removal from school of any non-resident pupil whose claim, in the judgment of the board, is not supported by the evidence presented.

Former Residents

Regularly enrolled children (PreK-11) whose parents/guardians move out of the school district after May 1 shall be permitted to finish the school year without payment of tuition. Any student in their senior year of high school whose parents/guardians move out of the school district after January 1 may complete their school year without payment of tuition. Regularly enrolled children whose parents/guardians move from the school district at any other time during the school year will be permitted to complete the school quarter and will be charged tuition from the date that they move

out of the district to the end of the quarter. The children must then transfer to the new district of residence for the completion of the school year. Any parent/guardian requesting a waiver of this policy must appeal to the Board of Education for consideration.

Remodeling of Home

District residents with children already enrolled in and attending the Cherry Hill Public Schools, who temporarily leave their current residents due to elective remodeling of their primary dwelling, are strongly encouraged to find alternate living quarters within Cherry Hill Township during the period of remodeling. A resident who temporarily moves out of Cherry Hill Township due to elective home remodeling must notify the District's pupil registration office of such temporary relocation and provide an expected date when the primary dwelling will be ready for re-occupancy. In the event the target occupancy date will not be met, the resident will be permitted a thirty-day extension of the occupancy date so long as s/he notifies the District of the need for the extension prior to the original target completion date; provided, however, that the target occupancy date may not be set later than September 1 of the school year immediately following the commencement of the renovation.

If the primary dwelling is not ready for occupancy by the target completion date or any extension thereof, the Board of Education reserves the right to commence proceedings seeking the removal of the pupils from enrollment in the District. In lieu of such proceedings, the resident will have the option to grant a consent judgment and lien to the Board of Education on the primary dwelling for the amount of one year's tuition cost for each child enrolled in the District. If the resident permanently occupies the primary dwelling within ninety (90) days of the original target completion date or any extended date, the lien will be discharged without any payment due from the resident. If the resident does not resume permanent occupancy in the primary dwelling within such ninety day period, the Board will assess tuition for all days of attendance by the pupils from the last target completion date until the date the resident actually resumes permanent occupancy in the primary dwelling. In such circumstance the lien will remain in place until the assessed tuition amount, plus interest at the applicable judgment rate, is paid in full.

Casualty Loss

In the event a resident's primary dwelling is destroyed or rendered uninhabitable by a catastrophic event outside the resident's control, the resident is strongly encouraged to secure temporary housing within the Township of Cherry Hill. In the event the resident must temporarily move out of Cherry Hill, the resident shall provide proof of the casualty event and loss to the District's registration office, by copy of insurance claim, police report or similar proof of loss acceptable to the District. If the resident indicates an intention to have the primary dwelling reconstructed, the resident's child/children shall be permitted to continue attendance in the Cherry Hill Public Schools for a period of twelve months from the date of loss.

If the primary dwelling is not ready for occupancy at the end of such twelve-month period, the resident must apply for an extension of the enrollment period and shall notify the District of the progress of reconstruction and the anticipated completion date. The Board will consider requests to continue pupil enrollment beyond the twelve-month period on a case-by-case basis.

The Board reserves the right to commence disenrollment proceedings if in the judgment of the Board an individual is violating the purposes of this Policy for personal gain.

Children of Non-resident Full time Staff Members

Children of non-resident full time employees of the Board of Education may be enrolled in the schools of this district with payment of tuition at a 50% rate. Such children will not be eligible for District transportation and their enrollment in the Cherry Hill Public Schools will only be permitted if their enrollment does not require the employment of additional teaching personnel. Tuition rates for employees who have children who are classified now or at any time in the future, are subject to review and determination by the Superintendent, Director of Special Services or designee (as per Policy 5118.1: Acceptance of Tuition Students into Special Education Programs.) These children are subject to the policies, procedures, limitations and conditions of board policy for other pupils.

Foreign Exchange Students

The board may admit foreign exchange students under the conditions noted in Policy 6142.5: Foreign Exchange Student Recognition. These children are subject to [and in accordance with] the policies, procedures, limitations and conditions of board policy for other pupils.

Transportation of Non-Resident Students

The board shall not be responsible for the transportation to or from school of **any** non-resident student.

Tuition Rates for Non-Resident Students

The board shall annually determine tuition rates for non-resident students.

The Superintendent shall develop procedures in order to effectuate this policy, including, by way of description, provisions regulating the application by and recommendation for the enrollment of non-resident children, the verification of claims of residency and the submission of affidavits of guardianship, the verification of compliance with this policy, and the method and frequency of tuition payments.

The Superintendent or his/her designee shall initially make a determination concerning the qualifications of applicants seeking admission under the provisions of this policy, and shall make recommendations to the board for its consideration with respect to approval or disapproval concerning the admission of applicants deemed by him or her to be eligible and qualified.

Related Policies: 5118.1: *Acceptance of Tuition Students into Special Education Programs*
6142.5: *Foreign Exchange Student Recognition*

Related Procedures: N-1: *Nonresident Student Policy and Its Implementation*
R-9: *Proof of Domicile for New Entrants.*

Legal References: N.J.S.A. 18A:7F-45 Definitions
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999
N.J.S.A. 18A:38-1 et seq. Attendance at school free of charge
See particularly:
N.J.S.A. 18A:38-2, 38-3, 38-8,
38-9
N.J.S.A. 18A:46-20 Receiving pupils from outside district; establishment of facilities
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:12-1.3 et seq. Inter-district Public School Choice
N.J.A.C. 6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
N.J.A.C. 6A:22 Student residency
See particularly:
N.J.A.C. 6A:22-3 Eligibility to attend school
N.J.A.C. 6A:22-3.1 Students domiciled within the school district
N.J.A.C. 6A:22-4.3 Removal of currently enrolled students
N.J.A.C. 6A:23A-19.2 Method of determining the district of residence
N.J.A.C. 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)

Related Procedure:

Procedure N-1: *Nonresident Student Policy and Implementation*

Adopted 9/15/65

Amended: 11/19/68, 10/20/75, 10/17/83, 2/24/86, 1/28/03, 1/24/12

Renumbered: 2/28/00 formerly known as Policy JBCBA and JBCB abolished