

[N.J.A.C. 6A:22-3.4](#)

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New Jersey Administrative Code > TITLE 6A. EDUCATION > CHAPTER 22. STUDENT RESIDENCY > SUBCHAPTER 3. ELIGIBILITY TO ATTEND SCHOOL

§ 6A:22-3.4 Proof of eligibility

- (a) A district board of education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
1. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 2. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
 3. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
 4. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location or to support the student;
 5. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
 6. Affidavits, certifications, and sworn attestations pertaining to statutory criteria for school attendance from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;
 7. Documents pertaining to military status and assignment; and
 8. Any other business record or document issued by a governmental entity.
- (b) A district board of education may accept forms of documentation not listed in (a) above, and shall not exclude from consideration any documentation or information presented by an applicant.
- (c) A district board of education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
- (d) A district board of education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
1. Income tax returns;
 2. Documentation or information relating to citizenship or immigration/visa status, except as set forth in [N.J.A.C. 6A:22-3.3\(b\)](#);
 3. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and

4. Social Security numbers.

- (e) The district board of education may consider, in a manner consistent with Federal law, documents or information referenced in (d) above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the district board of education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

History

HISTORY:

Recodified from N.J.A.C. 6A:28-2.5 and amended by R.2004 d.377, effective October 4, 2004.

See: [36 N.J.R. 2279\(a\)](#), [36 N.J.R. 4448\(a\)](#).

Rewrote (a) and (d).

Amended by R.2010 d.025, effective January 19, 2010.

See: [41 N.J.R. 3484\(a\)](#), [42 N.J.R. 179\(b\)](#).

In (a)6, deleted "legal" preceding "guardian"; in the introductory paragraph of (d), inserted ", but are not limited to:"; and in (e), inserted "considered by the district board of education if", and substituted "applicant" for "person" and "an actual or implied" for "a".

Amended by R.2013 d.143, effective December 16, 2013.

See: [45 N.J.R. 1209\(a\)](#), [45 N.J.R. 2551\(a\)](#).

Rewrote (a)1 through (a)5, (d), and (e); in (a)6, inserted a comma following "certifications" and "others", and deleted a comma following "attendance"; in (b), substituted "an applicant" for "a person seeking to enroll a student"; in (c), substituted "form or subset of documents" for "of documentation, or a particular subset of documents,"; and in (d)4, substituted "Security" for "security".

Annotations

Notes

Chapter Notes

Case Notes

Evidence submitted by an investigator hired by the Marlboro NJ school district to determine whether certain minor children who were enrolled in the school district in fact were "domiciled" therein within the meaning of [N.J.A.C. 6A:22-3.1\(a\)](#) was sufficient to establish that the children in fact were not domiciled in the district during the period in question and, instead, supported a conclusion that the minors resided at their grandmother's home in Edison NJ. Even though their mother had submitted documentation of the type described in [N.J.A.C. 6A:22-3.4\(a\)](#) that supported her claim that the minors were domiciled in Marlboro, the circumstances of the mother's employment, which included late hours, was such that the minors were properly found to be residing with their grandmother. On that basis, the administrative law judge recommended that the Department of Education find the mother liable for tuition for the minors for the year at issue. [S.S. ex rel. A.S. and A.S. v. Bd. of Educ. of the Twp. of Marlboro, Monmouth Cnty., OAL Dkt. No. EDU 192-12, 2013 N.J. AGEN LEXIS 220](#), Initial Decision (August 26, 2013).

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