# Notice of Final Ineligibility

(In English and native language of applicant)

Date:

Applicant:

Address where applicant claims to reside:

Dear (enter name),

After a careful review of the application for enrollment of (enter student’s name) in the (enter name) School District, as well as all information submitted in support of the application, we have determined that (enter student's name) is ineligible to attend the schools of the district.

We have made this determination based on the following:

[Here state the specific basis on which the determination of ineligibility was made, sufficient to allow the applicant to understand the reason(s) for the school district’s decision and determine whether appeal is appropriate. Include a reference to the specific section of N.J.S.A. 18A:38-1 under which the application was decided, for example, N.J.S.A. 18A:38-1.a, domicile, or N.J.S.A. 18A:38-1.b, “affidavit” status.]

[For example: An inspection of the apartment where you claim to be domiciled has revealed that your wife and children do not live there, and that you use the apartment only occasionally. Instead, we have determined that your family is, in fact, domiciled in Smith Town, where you own a home, are registered to vote, and were observed on several mornings leaving the house with your children to drive them to school in our school district. Therefore, we have concluded that, in accordance with N.J.S.A. 18A:38-1.a, your children are entitled to attend school in the Smith School District, not the (Name) School District.]

[Another example: The information you have provided indicates that, although your niece is living with you, she is being supported by her parents, who pay for her food, clothing, medical care and incidental expenses. Therefore, she does not meet the standard established by N.J.S.A. 18A:38-1.b for eligibility of students not living with parents or guardians to attend school in our school district, since you are not supporting her gratis as if she were your own child. Instead, it appears that she should be attending school in the Smith School District, where her parents reside.]

If you believe the school district’s determination is in error, you have the right to appeal the determination to the Commissioner of Education within 21 days of the date of this notice. (Enter Student's name) will be permitted to attend school during this period, and to continue attendance while the appeal is pending before the Commissioner. However, if no appeal is filed by the 21st day following the date of this notice (enter date), (enter student's name) will be removed from school, you will be asked to indicate where the student will be educated (see below), and we may assess you tuition at the rate of (enter rate calculated pursuant to N.J.A.C. 6A:22-6) for each day (enter student's name) attended school during this period. Information on how to appeal to the Commissioner is included with this letter. Additional information is available online: [Appeal Process (nj.gov/education/residency/appeal.shtml)](https://nj.gov/education/residency/appeal.shtml).

Please be aware that, if you appeal to the Commissioner but you withdraw your appeal or fail to participate in the appeal proceedings, and/or if (enter student's name) is found not to be entitled to free education in the school district, you may be assessed tuition for any period of (enter student’s name) ineligible attendance, including the initial 21-day filing period and the period during which the appeal was pending before the Commissioner. The Commissioner would assess such tuition, which would be calculated at the approximate rate of (enter rate calculated pursuant to N.J.A.C. 6A:22-6), through an order enforceable against you in Superior Court.

[If applicable, describe any discretionary policy the school district may have that would permit continued attendance, with tuition, for students who move from the school district but wish to remain for the school year or longer, and provide information on how to make arrangements for such attendance.]

If you do not intend to appeal the school district’s determination, please advise (enter appropriate office or administrator) as soon as possible, but no later than 21 days from the date of this notice, so that (enter student’s name)'s removal can be effectuated promptly and arrangements can be made for the student’s education elsewhere. State statute on compulsory education requires you to ensure that any student who is between the ages of 6 and 16 is enrolled in a public or private school or receives instruction elsewhere than at a school. Therefore, unless you indicate to us by returning the form below that (enter student's name) will be receiving an education, we will contact the school district of your actual domicile or residence, or the Department of Children and Families (DCF), with (enter student’s name) name, and your name and address, to ensure compliance with the law.

If you have any questions about this notice, please see (enter designated administrator) or call (enter phone number) between the hours of (enter time) and (enter time). We anticipate hearing from you regarding either (enter student’s name)'s removal and education elsewhere, or your intent to appeal the Board’s determination of ineligibility to the Commissioner of Education.

Sincerely yours,

(Enter Signature)  
Chief School Administrator

Attachments: [Appeal Process (nj.gov/education/education/residency/appeal.shtml)](https://nj.gov/education/education/residency/appeal.shtml)

Statement of Compliance with Compulsory Education Law