



State of New Jersey
DEPARTMENT OF EDUCATION
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Broadcast #1

February 1, 2010

TO: District Superintendents
Charter School Leaders

SUBJECT: Student Residency Rules (NJAC 6A:22)

DISTRIBUTE TO: Principals
All staff involved in enrolling students
Other staff as appropriate

The Student Residency Rules (N.J.A.C. 6A:22) have been readopted with amendments effective January 19, 2010. The revised rules are available online at <http://www.state.nj.us/education/code/current/title6a/chap22.pdf>.

The following amendments should particularly be noted:

- Clarification of the meaning of “guardian” in light of contemporary family law (N.J.A.C. 6A:22-1.2)
- Clarification that where the domicile of a student with disabilities cannot be determined, nothing in the rules is intended to preclude an equitable determination of shared responsibility for the cost of such student’s out-of-district placement (N.J.A.C. 6A:22-1(a)1ii)
- Clarification that a student is always entitled to attend school in his or her district of domicile, even where the student might actually be living elsewhere with a person other than a parent or guardian or might also qualify for attendance in a different district based on “affidavit” status or temporary residency of less than one year (N.J.A.C. 6A:22-3.1(a)1iii)
- Clarification that school districts may take applications for enrollment by appointment so long as the scheduling of such appointments does not result in undue delay in enrollment (N.J.A.C. 6A:22-4.1(b))
- Clarification of the consequences of abandoning a residency appeal prior to its final adjudication or settlement (N.J.A.C. 6A:22-6.2(a))

An updated Sample Documents package, which includes the Pro Se Residency Appeal Form and instructions for its completion may be found at <http://www.state.nj.us/education/code/current/title6a/chap22sample.pdf> (PDF) and <http://www.state.nj.us/education/code/current/title6a/chap22sample.doc> (Word).

Please contact your Executive County Superintendent if you have any questions about student residency.