

APPLICANT INFORMATION

Information Sheet for Affidavit Pupil Applicants Re: N.J.S.A. 18A:38-1(b)(1)

Please accept the following information in response to your recent inquiry or application for the entry of a pupil into the Matawan Aberdeen Regional School District, based upon your claim that the child is living with a resident of Matawan/Aberdeen Township due to family or economic hardship.

N.J.S.A. 18A:38-1(b) (1) sets the legal standards and requirements for pupils seeking admission to a school district in which their parents/guardians do **not** live, under the "family or economic hardship" exception. This statute provides that a pupil may be admitted into a school district if he/she is living in the district and being supported by a resident of the district. State law requires proof of such qualification from both the resident host and the parent or guardian of the pupil as follows:

1. A sworn statement by the resident host that he is domiciled within the district and is supporting the child gratis and will assume all personal obligations for the child relative to school requirements and that he intends so to keep and support the child gratuitously for a longer time than merely the school year.....

AND

2. A sworn statement by the child's parent/guardian that he is not capable of supporting or providing care for the child due to a family or economic hardship.

The Commissioner of Education and the New Jersey Courts have regularly enforced these requirements, and it is a settled rule that a pupil may only be admitted under this standard if both residence and hardship are proven. A family cannot claim this exception unless the School District receives adequate proof that the parents/guardians are unable to care for and support the child/children in question. The Department of Education has published regulations enforcing the above law, and requiring documentation supporting parents' claims that they *cannot* support their child/children in order to qualify for free admission under this section. See N.J.A.C. 6A:28-2.4(a) (2) (i) (1).

As a public entity, created by the New Jersey Legislature and funded by the taxpayers of Matawan/Aberdeen Township, the Matawan/Aberdeen Board of Education is bound by the law, both for purposes of consistency, and in the interest of avoiding illegal or improper expenditures of taxpayer money. We are required, and are very careful, to screen and evaluate all applications for "Affidavit Pupils" based upon the standards set by the law and regulations.

Although the Matawan Aberdeen Regional School District is certainly sensitive to the unique circumstances faced by each family, we cannot grant exceptions or give special treatment. Rather, we must limit the acceptance of "Affidavit Pupils" to those cases where we are satisfied that due to circumstances beyond the choice or control of the parents or guardians, they are simply economically unable to provide for their children, necessitating the placement of those children in another person's home, not just for school purposes, but as a matter of basic care and support.

Should your application be denied because we did **not** find adequate proof that admission of the pupil/pupils in question qualifies under the standards set by law, then; pursuant to law, you are entitled to appeal this determination to the Commissioner of Education within 21 days of the Board's decision.

We hope this information is helpful to you. Should you have any questions, you may call David Flaherty, District Attendance/Residency Officer, at 732-705-4048.