

**BOARD OF EDUCATION
UPPER SADDLE RIVER, NEW JERSEY
REGULAR PUBLIC MEETING
Auditorium, Cavallini Middle School
392 West Saddle River Road
Monday, November 13, 2023, 8:00 p.m.**

AGENDA

This is a regular meeting of the Upper Saddle River Board of Education and appropriate notice has been provided to the designated newspapers, the Borough Clerk and all interested parties requesting such notice.

Two opportunities are provided at this meeting for citizens to make comments. The Board values and welcomes comments and opinions from the residents of Upper Saddle River as long as remarks are not personal or discourteous. Public comment allows the Board to listen to community members and to hear their opinions on school policy and operations.

Upon being recognized, persons wishing to speak should stand and identify themselves by name and address; the speaker should direct his/her remarks to the presiding officer. Comments shall be limited to school-related issues and each speaker will limit his/her remarks to three minutes. If personal or discourteous statements are made, the presiding officer shall require the speaker to stop. No speaker may comment again until all those who wish to speak have had an opportunity and as long as time allows. If, in the judgment of the presiding officer, the total time devoted to public comment becomes excessive, the presiding officer may indicate the Board has time for one more speaker and will so notify the public.

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|------|--|------------------------------|
| I. | Call to order and roll call | Mrs. Gandara |
| II. | Flag salute and Pledge of Allegiance | Mrs. Gandara |
| III. | Opening statement by presiding officer | Mrs. Gandara |
| IV. | REPORTS | |
| A. | Superintendent's Report | Dr. Siegel |
| B. | Board Secretary's Report | Mrs. Imbasciani |
| C. | Board President's Report | Mrs. Gandara |
| D. | Committee Reports | Chairpersons |
| E. | Student Representative's Report | Miss Lozada |
| F. | PTO Report | Mrs. DeFrino & Mrs. McGovern |
| G. | USREF Report | Mrs. Tedd |
| V. | PRESENTATIONS | |
| 1. | 2023 State Assessment Performance Results | Mrs. D'Ambola |
| VI. | PUBLIC COMMENT (limited to comments on agenda items only) | |

VII. ADMINISTRATION

Dr. Siegel

This motion will be one motion that encompasses Items A through H and will be voted on at this meeting. This motion has been recommended for approval by the Superintendent.

- A. **BE IT RESOLVED** that the Board affirms the Superintendent's decision that investigation #250806***09122023 is not an incident as defined under HIB Policy #5512. The Superintendent shall notify the parents and/or guardians of the Board's decision in writing in accordance with Board Policy and N.J.S.A. 18A:37-15(e).
- B. **BE IT RESOLVED** that the Board affirms the Superintendent's decision that investigation #250948***09142023 is not an incident as defined under HIB Policy #5512. The Superintendent shall notify the parents and/or guardians of the Board's decision in writing in accordance with Board Policy and N.J.S.A. 18A:37-15(e).
- C. **BE IT RESOLVED** that the Board affirms the Superintendent's decision that investigation #250976***09152023 is not an incident as defined under HIB Policy #5512. The Superintendent shall notify the parents and/or guardians of the Board's decision in writing in accordance with Board Policy and N.J.S.A. 18A:37-15(e).
- D. **BE IT RESOLVED** that the Board affirms the Superintendent's decision that investigation #250977***09152023 is not an incident as defined under HIB Policy #5512. The Superintendent shall notify the parents and/or guardians of the Board's decision in writing in accordance with Board Policy and N.J.S.A. 18A:37-15(e).
- E. Approve the Sidebar Agreement between the Upper Saddle River Board of Education and Upper Saddle River Education Association for the creation of additional advisory positions to support the development of new clubs at Reynolds and Bogert Elementary Schools. A fully executed copy of the Sidebar Agreement is on file at the Board Office.
- F. Approve the following Resolution:

**Shared Services Agreement for
Special Police Officer III (SLEO III)**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq. (hereinafter referred to as the "Act"), authorizes public entities to enter into a contract with each other to share services which the entities are empowered to provide or receive within their own jurisdiction, including services incidental to the primary purposes of any of the participating public entities: and

WHEREAS, pursuant to the Act, the Upper Saddle River Board of Education (hereinafter referred to as the "Board") and the Borough of Upper Saddle River (hereinafter referred to as the "Borough") wish to enter into an agreement with one another wherein the Upper Saddle River Police Department will hire, subject to the terms of the Agreement, and make available one (1) Special Police Officer III (SLEO III) to the Upper Saddle River School District, as specified under the terms of the attached agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the attached Shared Services Agreement with the Borough.

BE IT FURTHER RESOLVED that the Board President and the Board Secretary/Business Administrator are authorized to sign the Shared Services Agreement and such other documents as are necessary to effectuate the terms of this Resolution.

BE IT FURTHER RESOLVED that the Shares Services Agreement shall be filed and open for public inspection at the Administrative Offices of the Board.

G. First Reading of the following Policies and Regulations:

Policy 2270	Religion in the Schools (Revised)
Policy 3161	Examination for Cause (Revised)
Policy 3212	Attendance (M) (Revised)
Policy 3432	Sick Leave (Abolished)
Policy 4161	Examination for Cause (Revised)
Policy 4212	Attendance (M) (Revised)
Policy 4432	Sick Leave (Abolished)
Policy 5111	Eligibility of Resident/Nonresident Students (M) (Revised)
Policy 5116	Education of Homeless Children and Youths (Revised)
Policy 8500	Food Services (M) (Revised)
Policy 8540	School Nutrition Programs (M) (Abolished)
Regulation 5111	Eligibility of Resident/Nonresident Students (M) (Revised)

H. Approve the School Bus Emergency Evacuation Drill Reports (in accordance with N.J.A.C. 6A:27-11.2) as follows:

1. On October 17, 2023, between 9:30 a.m. and 10:15 a.m. all students in the Reynolds Elementary School, 391 West Saddle River Road, Upper Saddle River, New Jersey, participated in school bus emergency evacuation drills. The drills took place in front of the school and included Routes 1, 2, 3, 4 and 5. Mrs. Devin Severs, Reynolds School Principal, and Mr. Thomas Inzalaco, Scholastic Bus Company Safety Director, supervised the drill.
2. On October 17, 2023, between 10:15 a.m. and 11:00 a.m., all students in the Bogert Elementary School, 391 West Saddle River Road, Upper Saddle River, New Jersey, participated in school bus emergency evacuation drills. The drills took place in front of the school and included Routes 1, 2, 3, 4 and 5. Mr. David Kaplan, Bogert School Principal, and Mr. Thomas Inzalaco, Scholastic Bus Company Safety Director, supervised the drill.
3. On October 18, 2023, between 11:30 a.m. and 12:30 p.m., all students in the Cavallini MiddleSchool, 392 West Saddle River Road, Upper Saddle River, New Jersey, participated in school bus emergency evacuation drills. The drills took place in front of the school and included Routes 1, 2, 3, 4 and 5. Mr. James McCusker, Cavallini Principal and Ms. Christine Cipollini, Assistant Principal, supervised the drill.

VIII. **PERSONNEL**

Dr. Siegel

This motion will be one motion that encompasses items A through H and will be voted on at this meeting. Each motion has been recommended for approval by the Superintendent.

A. Create/Abolish (not applicable)

- B. Job Descriptions (not applicable)
- C. Resignations (not applicable)
- D. Leaves (not applicable)
- E. Appointments:

1. Rescind the following motion which was approved on September 11, 2023:

The following staff members are recommended for the positions listed below for the 2023/24 school year:

Advisors:		
Reynolds Community Service	Stefanie Slacin	\$465.00
" (Split)	Marci Titunick	\$465.00

2. Appoint the following staff members for the positions listed below for the 2023/24 school year:

Advisors:		
Reynolds Board Games & Activities (Level B)	Brian Walis	\$930.00
Reynolds Green Team Environmental Club (Level A)	Kristen Rohdieck	\$1,650.00
Reynolds "The Rocketeers" (Level A)	Stefanie Slacin	\$825.00
" (Split)	Marci Titunick	\$825.00

3. Rescind the following motion which was approved on October 16, 2023:

Approve the following staff for the FY24 Title I After School Program Grant:

Title I After School Program:: \$1,736.00/Year		
Supervisor	Danielle Dorn	
Fall Session: \$1,440.00		
Allison Au	Paul Cirone	Meghan Ennis
Catherine Gonzales	Kristin Martin	Nicole Mascetti
Anamarie Massaro	Kristen Nicholas	Jaclyn Passanante
Sarah Shetsen	Catherine Teehan	Emily Whitman
Winter Session: \$1,440.00		
Chelsea Chiellini	Megan Connors	Mary Dixon
Catherine Gonzales	Shaelynn Guilfoyle	Jennifer Kruter
Kristin Martin	Tracy Nussman	Jaclyn Passanante
Sarah Shetsen	Catherine Teehan	

4. Approve the following staff for the FY24 Title I After School Program Grant:

Title I After School Program:: \$1,736.00/Year		
Supervisor	Danielle Dorn	
Fall Session: \$1,440.00		
Allison Au	Madelyn Barrow	Paul Cirone
Megan Conners	Meghan Ennis	Catherine Gonzalez
Shaelynn Guilfoyle	Nicole Mascetti	Anamarie Massaro
Jaclyn Passanante	Brian Walis	

- * 5. Appoint Callista Apicella to the position of ACE Team Member for the 2023/24 school year. \$16/hour
6. Appoint Meagan Carr to the position of ACE Team Member for the 2023/24 school year. \$20/hour
- * 7. Appoint Annalisa Deraco to the position of ACE Team Member for the 2023/24 school year. \$16/hour
- * 8. Appoint Carmelina Deraco to the position of ACE Team Member for the 2023/24 school year. \$16/hour
- * 9. Appoint Maria Deraco to the position of ACE Team Member for the 2023/24 school year. \$20/hour
10. Approve Cynthia Haas to provide Instrumental Music teaching support for Cavallini Middle School's participation in both the County and Region Bands, outside of contractual hours, not to exceed four (4) days. 50% per diem rate
11. Appoint Lisa Heins to the position of ACE Team Member for the 2023/24 school year. \$22/hour
12. Approve Eric Van Hoven to provide Vocal Music teaching support for Cavallini Middle School's participation in both the New Jersey Honors Choir and Bergen County Middle School Choir outside of contractual hours, not to exceed four (4) days. 50% per diem rate
13. Rescind the following motion which was approved on October 16, 2023:
- Appoint Michelle Weinberg to provide home instruction to a Cavallini student beginning October 6, 2023, up to 10 hours per week. \$35/hour
14. Approve the following motion:
- Appoint Michelle Weinberg to provide home instruction to a Cavallini student beginning October 6, 2023, up to 10 hours per week. \$40/hour

- F. Change in Assignment (not applicable)
- G. Lateral Guide Moves (not applicable)
- H. Substitutes/Consultants/Volunteers/Interns
 - 1. Approve Randi Andersen as a substitute teacher/paraprofessional for the 2023/24 school year. Ms. Andersen holds a NJ Substitute Teaching certificate.
 - 2. Approve Karen Begleiter as a substitute teacher/paraprofessional for the 2023/24 school year. Ms. Begleiter's NJ Substitute Teaching certificate is pending.

IX. FINANCE

Mrs. Imbasciani

This motion will be one motion that encompasses items A through N and will be voted on at this meeting. Each motion has been recommended for approval by the Superintendent.

- A. Approve the Minutes of Board Meeting:

October 16, 2023

- B. Approve the Bills List for October 2023 as follows:

10	General Current Expense	\$77,013.20
11	General Current Expense	\$2,369,479.63
12	Capital Outlay	\$3,500.00
20	Special Revenue Funds	\$43,664.14
50	Milk	\$121.18
60	Enterprise Fund	\$29,616.93
	Total	\$2,523,395.08

- C. Approve the Transfers for October 2023.
- D. Approve the Board Secretary and Treasurer's Reports dated September and October 2023 and to certify that after review of these reports and upon consultation with appropriate district officials, as to the best of our knowledge, no major account or fund has been over expended in violation of NJAC 6A:23-2.11 and that sufficient funds are available to meet the district's financial obligation for the remainder of the year.
- E. Approve the 2022/23 Audit.
- F. Approve the completed 2022/23 Corrective Action Plan, as per attached.
- G. Approve the closure of the LEAP bank account due to discontinuation of the program. The residual balance of \$137,325.52 will be transferred to the General Fund where it will be recorded as Miscellaneous Revenue.

H. Approve the closure of the Facility bank account due to prolonged inactivity. The residual balance of \$6,435.32 will be transferred to the General Fund where it will be recorded as Miscellaneous Revenue.

I. Approved the cancellation of the General Account checks as follows:

Date	Check Number	Amount	Date	Check Number	Amount
2/4/2020	50813	\$650.00	11/17/2020	52369	\$147.00
3/1/21	52855	\$154.80	4/23/21	53094	\$18.89
5/4/21	53166	\$100.00	6/28/21	53403	\$294.15
6/30/21	53431	\$799.20	6/30/21	53507	\$1,990.00
10/19/21	54081	\$125.00	2/11/22	54750	\$450.00
3/25/22	54972	\$56.56	3/31/22	55010	\$100.00
6/21/22	55408	\$120.00			

J. Approve the cancellation of the Payroll Account Checks as follows:

Date	Check Number	Amount	Date	Check Number	Amount
7/30/20	103248	\$379.11	12/15/20	105029	\$14.44
11/15/20	104464	\$1,872.70	6/23/21	108057	\$1,888.34
3/15/21	106458	\$37.13			
7/15/21	108157	\$18.02			

K. Approve the following Resolution:

Participation in the Sustainable Jersey for Schools Certification Program

WHEREAS, the Upper Saddle River Board of Education seeks to participate in Sustainable Jersey for Schools to focus attention and efforts on matters of sustainability and pursue initiatives that will lead to Sustainable Jersey for Schools Certification.

WHEREAS, The Upper Saddle River Board of Education and District Superintendent seek to support and work with school staff and administrators, students, and parents to ensure a safe and healthy environment for students by encouraging our school community to implement sustainable energy-smart, eco-friendly, and cost-effective solutions.

WHEREAS, extensive opportunities exist to teach students about ecological, economic and social sustainability, environmental health, and nutrition; to integrate sustainability education into classroom learning; and to support students in becoming leaders in making their schools healthier and more sustainable places.

WHEREAS, many options and choices exist for schools to use resources more efficiently; to reduce, reuse, and recycle; to follow Green Building Standards for construction and major renovations; to form school partnerships; to eliminate toxic chemicals; to purchase (or produce) clean energy; and to purchase recycled paper, energy-efficient equipment and other green products to protect our global environment.

WHEREAS, sustainability means using resources wisely, saving money, and reducing our impact on the environment, all of which will ensure the future health, safety and prosperity of our children.

WHEREAS, the Upper Saddle River Board of Education commits to the formation of at least one Sustainability Leadership Team (also referred to as "Green Team"), based on the guidance of Sustainable Jersey for Schools.

WHEREAS, Green Team members help schools adopt policies and practices addressing areas such as sustainability education and professional training, green purchasing, waste reduction, indoor air quality, energy-saving initiatives, and community partnerships.

WHEREAS, The Upper Saddle River Board of Education will encourage Green Teams at all district schools by providing networking and educational opportunities.

THEREFORE, BE IT RESOLVED that the Upper Saddle River Board of Education agrees to participate in Sustainable Jersey for Schools, and it is the Board's intention to pursue certification for schools in the District.

WE HEREBY APPOINT Bradley Siegel, Ed.D., Superintendent of Schools, to be the District's liaison to Sustainable Jersey for Schools.

WE DO HEREBY RECOGNIZE our schools as the agents to carry out our commitment to building a sustainable school district through the implementation of Sustainable Jersey for Schools actions.

WE AGREE TO complete District actions and to support the District's schools in completing their actions.

- L. Approve Trane to provide the necessary equipment and labor to replace the supply fan blower for RTU-2 at Reynolds School at a cost of \$4,680.00. (Pricing as per OMNIA Partners Contract Number 3341)
- M. Approve the disposal of the following Chromebooks which are out of date and have been removed from circulation:

Model # 20GE:

Tag #	Serial #	Tag #	Serial #	Tag #	Serial #
10477	LR05TXWR	10012	LR05UOWG	10498	LR05TXU6
10066	LR05TGOL	10350	LR05ZX6	10253	LR05TXXP
10428	LR05TXSY	10340	LR05TXX9	10249	LR05TYFP

10302	LR05TFMH	10326	LR05TZM1	10303	LR05TFY2
10379	LR05TFZ1	10111	LR05RVD9	10217	LR05TXWB
10221	LR05TYBU	10267	LR05FTM	10205	LR05TXU9
10033	LR05TFZ8	10039	LR05TFP3	10455	LR05TYE5
8158	LR005TXRH	10460	LR05TYEK	10284	LR05UONG
10011	LR05TFMY	10062	LR05TW44	10446	LR05TYFL
10472	LR05TYDD	10416	LR05TXUF	9029	LR05U0WL
10287	LR05U1ZS	10393	LR0RTG0R	10165	LR05TXTQ
10190	LR05TZMQ	10044	LR05TFV6	10013	LR05U0RX
10008	LR05TFYG	10198	LR05TXUV	10086	LR05U90N
10475	LR05TYCX	10204	LR05TFNS	10022	LR05TFKH
10412	LR05U0GA	10139	LR05TYD3	10002	LR05U067
10286	LR05TY0D	10016	LR05TZNU	10141	LR05TZW9
10400	LR05TXW8	10244	LR05U0SK	10449	LR05U0T1
10168	LR065TXT4	10413	LR05TXUL	10024	LR05U0Y2
10174	LR05U0W6	9999	LR05TFVN	10093	LR05TZKW
10123	LR05U8YU	1001	LR05TZRP	10006	LR05TFUJ
10003	LR05U00X	10029	LR05TFZL	10059	LR05U8XD
10084	LR05TFP9	10047	LR05TFZW	10063	LR05TLH3
10079	LR05TFLK	10080	LR05TY2R	10076	LR05U8XF
10176	LR05TFJU	10007	LR05TFZS	10004	LR05TFKM
10120	LR05TW94	10121	LR05S2C8	10074	LR05TZND
10108	LR05U8XT	10138	LR05TXSS	10125	LR05TY9K
10110	LR05TW37	10126	LR05U0SZ	10129	LR05TXVP
10484	LR062B3V	10445	LR05TYDC	10471	LR05TFMB
10456	LR05U0GU	10452	LR05U0T3	10407	LR05TXXX
10417	LR062BYA	10480	LR05TYDA	10301	LR05TXS9
10483	LR05TXVT	10285	LR05TLHK	10169	LR05TXYY
10443	LR05TXZ9	10140	LR05TXU7	10448	LR05TXXR
10073	LR05TZLR	10423	LR05U0SV	10444	LR05TYBZ
10180	LR05U0YO	10409	LR05U8W3	10053	LR05TFVY
L0000	LR05U06W	10040	LR05TFNF	10183	LR05TYRC
10056	LR05TFUU				

N. Approve the following Travel Expenses:

Program Name	Date	Employee	Registration Cost	Travel Cost
Based D+Strategies to Improve Attention, Memory, and Self-Regulation (Online)	Self-Paced	Katherine Baker	\$399.99	\$0.00
VBMAPP ABA Curriculum Training (Online)	Self-Paced	Emily Cooper	\$149.99	\$0.00
Legal One: Getting to the Truth - A Toolkit for Conducting Effective Student Investigations (Online)	Self-Paced	Stefanie Slacin	\$100.00	\$0.00
2023 NJ Science Convention Milltown, NJ	October 17, 2023	Patricia Kramer	\$200.00	\$0.00
Behavioral Threat Assessment and Management Best Practices for a Defensible Process and Special Education Considerations Randolph, NJ	November 17, 2023	David Kaplan	\$0.00	\$0.00
NJ State Jazz Conference Newark, NJ	November 17, 2023	Cynthia Haas Jonathan Kulhawy	\$75.00 \$75.00	\$0.00 \$0.00
NJIDA Fall Conference 2023 Somerset, NJ	December 1, 2023	Alexandra Byrne	\$316.63	\$54.05
Tri-State Visit - K-12 Differentiation Sachem, NY	December 6-8, 2023	Gianna Apicella	\$0.00	\$232.48
Tri-State Training Rye, NY	December 12-13, 2023	Marci Titunick	\$390.00	\$78.89
Tri-State Visit - Special Education Valhalla, NY	January 10-12, 2024	Gianna Apicella	\$0.00	\$97.96
NJ Music Educators Association Conference Atlantic City, NJ	February 22-24, 2024	Alexandra Alberta	\$195.00	\$562.06

X. PUBLIC COMMENT

XI. ADJOURNMENT

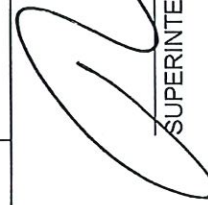
Mrs. Gandara

Corrective Action Plan
For the Year Ended June 30, 2023

DISTRICT:
TYPE OF AUDIT:
BOARD MTG:
CONTACT:
PHONE:

Upper Saddle River
Annual
11/13/2023
Dana Imbasciani, Business Administrator
(201) 961-6503

<u>Reference #</u>	<u>Finding</u>	<u>Steps needed to implement corrective action plan</u>	<u>Personnel</u>	<u>Completion Date</u>
2023-1	Vendor invoices or documentation supporting certain expenses of the Cavallini Middle School were not available for the audit.	Documentation supporting expenses incurred by the Cavallini Middle School will be retained and available for the audit.	James McCusker Joi Jonas	Nov-23



SUPERINTENDENT

11/13/2023
DATE



BOARD SECRETARY/BUSINESS ADMINISTRATOR

11/13/2023
DATE

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Program
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RELIGION IN THE SCHOOLS

~~2270~~ RELIGION IN THE SCHOOLS

2270

The Board of Education recognizes that religious belief and disbelief are matters of personal conviction rather than governmental authority and the students of this district are protected by the First Amendment of the United States Constitution and by Article I, Paragraph 4 of the New Jersey State Constitution from the establishment of religion in the schools.- The First Amendment requires public school officials to show neither favoritism toward nor hostility against religious expression such as prayer.-

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As a condition of receiving Elementary and Secondary Education Act of 1965 (ESEA) funds, the Board of Education must annually certify in writing to the New Jersey Department of Education that no Board policy prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools, as detailed in the United States Department of Education's Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools (USDOE Guidance)). The Board must provide this certification to the New Jersey Department of Education by October 1 of each year during which the Board participates in an ESEA program. The USDOE Guidance provides information on the current state of the law concerning constitutionally protected prayer and religious expression in public elementary and secondary schools.-

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The following activities as outlined in the USDOE Guidance will be permitted upon applying the governing constitutional principles in particular public school contexts related to: prayer: prayer and religious exercise during non-instructional time; organized prayer groups and activities; teachers, administrators, and other school ~~employees'~~ employees' activities; moments of silence; ~~accommodations for~~ accommodation of prayer and religious exercise during instructional time; ~~prayer in classroom assignments~~; student assemblies and noncurricular events; prayer at graduation; and/or baccalaureate ceremonies.

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The following activities as outlined in the USDOE Guidance will be permitted upon applying ~~the governing~~ constitutional principles regarding religious expression other than prayer in particular public school contexts ~~related to religious expression~~; religious literature; teaching about religion; student dress codes and policies; ~~and/or~~ religious expression in class assignments and homework; and/or excusals for religious activities.



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

Program
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RELIGION IN THE SCHOOLS

In addition to the constitutional principles outlined in this Policy and the USDOE Guidance, public schools may also be subject to requirements under Federal and State laws relevant to prayer and religious expression. Such Federal and State laws may not; however, obviate or conflict with a public school's Federal constitutional obligations described in the USDOE Guidance. The Equal Access Act, 20 U.S.C. Section 4071, is designed to ensure that student religious activities are ~~afforded~~accorded the same access to Federally funded public secondary school facilities as are student secular activities.-

The United States Department of Justice has developed guidance for interpreting the Equal Access Act's requirements outlined in the USDOE Guidance in the area of general provisions, prayer service and worship exercises, means of publicized meetings, lunch-time and recess, and leadership of religious student groups.-

-
Any issues regarding ~~religion~~prayer and religious expression in the schools, the USDOE Guidance, and the provisions of this Policy shall be referred to the Superintendent of Schools who may consult with the Board Attorney.

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U.S. Const. Amend. 1

The Equal Access Act, 20 U.S.C. Section 4071

U.S. Department of Education - Guidance on Constitutionally Protected

Prayer and Religious Expression in Public Elementary and Secondary Schools – ~~January 16, 2020~~May 15, 2023

N.J. Const. (1947) Art. 1, para. 4

N.J.S.A. 18A:35-4.6 et seq.; 18A:36-16

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Adopted: 19 May 2008

Revised: 7 December 2020



DRAFT

Teaching Staff Members
3161/Page 1 of 44
EXAMINATION FOR CAUSE

~~3161~~ EXAMINATION FOR CAUSE

~~The~~
3161

~~A. Pursuant to N.J.S.A. 18A:16-2 and N.J.A.C. 6A:32-6.3, the Superintendent/Board of Education may require the physical and/or psychiatric examination of any teaching staff member who shows evidence of deviation from normal physical or mental health in accordance with N.J.A.C. 6A:32-6.3(b).~~

~~The Superintendent shall require a physical and/or psychiatric examination~~
~~on examinations of~~ a teaching staff member whenever, in the judgment of the Superintendent/Board, a teaching staff member shows evidence of deviation from normal physical or mental health, to determine the teaching staff ~~member's~~member's physical and mental fitness to perform, with reasonable accommodation, the position the teaching staff member currently holds, or to detect any health ~~risks~~risk(s) to students and other employees.— When the Superintendent/Board requires a teaching staff member to undergo a physical or psychiatric examination:

~~A~~

1. ~~The Superintendent/Board shall provide the~~ teaching staff member ~~that is required to undergo a physical and/or psychiatric examination shall be provided with~~ a written statement of the reasons for the required examination(s); and ~~notice~~
2. ~~The Superintendent/Board shall provide~~ the teaching staff member ~~has the right to request with~~ a hearing ~~with the Board. The, if requested.~~
 - a. ~~Notice of the teaching staff member's right to a~~ hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer provided with the statement of reasons for the required examination;
 - b. ~~The teaching staff member the opportunity to appear before must request the Board to refute the reasons for the required examination(s), provided any such hearing is requested by the teaching staff member,~~ in writing, within five working days of the teaching staff member's receipt of the written statement of reasons.—~~A:~~



- (1) The teaching staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the teaching staff member failed to timely request a hearing before the Board ~~or failed to~~;
- c. The Board hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer the teaching staff member the opportunity to appear before the Board to refute the reason(s) for the required examination(s);
- d. The teaching staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the teaching staff member failed to persuade the Board at the hearing that the teaching staff member should not be required to submit to the appropriate examination(s). ~~The Board's determination at the conclusion of such a hearing is appealable to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 - Appeals pursuant to N.J.A.C. 6A:32-6.3(b)2-;~~ and
- e. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 - Appeals.
3. The teaching staff member may refuse, without reprisal, to waive their right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996.
- B. Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of ~~the examination~~examinations made by a physician or institution designated by the Board. However, the teaching staff member shall bear the cost if the examination is performed by a physician or institution designated by the Board. ~~The examination may be performed by a physician or institution of the teaching staff member's own choosing, approved by teaching staff member with approval of the Board, and at the teaching staff member's own expense in accordance with N.J.S.A. 18A:16-3 and N.J.A.C. 6A:32-6.3-.~~
1. If the teaching staff member submits names of physicians or institutions to the Board for consideration to complete the appropriate examination(s), the



Board is not required to designate the physician or institution submitted for consideration by the teaching staff member, but shall not act unreasonably in withholding its approval of the physician or institution. ~~The Board shall require the teaching staff member to authorize the release of the examination results to the Superintendent.~~

2. The teaching staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.
 3. All records and reports relating to any such examination shall be the property of the Board, in accordance with N.J.S.A. 18A:16-5.
 - a. Health records of teaching staff members, including computerized records, shall be secured, stored, and maintained separately from other personnel files; and
 - b. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.
 4. If the results of any such examination indicate mental abnormality or communicable disease, the teaching staff member shall be ineligible for further service until proof of recovery, satisfactory to the Board, is furnished, but if the teaching staff member is under contract or has tenure, they may be granted sick leave with compensation as provided by law and shall, upon satisfactory recovery, be permitted to complete the term of their contract, if they are under contract, or be reemployed with the same tenure as they possessed at the time their services were discontinued, if they have tenure, unless their absence shall exceed a period of two years in accordance with N.J.S.A. 18A:16-4.-
- C. In order to return to work, the teaching staff member must submit to an appropriate examination and submit the results of the examination to the Superintendent.-
1. The examination must be conducted by a physician or institution upon which the Board and teaching staff member confer and agree.-;
 2. If the physician or institution conducting the examination is conducted by the Board's choice, the cost shall be borne by the Board; if the physician or



POLICY

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Teaching Staff Members
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institution conducting the examination is conducted by the teaching staff member's choice, the cost shall be borne by the teaching staff member; ~~and~~
and

3. The teaching staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.

D. A teaching staff member who refuses to submit to ~~the~~an examination required by the Board in accordance with this Policy and has exhausted the hearing procedures established by law and this Policy shall be subject to discipline, which may include, but is not limited to, termination or certification of tenure charges to the Commissioner of Education, as applicable.

42 U.S.C.A. 12101
N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-3; 18A:16-4;
18A:~~16-5~~
18A:25-7; 18A:28-5; 18A:30-1 et seq.
N.J.A.C. 6A:32-6.2; 6A:32-6.3

Adopted: 19 May 2008
Revised: 12 September 2022



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Teaching Staff Members
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ATTENDANCE

~~3212~~ ATTENDANCE (M)

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3212

M

The regular and prompt attendance of teaching staff members is an essential element in the efficient operation of the school district and the ~~effective conduct of the~~ educational program. ~~Staff~~ Teaching staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a teaching staff member's job performance.

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Teaching staff members shall provide notice for the use of sick time as required in N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01 in accordance with the district's procedure for teaching staff members to report the use of sick leave and other absences. A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with statute, administrative code, or Board policy; falsifies the reason for an absence; is absent without authorization; is repeatedly tardy; or accumulates an excessive number of absences may be subject to appropriate consequences, which may include, but not be limited to, the withholding of a salary ~~increments,~~ dismissal, increment, termination, nonrenewal, and/or certification of tenure charges.-

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In

Sick leave is defined in accordance with N.J.S.A. 18A:30-1, ~~sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household.~~ and Policy and Regulation 1642.01. No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for ~~in the by statute, administrative code;~~ collective bargaining agreement ~~negotiated with the member's majority representative, in;~~ an individual employment contract; or ~~provided in~~ the policies of the Board. ~~In accordance with N.J.S.A. 18A:30-4, the~~ The Superintendent or Board of Education may require ~~a physician's certificate~~ verification to be filed with the Secretary of the Board in order to obtain sick leave in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.

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The Superintendent, in consultation with administrative staff members, will review the rate of absence among ~~the~~ teaching staff members.- The review will include the collection and



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analysis of attendance ~~data~~patterns, the training of teaching staff members in their attendance responsibilities, and the counseling of teaching staff members for whom regular and prompt attendance is a problem.

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N.J.S.A. 18A:27-4; 18A:28-5; 18A:30-1~~-et seq.~~; 18A:30-2; 18A:30-4

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Adopted: 19 May 2008
Revised: 18 May 2015

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Support Staff
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EXAMINATION FOR CAUSE

~~4161~~ EXAMINATION FOR CAUSE

~~The~~
4161

~~A. Pursuant to N.J.S.A. 18A:16-2 and N.J.A.C. 6A:32-6.3, the Superintendent/Board of Education may require the physical and/or psychiatric examination of any support staff member who shows evidence of deviation from normal physical or mental health in accordance with N.J.A.C. 6A:32-6.3(b).~~

~~The Superintendent shall require a physical and/or psychiatric examination~~
examinations of a support staff member whenever, in the judgment of the Superintendent/Board, a support staff member shows evidence of deviation from normal physical or mental health, to determine the support staff ~~member's~~ member's physical and mental fitness to perform, with reasonable accommodation, the position the support staff member currently holds, or to detect any health ~~risks~~ risk(s) to students and other employees. When the Superintendent/Board requires a support staff member to undergo a physical or psychiatric examination:

~~A~~

1. The Superintendent/Board shall provide the support staff member ~~that is required to undergo a physical and/or psychiatric examination shall be provided with~~ a written statement of the reasons for the required examination(s); and ~~notice~~
2. The Superintendent/Board shall provide the support staff member ~~has the right to request with~~ a hearing ~~with the Board. The, if requested.~~
 - a. Notice of the support staff member's right to a hearing shall be ~~conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer~~ provided with the statement of reasons for the required examination;
 - b. The support staff member the opportunity to appear before must ~~request~~ the Board ~~to refute the reasons for the required examination(s), provided any such hearing is requested by the support staff member,~~ in writing, within five working days of the support staff member's receipt of the written statement of reasons. ~~A:~~



Support Staff
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- (1) The support staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the support staff member failed to timely request a hearing before the Board ~~or failed to~~;
- c. The Board hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer the support staff member the opportunity to appear before the Board to refute the reason(s) for the required examination(s);
- d. The support staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the support staff member failed to persuade the Board at the hearing that the support staff member should not be required to submit to the appropriate examination(s). ~~The Board's determination at the conclusion of such a hearing is appealable to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 - Appeals pursuant to N.J.A.C. 6A:32-6.3(b)2-); and~~
- e. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 - Appeals.
3. The support staff member may, without reprisal, refuse to waive their right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996
- B. Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of the examinationexaminations made by a physician or institution designated by the Board. However, the support staff member shall bear the cost if the examination is performed by a physician or institution designated by the Board. ~~The examination may be performed by a physician or institution of the support staff member's own choosing, approved by support staff member with approval of the Board, and at the support staff member's own expense in accordance with N.J.S.A. 18A:16-3 and N.J.A.C. 6A:32-6.3-.~~
1. If the support staff member submits names of physicians or institutions to the Board for consideration to complete the appropriate examination(s)), the



Board is not required to designate the physician or institution submitted for consideration by the support staff member, but shall not act unreasonably in withholding its approval of the physician or institution. ~~The Board shall require the support staff member to authorize the release of the examination results to the Superintendent.~~

2. The support staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.

3. All records and reports relating to any such examination shall be the property of the Board, in accordance with N.J.S.A. 18A:16-5.

a. Health records of support staff members, including computerized records, shall be secured, stored, and maintained separately from other personnel files; and

b. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.

4. If the results of any such examination indicate mental abnormality or communicable disease, the support staff member shall be ineligible for further service until proof of recovery, satisfactory to the Board, is furnished, but if the support staff member is under contract or has tenure, they may be granted sick leave with compensation as provided by law and shall, upon satisfactory recovery, be permitted to complete the term of their contract, if they are under contract, or be reemployed with the same tenure as they possessed at the time their services were discontinued, if they have tenure, unless their absence shall exceed a period of two years in accordance with N.J.S.A. 18A:16-4.-

C. In order to return to work, the support staff member must submit to an appropriate examination and submit the results of the examination to the Superintendent.-

1. The examination must be conducted by a physician or institution upon which the Board and support staff member confer and agree.-;

2. If the physician or institution conducting the examination is conducted by the Board's choice, the cost shall be borne by the Board; if the physician or



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institution conducting the examination is conducted by the support staff member's choice, the cost shall be borne by the support staff member—; and

3. The support staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.

D. A support staff member who refuses to submit to the examination required by the Board in accordance with this Policy and has exhausted the hearing procedures established by law and this Policy shall be subject to discipline, which may include, but is not limited to, termination or certification of tenure charges to the Commissioner of Education, as applicable.

42 U.S.C.A. 12101
N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-3; 18A:16-4;
18A:16-5
18A:25-7; 18A:28-5; 18A:30-1 et seq.
N.J.A.C. 6A:32-6.2; 6A:32-6.3

Adopted: 19 May 2008
Revised: 12 September 2022



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Support Staff
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ATTENDANCE

~~4212~~ ATTENDANCE (M)

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4212

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The regular and prompt attendance of support staff members is an essential element in the efficient operation of the school district and the effective conduct of the educational program. ~~Staff~~ Support staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a support staff member's job performance.

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Support staff members shall provide notice for the use of sick time as required in N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01 in accordance with the district's procedure for support staff members to report the use of sick leave and other absences. A support staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with statute, administrative code, or Board policy,; falsifies the reason for an absence,; is absent without authorization,; is repeatedly tardy,; or accumulates an excessive number of absences may be subject to appropriate consequences, which may include, but not be limited to, the withholding of a salary increment, ~~dismissal~~termination, nonrenewal, and/or certification of tenure charges.-

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In

Sick leave is defined in accordance with N.J.S.A. 18A:30-1, ~~sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the support staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household.~~ and Policy and Regulation 1642.01. No support staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for ~~in~~by statute; administrative code; the collective bargaining agreement ~~negotiated with the member's majority representative,;~~ in an individual employment contract,; or ~~provided in~~ the policies of the Board. ~~In accordance with N.J.S.A. 18A:30-4, the~~ The Superintendent or Board of Education may require ~~a physician's certificate~~verification to be filed with the Secretary of the Board in order to obtain sick leave in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.

-

The Superintendent, in consultation with administrative staff members, will review the rate of absence among ~~the~~support staff members.- The review will include the collection and



analysis of attendance ~~data~~patterns, the training of support staff members in their attendance responsibilities, and the counseling of support staff members for whom regular and prompt attendance is a problem.

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N.J.S.A. 18A:30-1~~-et seq.~~; 18A:30-2; 18A:30-4

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Adopted: 19 May 2008
Revised: 18 May 2015

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Students
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ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

~~5111~~ ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

5111

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The Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education.

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Eligibility to Attend School – N.J.A.C. 6A:22-3.1, 3.2, and 3.3

-
The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 and Regulation 5111 – Section B.

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~~A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.~~

-
The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, whereand the person is domiciled in the school district and is supporting the student without remuneration as if the student were ~~his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn~~



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

~~landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. their own child in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.~~

Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use ~~his or her~~their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of ~~his or her~~their child to a person in another district commits a disorderly persons offense.-

~~A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.b. if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.~~

~~A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d. if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a student attending the school district of temporary residence. When one of a student's parents or guardians temporarily resides in the school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i. pursuant to N.J.A.C. 6A:22-3.1(a)4. and Regulation 5111 – Section B.~~

~~A student is eligible to attend this school district free of charge:~~

- ~~1. If the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of in accordance with N.J.A.C. 6A:17-22-3.2 – Education of Homeless Children;~~
- ~~2. If the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;~~



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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3. ~~If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and Regulation 5111 – Section C.~~

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4. ~~If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.~~

-
Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). ~~If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law) and Regulation 5111 – Section C.~~

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~~If the district of residence cannot be determined according to the criteria contained in N.J.S.A. 18A:7B-12; if the criteria contained in N.J.S.A. 18A:7B-12 identify a district of residence out of the State; or if the child has resided in a domestic violence shelter, homeless shelter, or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child in accordance with N.J.S.A. 18A:7B-12.d.~~

-
~~A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.~~

-
Except as set forth in N.J.A.C. 6A:22-3.3(b)1., immigration/visa status shall not affect eligibility to attend school ~~and the school district shall not condition enrollment. Any student who is domiciled in the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning,~~ immigration status.- A student's immigration/visa status and their



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111 – Section D.

-
Proof of Eligibility – N.J.A.C. 6A:22-3.4

-
The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. ~~The 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.~~ and Regulation 5111 – Section E.

-
~~The 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 as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.~~

-
In the case of a dispute between the school district and the parent of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3. ~~The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.~~

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Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

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Registration and procedures for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. ~~The Board of Education shall use Commissioner provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district-level administrator designated by the Superintendent shall~~



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

~~be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process~~Regulation 5111 – Section F.

-
Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. ~~Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2~~ and Regulation 5111 – Section F.

-
When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of ~~the right to appeal to the Commissioner of Education.~~ in accordance with N.J.A.C. 6A:22-4.1(c)2. and Regulation 5111 – Section F.

-
~~Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.~~

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~~When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.~~



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

~~Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2; Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.~~

-

~~Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.~~

-

~~When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.~~

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Notice

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F.

Enrollment or attendance at the school shall not be conditioned or denied pursuant to N.J.A.C. 6A:22-4.1(e) through (i) and Regulation 5111 – Section F.

Notices of Ineligibility – N.J.A.C. 6A:22-4.2

-

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4 ~~et seq. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the~~



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

~~applicant claims to reside. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.2 and Regulation 5111 – Section G.~~

~~-~~
Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

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Nothing in N.J.A.C. 6A:22-~~et seq. and 4~~, this Policy, and Regulation 5111 shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information pursuant to N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

~~-~~
When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board ~~of Education~~ for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. ~~No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult student or resident keeping an "affidavit student", does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act Regulation 5111 – Section H.~~

~~-~~
Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

~~-~~
An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools. ~~Appeals shall be initiated by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of "affidavit student" eligibility determinations shall be filed by the resident keeping the student in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I.~~

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Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6



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If no appeal to the Commissioner is filed by the parent, guardian, adult student, or district resident keeping an affidavit student following notice of an ineligibility determination, the Board of Education may assess tuition; for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner; in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. ~~If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.~~

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If an appeal to the Commissioner is filed by the parent, guardian, adult student, or district resident keeping an affidavit student and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a) and Regulation 5111 – Section J. Upon the Commissioner's finding that an appeal has been abandoned, the Board ~~of Education~~ may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2(a) 1. and Regulation 5111 – Section J.

Nonresident Students

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~~The admission of – N.J.S.A. 18A:38-3, a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.~~

Any person who is not a resident in the school district, if eligible except for residence, may be admitted to the schools of the district with the consent of the Board of Education upon such terms, and with payment of tuition, as the Board prescribes. The Board of Education, with the approval of the Executive County Superintendent, shall establish a uniform tuition amount for any nonresident student admitted to the schools of the district pursuant to N.J.S.A. 18A:38-3.a. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline, attendance, and payment of tuition.

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ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian anticipate school district residency and has entered into a contract to buy, build, or rent a residence in this school district may be enrolled provided they sign the Upper Saddle River Board of Education Non-Resident Tuition Agreement form and submit it to the District with a check for 25% of the total cost of tuition. If any such student becomes a resident within four weeks of enrollment, 100% of the tuition paid will be refunded. If any such student does not become a resident of the school district within four weeks after admission to school, tuition will continue to be charged for attendance as per the terms of Section 3 of the Non-Resident Tuition Agreement until such time as the student becomes a resident or withdraws from school.

Students whose parent or guardian have moved away from the school district on or after April 1 will be permitted to finish the school year in this school district without payment of tuition.

Children of District Employees

Upon recommendation of the Superintendent, eligible children of nonresident employees, may be enrolled in the schools of this district upon the approval of the Board on a case-by-case basis. Approval is not guaranteed. If the child(ren) is/are deemed to need special services, the employee will be billed separately for these additional costs. Employees with children admitted as non-resident students shall not interfere with the instructional day by visiting the children's classroom or contacting the child's teacher during the school day. Eligibility for enrollment will be considered upon receipt of a written request to the Superintendent from the USRBOE staff member along with a signed Non-Resident USRBOE Staff Member Tuition Agreement.

Children of Nonresident Staff Members, Municipal and Northern Highlands High School Employees

Upon recommendation of the Superintendent, eligible children of nonresident municipal employees, and Northern Highlands High School employees may be enrolled in the schools of this district with payment of 25% of nonresident tuition upon the approval of the Board on a case-by-case basis. Approval is not guaranteed. If the child(ren) is/are



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deemed to need special services, the employee will be billed separately for these additional costs.

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Other Nonresident Students

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Upon recommendation of the Superintendent, other nonresident students, otherwise eligible for attendance, may be admitted to this school district with payment of tuition and Board approval. Approval is not guaranteed. If the student (s) is/are deemed to need special services, the family will be billed separately for these additional costs.

N.J.S.A. 18A:38-1; 18A:38-1.1; 18A:38-1.3; 18A:38-3;
18A:38-3.1; 18A:7B-12

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.
8 CFR 214.3

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Revised: 11 December 2017

Revised: 29 April 2019

Revised: 7 December 2020

Revised: 15 March 2021

Revised: 15 November 2021

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R 5111

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A. Definitions - N.J.A.C. 6A:22-1.2

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C. ~~6A:22-3.2(a)~~.
2. "Appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. "Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. "Commissioner" means the Commissioner of Education or ~~his/her~~ their designee.
5. "Guardian" means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian's school district unless it can be proven that the child does not actually live with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

B. ~~Eligibility to Attend School~~—Students Domiciled in the District — N.J.A.C. 6A:22-3.1

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:
 - a. A student is domiciled in the school district when ~~he or she~~ the student is ~~living with the child of~~ a parent or guardian whose domicile is located within the school district.



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- (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year.—~~This provision~~ N.J.A.C. 6A:22-3.1(a)1. and B.1.a. above shall apply regardless of which parent has legal custody.
- (2) When a student's physical custody is shared on an equal-time, alternating week/month, or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
 - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
 - (b) When the domicile of ~~the~~ student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared



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responsibility for the cost of such student's out-of-district placement.

- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22, Policy 5111, and this Regulation.
 - (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
- b. A student is domiciled in the school district when ~~he or she~~ the student has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
 - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
 - d. A student is domiciled in the school district when ~~his or her~~ the student's parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
 - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.



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2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's ~~property tax is paid, or to which the majority of the dwelling's~~ or unit's property tax is paid.
 - a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as of eligibility provided pursuant to N.J.A.C. 6A:22-3.4 and E. below.
 - ~~b. This provision~~
 - b. N.J.A.C. 6A:22-3.1(b) and B.2. above shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
3. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b. or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
- 3
4. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to



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N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

C. ~~Eligibility to Attend School~~—Other Students Eligible to Attend School – N.J.A.C. 6A:22-3.2

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b. if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were ~~his or her~~their own child.

- a. A student is not eligible to attend this school district pursuant to ~~this provision~~N.J.A.C. 6A:22-3.2(a) and C.1. above unless:

- (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that ~~he the parent~~ or ~~she the guardian~~ is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and

- (2) The person keeping the student has filed, if so required by the Board of Education:

- (a) A sworn statement that ~~he or she the person~~ is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and

- (b) A copy of ~~his or her~~their lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.



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- b. A student shall not be deemed ineligible under ~~this provision~~ N.J.A.C. 6A:22-3.2 because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
 - c. A student shall not be deemed ineligible under ~~this provision~~ N.J.A.C. 6A:22-3.2 when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.
 - d. A student shall not be deemed ineligible under ~~this provision~~ N.J.A.C. 6A:22-3.2 solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
 - e. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use ~~his or her~~ their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of ~~his or her~~ their child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free ~~public education~~ public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b. if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.
- a. Eligibility under ~~this provision~~ N.J.A.C. 6A:22-3.2(b) and C.2. above shall cease at the end of the school year during which the parent or guardian returns from active military duty.



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3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d. if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.
 - a. When required by the Board ~~of Education~~, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
 - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend ~~school shall~~ school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a) ~~ii-1.i~~. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board ~~of Education~~, the temporary residence is not solely for purposes of a student's attending the school district.
4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f. if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2. ~~5~~ Education of Homeless Children.
5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. ~~As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.~~



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6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b. if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b. shall not be obligated for transportation costs.
7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.
 - a. For ~~purposes~~purpose of N.J.A.C. 6A:22-3.2(h) ~~and~~, Policy 5111, and this Regulation-~~5111~~, "family crisis" shall include, but not be limited to:
 - (1) An instance of abuse such as domestic violence or sexual abuse;
 - (2) A disruption to the family unit caused by death of a parent or guardian; or
 - (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.



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- b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.
 - (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.
- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.
- d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in C.8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of ~~his or her~~their right to appeal the decision within twenty-one calendar days of ~~his~~the parent's or ~~her~~guardian's receipt of the notification, and shall state that if such appeal is denied, ~~he~~the parent or ~~she~~guardian may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.
 - (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.



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- (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria ~~set forth~~ at C.8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.
 - (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
- (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria ~~set forth~~ at C.8.a. above.
 - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.



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f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.

g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.

(1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.

(2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the ~~Department's~~ New Jersey Department of Education's Office of School Facilities and Finance for reimbursement payment(s) to the school district.

(3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

~~h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.~~

h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, ~~his or her~~ their decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.



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D. Housing and Immigration Status — N.J.A.C. 6A:22-3.3

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or ~~his or her~~their compliance with local housing ordinances or terms of lease.
2. Except as set forth in D.2.a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 and C. above shall be enrolled without regard to, or inquiry concerning, immigration status.
 - a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form — I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school— ("F-1" Visa).

~~E. — Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident~~

~~F~~

E. Proof of Eligibility — N.J.A.C. 6A:22-3.4

1. The 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:
 - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;



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- c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
 - d. 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;
 - e. 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;
 - f. 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;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
2. The Board ~~of Education~~ may accept forms of documentation not listed in N.J.A.C. 6A:22-3.4(a) and E.1. above, and shall not exclude from consideration any documentation or information presented by an applicant.
3. The 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.
4. The 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:
- a. Income tax returns;



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- b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b); and D.2. above;
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
5. The Board ~~of Education~~ may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) and E.4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board ~~of Education~~ may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
6. In the case of a dispute between the school district and the parents of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

G
F.

Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

1. The Board of Education shall use Commissioner-provided registration forms; pursuant to N.J.A.C. 6A:22-4.1(a), or locally developed forms that:
- a. Are consistent with the ~~forms provided by the Commissioner-~~
provided forms;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22-4 or any other provision of statute or rule;



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- c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
 - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
 - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board ~~of Education~~ shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
- a. If the school district uses separate forms for affidavit student applications rather than a single application form for all types of enrollment, affidavit ~~student forms~~ student forms shall comply in all respects with ~~the provisions of N.J.A.C. 6A:22-4.1(a) and G.1.~~ above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom ~~he or she is~~ they are not the parent or guardian, even if not specifically requested.
- (1) The Board ~~of Education~~ or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.
 - (2) The Board ~~of Education~~ or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.



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- b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.
 - a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 and G. below.
 - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.
 - (1) An applicant whose student is enrolled pursuant to ~~this provision~~ N.J.A.C. 6A:22-4.1(c)2.i. and F.3.b. above shall be notified that the student will be removed without a hearing before the Board if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of ~~this~~ the applicant's written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of



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ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board ~~of Education~~ shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of ~~his or her~~their identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the school district shall not be denied based upon the absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, ~~the student~~the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

~~H.~~ Notice

G. Notices of Ineligibility – N.J.A.C. 6A:22-4.2



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1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22, Policy 5111, and this Regulation or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 ~~et seq.~~ 2 and F. above and H. below.
 - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
 - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and
 - (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
 - b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
 - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
 - d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;



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- e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
-
- f.- A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
-
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, J.2. and J.3. below, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
 -
 - (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
-
- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
-
- i.- When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. -9:6-1.-. For purposes of facilitating enforcement of the State compulsory education compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or



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domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

~~I.~~
H.

Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

1. Nothing in N.J.A.C. 6A:22-4, Policy 5111, and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board ~~of Education~~ for the student's removal.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2- ~~and G. above.~~ However, the notice shall also provide for a hearing before the Board ~~of Education~~ prior to a final decision on removal.
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of ~~his or her~~their entitlement to a hearing before the Board ~~of Education~~.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board ~~of Education~~ shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2 and G. above.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board ~~of Education~~ or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board ~~of Education~~ taken at



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a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq.,
the Open Public Meetings Act.

~~J.~~
I. Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
 - a. Pursuant to N.J.S.A. 18A:38-1.b.(1), appeals of “affidavit student” ineligibility determinations shall be filed by the resident keeping the student.

~~K~~
J. Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
 - a. If the responsible party does not pay the tuition assessment, the Board ~~of Education~~ may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. ~~2A:58-10~~ through recording, upon request of the Board ~~of Education~~ pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were



pending, and for up to one year of a student's ineligible attendance in a school district prior to the appeal's filing and including the twenty-one day period to file an appeal.

- a. Upon the Commissioner's finding that an appeal has been abandoned, the Board ~~of Education~~ may remove the student from school and seek tuition

~~for up to one year of ineligible attendance pursuant to N.J.A.C. —6A:22-6.1(a)~~ and J.1. above plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of ~~his or her~~their decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.

- b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board ~~of Education~~ pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.

3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
4. Nothing in N.J.A.C. 6A:22, Policy 5111, and this Regulation shall preclude an equitable determination by the Board ~~of Education~~ or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board ~~of Education~~ or Commissioner shall consider whether the ineligible attendance was due to the school district's error.-



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POLICY

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DRAFT

Students

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EDUCATION OF HOMELESS CHILDREN

~~5116~~ EDUCATION OF HOMELESS CHILDREN AND YOUTHS

5116

The Board of Education will admit and enroll homeless children and youths in accordance with Federal and State laws and New Jersey Administrative Code.- The Board of Education adopts this Policy to be in compliance with law and administrative code to ensure the enrollment of homeless children and youths in school and to respond to appeals made by parents or other parties related to the enrollment of homeless children and youths.

The Board ~~of Education~~ shall determine that a child or youth is homeless when ~~he~~the child or ~~she~~youth resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including:- hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers.- A child or youth is also determined homeless when ~~he~~the child or ~~she~~youth resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including:- cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;~~and. A child or youth is determined homeless when the child or youth resides in~~ the residence of relatives or friends where the homeless child or youth resides out of necessity because ~~his~~the child's or ~~her~~youth's family lacks a regular or permanent residence of its own.- A child or youth is also determined homeless when ~~he~~the child or ~~she~~youth resides in substandard housing.

The school district of residence for a homeless child or youth is responsible for the education of the child and shall assume all responsibilities as required in N.J.A.C. 6A:17-2.3.- The school district of residence for a homeless child or youth means the school district in which the parent of a homeless child or youth resided prior to becoming homeless.

The school district liaison designated by the Superintendent of Schools for the education of homeless children ~~is the social worker. The~~ and youths is the social worker. The school district liaison will facilitate communication and cooperation between the school district of residence and the school district where the homeless child or youth resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).

When a homeless child or youth resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, ~~the Department of Human Services or the Department of Children and Families,~~ a shelter director, or an involved agency,~~or a case manager.-~~ Upon



notification of the need for enrollment of a homeless child or youth, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).

- The Superintendent ~~or designee~~ of the school district of residence or designee shall decide in which school district the homeless child or youth shall be enrolled in accordance with the provisions of N.J.A.C. 6A:17-2.5.

- Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2. ~~1 et seq.~~

- When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or the designee(s) of the involved district(s) or the child's or youth's parent(s) shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the New Jersey Department of Education's (NJDOE) McKinney-Vento Homeless Education Coordinator or the Coordinator's designee, shall immediately decide the child's or youth's status. - If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

- When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, ~~who,~~ The Executive County Superintendent shall ~~immediately~~ make a determination immediately, if possible, but no later than within forty-eight hours and, when necessary, in consultation with the NJDOE's Homeless Education Coordinator or the Coordinator's designee.

- If the dispute regarding determination of the school district of residence does not involve the determination of homelessness and/or school district of enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the ~~Department of Education~~ NJDOE pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the NJDOE Division of Administration and Finance. - If an appeal of a determination of school district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.



- Any dispute or appeal shall not delay the homeless child's or youth's immediate enrollment or continued enrollment in the school district.- The homeless child or youth shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.- Disputes and appeals involving the services provided to a homeless child or youth with a disability shall be made pursuant to N.J.A.C. 6A:14.

- Notwithstanding the provisions of N.J.S.A. 18A:38-1, 18A:7B-12, or 18A:7B-12.1, or any other section of law to the contrary, any student who moves from one school district to another as a result of being homeless due to an act of terrorism or due to a natural disaster which results in the declaration of a state of emergency or disaster by the State or by the Federal government, may continue to enroll in the school district in which the parent or guardian last resided prior to becoming homeless for up to two full school years after the act of terrorism or natural disaster; and during the two-year period, if the student is enrolled in the district in which the parent last resided prior to becoming homeless and the student's parent remains homeless for that period, the student shall attend that district tuition-free and that district shall provide the student transportation to and from school in accordance with N.J.S.A. 18A:7B-12.3.

Financial responsibility, including the payment of tuition for the homeless child or youth, will be in accordance with N.J.A.C. 6A:17-2.8.- The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d.- At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall no longer list the student on its ASSA.- The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child or youth is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c).

- On or before December 31 of each year, the district shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the district is made aware that a student enrolled in the district because the student's parent moved to the district as a result of being homeless in accordance with N.J.S.A. 18A:38-1.f.

N.J.S.A. 18A:7B-12; 18A:7B-12.1; 18A:7B-12.3; 18A:38-1



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EDUCATION OF HOMELESS CHILDREN

N.J.A.C. 6A:17-2.1 et seq.

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Adopted: 16 June 2008

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Revised: 15 November 2021



DRAFT

Operations

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SCHOOL NUTRITION PROGRAMS-FOOD SERVICES

8540 SCHOOL NUTRITION PROGRAMS 8500 FOOD SERVICES

M

The Board of Education does not participate in the school nutrition programs of the New Jersey Department of Agriculture. However, each September, the Business Administrator/Board Secretary notifies parents of all children in the school district of the availability, eligibility requirements, and application procedures for free milk. The district uses the same criteria as set forth by the New Jersey Department of Agriculture to determine a student's eligibility for free milk.

Applications shall be reviewed in a timely matter. An eligibility determination will be made and the family will be notified of its status. Any student found eligible shall be offered free milk immediately upon the establishment of his/her eligibility and will receive the free milk for the school year. The free milk application must be completed every year. Eligibility from one year to another is not automatic.

A denial of eligibility for free milk shall be in writing and shall include the reasons for which eligibility was denied and a statement reminding parents that they may reapply at any time during the school year.

There shall be no overt identification of any child(ren) who may be eligible to receive free milk. The identity of students who receive free milk will be protected. Eligible students shall not be required to work in consideration for receiving milk. Eligible children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, or consume their milk at a different time.

Even though the district does not participate in the program or receive any reimbursement from the program, the School Business Administrator/Board Secretary or designee will verify applications of those eligible for free milk using the same requirements set forth by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

7 C.F.R. 210.1 et seq.

N.J.S.A. 18A:33-5; 18A::33-11.1 et seq.:18A:58-7.2

N.J.A.C. 2:36

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