

# POLICY

## CLEMENTON BOARD OF EDUCATION

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### ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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

The Clementon 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.

#### Eligibility to Attend School

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 ~~et seq.~~

**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. 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, where 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 ~~et seq.~~ A student is only eligible to attend school in the district pursuant to **N.J.A.C. 6A:22-3.2** ~~this provision~~ 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** district, 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, ~~or~~ a sworn landlord's statement if residing as a tenant without a written lease, **or a mortgage or tax bill if an owner.** 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 residence and is not the primary financial supporter of that child and any person who



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fraudulently claims to have given up custody of his or her 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 other than the parent or guardian, where 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 upon** the parent or guardian's 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 in the** district of temporary residence, notwithstanding the existence of a domicile elsewhere. **When Where** required by the **Board of Education** district, the parent or guardian shall demonstrate ~~that such~~ **the** temporary residence is not solely for purposes of a student attending **the school within the** district of temporary residence. **When Where** 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.

A student is eligible to attend **this school in the** 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 N.J.A.C. 6A:17-2 - Education of Homeless Children;
2. If the student is placed **by court order in the home of a district resident by court order (as defined in N.J.A.C. 6A:22-3.2(e))** or by a society, agency, or institution **in the home of a school district resident** pursuant to N.J.S.A. 18A:38-2;
3. If the student ~~had~~ 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



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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 in 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.**

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

**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 in the school district on immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.**

### Proof of Eligibility

**The ~~district~~ 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 ~~et seq.~~ The Board of Education ~~district~~ 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 of documentation, or a ~~particular~~ subset of documents; without regard to other evidence presented.**

**The ~~district~~ Board of Education shall not condition enrollment on the receipt of ~~require or request~~ any 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**



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N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. However, these protected documents or information, or pertinent parts thereof, may be voluntarily disclosed by the person(s) seeking enrollment in the district. However, the district Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment. However, in the case of a dispute between the school district and the parent or guardian 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 the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.

### Registration Forms and Procedures for Initial Assessment and Enrollment

Registration, and initial determinations of eligibility, and enrollment will be in accordance with N.J.A.C. 6A:22-4.1 et seq. The district Board of Education shall use Commissioner-provided registration forms provided by the Commissioner of Education or locally developed forms that are consistent with the forms provided by the Commissioner. A district-level school administrator designated by the Superintendent/Principal shall be available and clearly identified to applicants, and available to assist persons who experience are experiencing difficulties with the registration/enrollment process.

Initial determinations of eligibility determinations shall be made upon presentation of an enrollment application, for enrollment and enrollment shall take place immediately in all cases except in cases those of clear, uncontested denials. Enrollment shall take place immediately when Where an applicant has provided incomplete, unclear, or questionable information, enrollment shall take place immediately, but the applicant shall be notified that the student will be removed from the school district will be placed on notice that removal will result 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 et seq.

When a student Where an applicant appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility shall be provided, 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 district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is A student enrolled pursuant to this provision shall be notified that the student he or she will be removed,



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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.

**When** ~~Where~~ enrollment is denied and no intent to appeal is indicated, applicants shall be advised ~~that they shall comply with compulsory education laws.~~ **When the student is between the ages of six and sixteen, applicants also shall** ~~In this case, the parent(s) or guardian(s) shall, where the student is between the ages of six and sixteen,~~ be asked to complete a written statement **indicating** ~~that the student will be attending school in another school district, attending or a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of event this written statement, is not provided, the district level administrator designated by the Superintendent~~ **designated staff shall report to** ~~shall notify~~ the school district of actual domicile or residence, or the Department of Children and Families, ~~to report a potential instance of "neglect" for the purposes of ensuring compliance with compulsory education law, pursuant to 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** ~~and~~ shall **also** indicate ~~that admission to the school district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.~~

Enrollment or attendance at in the school district 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,** although actual attendance at school may be deferred **until the student complies with student** ~~as necessitated by compliance with rules regarding immunization rules set forth in~~ ~~of students,~~ N.J.A.C. 8:57-4.1 et seq.

**When** ~~e~~Enrollment in the school district, attendance at school, or **the receipt of** educational services ~~where attendanee 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 ~~that the initial educational placement of the student~~ **student's initial educational placement** may be subject to



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revision upon **the school district's** receipt of records or further assessment of the student ~~by the district.~~

### Notice of Ineligibility

**When a student is found** ~~If the district finds the applicant~~ ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22-1.1 et seq., or the **student's initial** ~~initially submitted~~ application is found to be deficient upon subsequent review or investigation, **the school district notice shall immediately shall provide** ~~be provided~~ to the applicant **notice that is** consistent with ~~sample form(s) to be provided by the 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/**Principal**; and directed to the address at which the applicant claims to reside. ~~The Notices of ineligibility shall be provided and shall include information as outlined required in accordance with N.J.A.C. 6A:22-4.2 et seq.~~

### Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22-4.3 et seq. and this ~~P~~**policy** shall preclude the Board of **Education** from **identifying** ~~seeking to identify~~, through further investigation or periodic requests for ~~current~~ **revalidation** of ~~previously determined~~ eligibility status, 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.

When a student, **who is** enrolled and attending school ~~in the district~~ based on an initial **eligibility** determination of ~~eligibility~~, is later determined to be ineligible for continued attendance, the Superintendent/**Principal** may apply to the Board of **Education** for the **student's** removal ~~of the student~~ in accordance with **the provisions of** N.J.A.C. 6A:22-4.3(b). 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) as ~~the case may be~~, 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", ~~as the case may be~~, does not respond ~~to the Superintendent's notice~~ within the designated time frame **to the Superintendent/Principal's notice** or appear for the hearing, the Board of **Education** shall make a prompt determination of the student's eligibility ~~or ineligibility~~ and shall immediately provide notice thereof in accordance with ~~the requirements of~~ N.J.A.C. 6A:22-4.2 et seq. ~~The H~~**hearings** required pursuant to N.J.A.C. 6A:22-4.3 et seq. 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



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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.

### Appeal to the Commissioner

**An applicant may appeal** ~~The district's determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools by the parent, guardian, adult student or resident keeping an "affidavit student", as the case may be.~~ **Such appeals shall be initiated by petition which shall be filed** ~~proceed~~ in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. 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** ~~must~~ be filed by the resident keeping the student.

### Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a **an ineligibility** ~~determination of ineligibility~~, the Board **of Education** may assess tuition for any period ~~of a student's ineligible attendance~~, 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. 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,** ~~t~~**The Board of Education** district 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.

**If an appeal to the Commissioner is filed 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). 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.**

### Nonresident Students

The admission of a nonresident **student** ~~child~~ to school free of charge must be approved by the Board. No **student** ~~child~~ otherwise eligible shall be denied admission on the basis



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of the **student's** ~~child's~~ race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

**Students** whose parent(s) or legal guardian(s) have moved away from the school district forty-five (45) days prior to the end of the school year and are in good academic and discipline standing will be permitted to finish the school year in this district without payment of tuition.

N.J.S.A. 18A:38-1 et seq.; **18A:38-3; 18A:38-3.1**  
N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.

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A. Definitions

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:22-3.1(a)~~ **6A:22-3.2(a)**.
2. ~~"Appeal to the Commissioner"~~ or "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.**
43. "Commissioner" means the Commissioner of Education or his/her designee.
54. "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** ~~subject to a rebuttable presumption~~ that the child **does not actually live** ~~is actually living~~ with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.(e).
5. ~~"Parent" means the natural or adoptive parent, foster parent, and surrogate parent.~~

B. Eligibility to Attend School – Students Domiciled in the District

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 is living with a parent or guardian whose ~~permanent home~~ **domicile** is located within the **school** district. ~~A home is permanent when~~



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~~the parent or guardian intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.~~

- (1) **When** ~~Where~~ a student's parents or guardians are domiciled within different **school** districts, and ~~where~~ there is no court order or written agreement between the parents designating the **school** district of attendance for ~~school~~ 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 shall apply** regardless of which parent has legal custody.
- (2) **When** ~~Where~~ a student's physical custody is shared on an equal-time, alternating week/month or other similar basis ~~so such~~ that the student is not living with one parent or guardian for a majority of the school year, and ~~where~~ there is no court order or written agreement between the parents designating the **school** district of ~~for school~~ 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 of the application.
  - (a) **When** If 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** ~~Where~~ 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 will** attend school in the **school** district of domicile of ~~where~~ the parent or guardian with whom the student **actually lives** is ~~actually living~~ as of the last school day prior to October 16 is ~~domiciled~~.



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- (b) **When** ~~Where~~ 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 responsibility for the cost of such student's out-of-district placement.
- (3) **When** ~~Where~~ 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 entitlement** to attend school in the parent or guardian's **school** district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
- (4) **No school** ~~The~~ district shall ~~not~~ be required to provide transportation for a student residing outside the **school** district for all or part of the school year, ~~other than that~~ **unless transportation is** based upon the home of the parent or guardian domiciled within the **school** district **or otherwise** to the extent required by law, ~~as a result of being the district of domicile for school attendance purposes pursuant to the provisions of N.J.A.C. 6A:22.~~
- b. A student is domiciled in the **school** district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a **domicile permanent home** within the **school** district. ~~A home is permanent when the student intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.~~
- 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:34-30(e) **2A:34-54 ("home state" definition)** and **2A:34-65.a(1)** N.J.S.A. 2A:34-34. However, ~~a any such~~ student may later be subject to removal proceedings if application for legal 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.



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- d. A student is domiciled in the **school** district when his or her 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.
  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 ~~that of~~ 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 ~~by the owner of a multi-unit dwelling~~.
    - a. ~~When Where~~ property tax is paid in equal amounts to two or more municipalities, and ~~where~~ there is no established assignment for students residing in the affected dwellings, the **school** district of domicile for school attendance purposes ~~shall will~~ be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
    - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend ~~the school in the~~ district prior to the ~~provision's initial promulgation on~~ December 17, 2001.
    - 3c. ~~When Where~~ a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 ~~is intended to foreclose a~~ **shall exclude a student's right entitlement** to attend ~~the school in the~~ district of domicile **although** ~~notwithstanding that~~ the student is qualified to attend **a different** school ~~in a different~~ 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. **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**



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**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 N.J.S.A. 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

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 the **this school** district pursuant to N.J.S.A. 18A:38-1.~~b(6)~~ if that student is kept in the home of a person other than the student's parent or guardian, **and** where 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.
  - a. A student is not eligible to attend **this school** ~~in this~~ district pursuant to this provision unless:
    - (1) The student's parent or guardian has filed, 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 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** ~~district~~:
      - (a) 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 longer time than the school term, and will assume



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all personal obligations for the student **pertaining** relative to school requirements; and

- (b) A copy of his or her lease if a tenant, ~~or~~ a sworn landlord's statement if residing as a tenant without a written lease, **or a mortgage or tax bill if an owner.**
- b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained, ~~where~~ **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 **when** ~~where~~ 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** ~~section~~ solely because a parent or guardian gives **occasional** gifts or makes limited contributions, financial or otherwise, toward the **student's** welfare ~~of the student~~, provided the resident keeping the student receives **from the parent or guardian** no payment or other remuneration ~~from the parent or guardian~~ for regular maintenance of the student.
- e. Pursuant to N.J.S.A. 18A:38-1.c(e), any person who fraudulently allows a child of another person to use his or her 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 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, is eligible to attend school in ~~the~~ **this school** district pursuant to N.J.S.A. 18A:38-1.b(b) if the student is kept in the home of a person domiciled in the **school** district, **who is not the parent**



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**or guardian** ~~other than~~ **and** the parent or guardian, ~~where 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 shall cease at the end of the ~~current~~ school year **during which** ~~upon~~ the parent or **guardian** ~~guardian's~~ returns from active military duty.
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** ~~in the 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 ~~in the~~ district of temporary residence, notwithstanding the existence of a domicile elsewhere.
  - a. **When required by the Board of Education,** ~~the parent or guardian, when required by the district,~~ shall demonstrate that such **the** temporary residence is not solely for purposes of **the** a student's attending **the** school ~~within the~~ district of temporary residence;
  - b. **When** ~~Where~~ one of a student's parents or guardians temporarily resides in **the a school** district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. 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** ~~when~~ required by the **Board of Education,** ~~district,~~ that such **the** temporary residence is not solely for purposes of a student's attending **the** school ~~within the~~ 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 **the 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, 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 ~~the~~ **this school** district pursuant to N.J.S.A. 18A:38-2 if the student is placed ~~in the home of a district resident~~ 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 referenced in that statute. **As used in this section, "court order" as used in this paragraph shall** does not encompass orders of residential custody, under which claims of entitlement to attend a school ~~in a~~ 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.
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 ~~the~~ **this school** district pursuant to N.J.S.A. 18A:38-3.~~b(b)~~ if the student had 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(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 ~~in the~~ 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 of N.J.A.C. 6A:22-3.2(h) and Policy and 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.
  
- 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 8.a. above, the Superintendent/Principal or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of his or her right to appeal the decision within twenty-one calendar days of his or her receipt of the notification, and shall state that if such appeal is denied, he or she 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.
  - (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 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/Principal 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 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.**
- 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 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.**

**i. 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 decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.**

**D. Housing and Immigration Status**

**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 an applicant's~~ compliance with local housing ordinances or terms of lease ~~shall not affect~~ eligibility to attend school.**

**2. Except as set forth in 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 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**



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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<sup>2</sup>).

### 3. F-1 Visa Students

— **The school district will not permit the attendance of F-1 Visa students into the school district.]**

E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.(a).

### F. Proof of Eligibility

1. The ~~district~~ **Board of Education** shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the **school** district:
  - 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;
  - 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, ~~where applicable,~~ to support of the student;
  - e. Medical reports;; counselor or social worker assessments;; employment documents;; unemployment claims;; benefit statements;; and other evidence of circumstances demonstrating, ~~where applicable,~~ 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** ~~district~~ may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by **an applicant** ~~a person seeking to enroll a student~~.
  3. The **Board of Education** ~~district~~ 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 ~~of documentation~~, or a ~~particular~~ subset of documents, without regard to other evidence presented.
  4. The **Board of Education** ~~district~~ shall not ~~require or request~~, as a condition of enrollment **on the receipt of in-school**, any information or documents protected from disclosure by law, or pertaining to criteria **that** ~~which~~ are not a legitimate ~~bases~~ **basis** for determining eligibility to attend school. ~~They~~ **These** include, but are not limited to:
    - a. Income tax returns;
    - 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);
    - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
    - d. Social security numbers.



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5. **The Board of Education may consider, in a manner consistent with Federal law, documents or information of the type referenced in 4. above, or pertinent parts thereof, may be considered by the district if voluntarily disclosed by the applicant seeking enrollment. However, the Board of Education district 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 or guardians 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 the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.**
- G. **Registration Forms and Procedures for Initial Assessment and Enrollment**
1. The **Board of Education district** shall use **Commissioner-provided** registration forms ~~provided by the Commissioner~~, or locally developed forms that:
    - a. Are consistent with the forms provided by the Commissioner;
    - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
    - c. Summarize, **for the applicant's reference**, the criteria for attendance set forth in N.J.S.A. 18A:38-1 ~~for applicant reference~~, and specify the nature and form of any sworn statement(s) to be filed;
    - d. Clearly state the purpose, ~~in relation to such criteria~~, for which the requested information is being sought **in relation to the criteria**; and
    - e. **Notify applicants that an** ~~Provide notice to applicants that any initial eligibility determination of eligibility is subject to a more thorough review and evaluation re-evaluation, and that there is a potential for an assessment of tuition is possible in the event that if~~ an initially admitted applicant is later found ineligible.



2. **The Board of Education** ~~The district shall~~ **make available** ~~ensure that sufficient numbers of registration forms, and sufficient numbers of trained registration staff, are available to ensure prompt~~ **eligibility** ~~determinations of eligibility and enrollment.~~ **Enrollment** ~~Applications for enrollment may be taken by appointment, but such appointments shall must be promptly scheduled and shall may 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 form for all types of ~~application~~ **affidavit student** ~~such forms shall comply in all respects with the provisions of G.1. above.~~ **When affidavit student** ~~Where such forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if whether or not they are specifically requested.~~
    - (1) **The Board of Education or its agents** ~~district 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** ~~nor shall the not district demand or suggest that "affidavit student" proofs be produced by an applicant seeking to enroll a student of whom the applicant has guardianship or custody~~ **produce affidavit student proofs.**
  - b. A district-level ~~school~~ administrator designated by the Superintendent/**Principal** shall be ~~available, and clearly identified to applicants~~ **and available**, to assist persons who ~~are experiencing~~ **experience** difficulties with the enrollment process.
3. Initial **eligibility** ~~determinations of eligibility~~ shall be made upon presentation of an **enrollment** ~~application, for enrollment,~~ and enrollment shall take place immediately ~~in all cases except in cases those~~ of clear, uncontested denials.





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- a. **Enrollment shall take place immediately when** ~~Where~~ 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** ~~enrollment shall take place immediately, but the applicant shall be placed on notice that removal will result 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.~~
  
- b. ~~Where an applicant~~ **When a student** appears ineligible based on information provided in the initial application, **the school district shall issue** a preliminary written notice of ineligibility ~~shall be provided, 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 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** ~~Where~~ enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws. **When and shall,** where 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, ~~attending~~ **or** a 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 **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** ~~from the parent or guardian, the district level school administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Department of Children and Families, to report a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, pursuant to N.J.S.A. 9:6-1 ("willfully failing to provide regular school education as required by law"). Staff~~



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~~The administrator designated by the Superintendent shall provide the school district or the Department of Children and Families, as the case may be, with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff and shall also indicate that admission to the school district has been denied based on residency or domicile, and that 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** ~~Where enrollment is denied and an intent to appeal is indicated, or where enrollment is provisional subject to further review or information, enrollment or attendance at school 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** ~~The Superintendent or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process;~~ **identifies information suggesting an applicant may be homeless** so that, ~~where appropriate,~~ procedures may **be implemented** ensue 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 ~~the a~~ certified copy of **the student's** birth certificate or other proof of ~~a student's~~ **his or her** 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 absence of student medical information. **However,** ~~although~~ actual attendance at school may be deferred **until the student complies with student immunization rules set forth in** ~~as necessitated by compliance with rules regarding immunization of students, N.J.A.C. 8:57-4.1 et seq.~~
9. **When e**Enrollment in the **school** district, attendance at school, or **the receipt of** educational services ~~where attendance 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 ~~that the~~ **student's** initial educational placement



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~~of the student~~ may be subject to revision upon **the school district's** receipt of records or further assessment of the student ~~by the district.~~

### H. Notice of Ineligibility

1. **When a student is found** ~~If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22 or the student's initial application initially submitted is found to be deficient upon subsequent review or investigation, the school district notice shall immediately provide notice be provided 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. provided by the Commissioner.~~
  - a. Notices shall be in writing;; in English and in the native language of the applicant;; issued by the Superintendent/**Principal**; 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** ~~Such description~~ shall identify the specific **subsection section** 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** ~~shall~~ be provided ~~in order to attain 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 ~~date of the notice~~ **date**, along with an informational document provided by the Commissioner describing how to file an appeal;



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- d. A clear statement ~~of that~~ the student's **right** ~~is entitled~~ to attend school for the twenty-one day period during which an appeal can be made to the Commissioner;. **It also shall state** ~~but that, if missing information is not provided or an appeal is not filed,~~ the student will not be permitted to attend school beyond the **twenty-first 21<sup>st</sup>** day following the **notice** date ~~of the notice if missing information is not provided or an appeal is not filed;~~
- e. A clear statement ~~that~~ of the student's **right** ~~is entitled~~ to continue attending school **while an appeal to the Commissioner is pending** ~~during the pendency of an appeal to the Commissioner;~~
- 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** entitlement to attend the schools ~~of the school district,~~ or the applicant **withdraws** ~~abandons~~ the appeal ~~through withdrawal,~~ **fails** ~~failure~~ 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, 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** ~~having moved~~ from the **school** district, the notice of ineligibility shall also provide information as to whether district **P**policy permits continued attendance, with or without tuition, for students who move from the **school** district during ~~the course of~~ the school year.
- h. The name of a contact person in the **school** district who can ~~provide assistance~~ **assist** in explaining the **notice's** contents ~~of the notice;~~ and
- i. **When** ~~Notice that,~~ where no appeal is filed, **notice that** the parent or guardian shall still comply with compulsory education laws;. **In**



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~~and that, 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, attending a nonpublic school, or receiving instruction elsewhere than at a school, the school district staff level administrator designated by the Superintendent 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. ("willfully failing to provide regular school education as required by law"). Such staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for~~ **For purposes of facilitating enforcement of the State 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 domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.**

### I. Removal of Currently Enrolled Students

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of **Education** from **identifying** ~~seeking to identify~~, through further investigation or periodic requests for current revalidation of ~~previously determined~~ eligibility status, 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 in the ~~district~~ based on an initial **eligibility** determination of ~~eligibility~~, is later determined to be ineligible for continued attendance, the Superintendent/**Principal** may apply to the Board of **Education** for **the student's** removal ~~of the student~~.
  - a. The Superintendent/**Principal** shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, such **the** notice shall also provide for a hearing before the Board of **Education** prior to a final decision on removal.



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3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," ~~as the case may be,~~ has been informed of his or her 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," ~~as the case may be,~~ does not respond to the Superintendent's notice within the designated time frame **to the Superintendent/Principal's notice** or appear for **the** hearing, the Board of Education shall make a prompt determination of the student's eligibility ~~or ineligibility~~ and shall immediately provide notice thereof in accordance with ~~the requirements of~~ N.J.A.C. 6A:22-4.2.
  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** which shall make a recommendation to the full Board for action. **However, n**No student **shall may** be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.
- J. Appeal to the Commissioner
1. **An applicant may appeal** ~~A district determination that a student is ineligible to attend the schools of the district may be appealed 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 by the parent, guardian, adult student or resident keeping an "affidavit student," as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. 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)(b)1**, appeals of "affidavit student" **ineligibility eligibility** determinations shall be filed by the resident keeping the student.
- K. Assessment and Calculation of Tuition
1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or **school** district resident keeping an "affidavit" student<sup>22</sup> following notice of a **an ineligibility** determination ~~of ineligibility~~, the



Board of Education may assess tuition for **up to one year** ~~any period~~ 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~~," where and the petitioner does not sustain the burden of demonstrating the student's right entitlement to attend the schools of the district, or the petitioner withdraws~~ abandons the appeal, ~~through withdrawal, failure fails to prosecute, or abandons the appeal by~~ any means other than settlement agreeing to waive or reduce tuition, the Commissioner may ~~assess order assessment of tuition for any for the period of a student's ineligible attendance in a district, including the twenty-one day period for filing of an appeal and 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 ~~the period~~ of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. However, If the record of the appeal includes a calculation reflecting the tuition rate(s) of tuition for the year(s) at issue, the per diem tuition rate of tuition for the current year, and the date on which the student's ~~ineligibility~~ ineligible attendance began, the Commissioner may order payment of tuition as part of his or her 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 ~~but~~ 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** ~~pursuant to~~ 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:23-3.1~~ **6A:23A-17.1**. The individual student's record of daily attendance shall not ~~impact on such~~ **affect the** calculation.
4. Nothing in N.J.A.C. 6A:22 **shall** precludes an equitable determination, by the Board **of Education** or the Commissioner; that, ~~when the particular circumstances of a matter so warrant~~, 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.**

Issued: 27 July 2009

Issued: 23 August 2010

Revised, First Reading: 21 March 2016

Revised, Second Reading and Adoption:





## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

### 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

The Board of Education recognizes early detection of missing, abused, or neglected children is important in protecting the health, safety, and welfare of all children. In recognition of the importance of early detection of missing, abused, or neglected children, the Board of Education adopts this Policy pursuant to the requirements of N.J.S.A. 18A:36-24 and 18A:36-25. The Board provides this Policy for its employees, volunteers, or interns to provide for the early detection of missing, abused, or neglected children through notification of, reporting to, and cooperation with the appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. 18A:36-24 and 18A:36-25 et seq., N.J.A.C. 6A:16-11.1, and N.J.S.A. 9:6-8.10.

Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or **to any other telephone number designated by the appropriate child welfare authorities**. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification. Notice to the Principal or other designated school official(s) need not be given when the person believes that such notice would likely endanger the reporter or student involved or when the person believes that such disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.

The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

School district officials will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children in



## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

accordance with the provisions of N.J.A.C. 6A:16-11.1(a)5.

The district designates the Social Worker as the school district's liaison to designated child welfare authorities to act as the primary contact person between the school district and child welfare authorities with regard to general information sharing and the development of mutual training and other cooperative efforts. The district designates the Superintendent/**Principal** or designee as the school district's liaison to law enforcement authorities to act as the primary contact person between the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the Memorandum of Understanding, pursuant to N.J.A.C. 6A:16-6.2(b)13.

An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights, including those rights defined in N.J.A.C. 6A:16-11.1(a)9.

The Superintendent/**Principal** or designee shall provide training to school district employees, volunteers, or interns on the district's policy and procedures for reporting allegations of missing, abused, or neglected child situations. All new school district employees, volunteers, or interns working in the district shall receive the required information and training as part of their orientation.

There shall be no reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potentially missing-, abused-, or neglected-child situation pursuant to N.J.S.A. 9:6-8.13.

Any employee, volunteer, or intern with reasonable cause to suspect or believe **that** a student has attempted or ~~contemplated~~ **completed** suicide, shall report ~~the such~~ information to the Department of **Human Services, Division of Mental Health and Addiction Services** ~~Children and Families, Division of Child Protection and Permanency~~, in a form and manner prescribed by the Division of **Mental Health and Addiction Services** ~~Child Protection and Permanency~~ pursuant to N.J.S.A. 30:9A-24.a.

Adopted: 27 July 2009

Revised: 15 December 2011

Revised: 23 September 2013

Revised, First Reading: 28 July 2014

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## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

### R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

#### A. Definitions

1. An "abused child" as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent, guardian, or other person having his/her custody and control:
  - a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
  - b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
  - c. Commits or allows to be committed an act of sexual abuse against the child;
  - d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent, guardian, or other person having his/her custody and control, to exercise a minimum degree of care: (1) in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;
  - e. Or a child who has been willfully abandoned by his/her parent, guardian, or other person having his/her custody and control; or



## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

- f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and: (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being; or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused under N.J.S.A. 9:6-8.9 if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

2. An "Intern" means a post-secondary student or graduate student in a professional field gaining supervised practical experience.

### B. Indications of Child Abuse and/or Neglect

1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
  - a. There is evidence of physical injury to a student not likely to have been caused by an accident, regardless of the student's explanation of the injury;
  - b. A student complains of having been injured or having been sexually molested, with or without external signs of physical injury;
  - c. A student appears to be malnourished;
  - d. A student's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;
  - e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
  - f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;



## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

- g. A student is afraid to go home after school or arrives to school unreasonably early;
- h. A parent or the caretaker of a child admits having abused the child;
- i. The removal from school by the parent, guardian, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
- j. **School district personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.**

### C. Notification Requirements for School District Employees, Volunteers, or Interns

1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.
  - a. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification.
  - b. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification.
    - (1) Notice to the Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.
2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ



## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

**ABUSE or to any other telephone number designated by the appropriate child welfare authorities.** If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

### D. School District's Notification to Law Enforcement

1. The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
  - a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.
  - b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.
    - (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.
2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

### E. School District Cooperation with Designated Law Enforcement Authorities

1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.
  - a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Principal or other designated school official(s).



## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

- (1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school district, whom he or she feels will be supportive, and who will be allowed to accompany the student during the interview.
- b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.
- c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.
- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.
  - (1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent/**Principal** or designee.



## REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.
    - (1) Such removal shall take place only after the Principal or other designated school official(s) has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.
  - f. The district will cooperate in the transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.
- F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect
- 1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing-, abused-, or neglected-child situation shall be entitled to due process rights.
  - 2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect pursuant to N.J.A.C. 6A:16-11.1-(a)2 shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer, or intern and the student.
  - 3. All references to a notification to the designated child welfare authorities of a potential missing-, abused-, or neglected-child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.





# REGULATION

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REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

Adopted: 27 July 2009

Revised: 15 December 2011

Revised: 23 September 2013

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Revised, Second Reading and Adoption: 25 August 2014

Revised, First Reading: 21 March 2016

Revised, Second Reading and Adoption:



## 0131 BYLAWS AND POLICIES

The Board of Education shall exercise its rule-making power by adopting bylaws and policies for the organization and operation of the school district.

### Adoption, Amendment, and Repeal

Bylaws and policies may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal has been proposed and approved at a previous meeting of the Board.

The Board may at its organization meeting and by a majority vote of those present and voting readopt existing bylaws and policies without prior notice.

The Board may, under emergency circumstances, suspend the operation of a bylaw or policy and adopt, amend, or repeal a bylaw or policy without prior notice. The emergency adoption, amendment, or repeal of a bylaw or policy shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board.

The adoption, amendment, repeal, or suspension of a bylaw or policy shall be recorded in the minutes of the Board. Any policy or part of a policy that is superseded by a term in a negotiated agreement or by a subsequently adopted policy shall no longer be in force and effect as a policy.

### Promulgation and Distribution

A manual of bylaws and policies shall be maintained. ~~A copy of the manual~~ **Online Access** of bylaws and policies shall be given to each Board member, the Superintendent/**Principal**, the Board Secretary, the Board Attorney, the Building Principal, and other individuals designated by the Superintendent/**Principal**.

The Superintendent/**Principal** shall institute a plan for the orderly promulgation of policies to staff members who are affected by them and shall provide staff members with access to an up-to-date manual of Board bylaws and policies.

Each copy of the manual of bylaws and policies shall be numbered; a record of the placement of each manual shall be maintained by the Superintendent/**Principal**. Copies of revised pages will be furnished to the holders of manuals as changes are made to bylaws and policies. The holder of a policy manual shall return the manual to the Board Secretary upon the termination of his/her service to the district.



The manual of bylaws and policies shall be considered a public record open to inspection in the office of the Superintendent/**Principal and/or Board/Business Office**. The manual retained by the Superintendent/**Principal's** office **and/or Board/Business Office** shall be considered the master copy of the policy manual and shall not be modified by any person other than the Superintendent/**Principal** or his/her designee.

## Development of Bylaws and Policies

Bylaws and policies will be developed and considered by the Board in accordance with the following procedure:

1. A new or revised bylaw or policy may be suggested to the Board by any Board member, the Superintendent/**Principal**, any staff member, or a member of the public;
2. A suggestion for a new or revised bylaw or policy may be referred, at the discretion of the President and as appropriate to the subject, to the Superintendent/**Principal**, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a policy suggestion should consider whether the matter is adequately addressed in existing Board policy and whether the matter is more appropriately addressed by administrative regulation;
3. If a recommendation for a new or revised bylaw or policy results from referral for study, a proposed draft will be submitted to the Board **Committee** for discussion **and updates, if applicable, and presented for approval on first reading to the Board**. ~~Copies of the proposed draft will be made available to staff members and the public, and comment will be invited.~~ Changes in the draft may be made, by a simple majority vote, when the draft is presented for approval on first reading;
4. The proposed draft, approved on first reading, will be submitted for adoption at the next regular meeting of the Board. Changes in the draft may be made by a simple majority vote. A change that alters the substantive meaning of the draft will constitute a new first reading, and the draft must be presented for adoption at the next succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw or policy on second reading.



# POLICY

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BYLAWS AND POLICIES

N.J.S.A. 18A:11-1

Adopted: 27 July 2009  
Revised, First Reading: 21 March 2106  
Revised, Second Reading and Adoption:



## PUBLIC PARTICIPATION IN BOARD MEETINGS

### 0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

In order to permit the fair and orderly expression of such comment, the Board shall set aside a portion of every Board meeting, the length of the portion to be determined by the Board, for public comment on any school or school district issue that a member of the public feels may be of concern to the residents of the school district.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, **municipality** place of residence, and group affiliation, if **applicable** appropriate;
2. Each statement made by a participant shall be limited to **(not less than three)** three (3) minutes' duration;
3. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
4. All statements, **questions, or inquiries** shall be directed to the presiding officer; **and any questions or inquiries directed by a participant to another Board member shall be redirected to the presiding officer who shall determine if such statement, question, or inquiry shall be addressed by the presiding officer on behalf of the Board or by the individual Board member** ~~no participant may address or question Board members individually;~~
5. The presiding officer may:
  - a. Interrupt, warn, **and/or** terminate a participant's statement, **question, or inquiry** when ~~it the statement is too lengthy, abusive, obscene, or irrelevant;~~
  - b. **Interrupt and/or warn a participant when the statement, question, or inquiry is abusive, obscene, or may be defamatory;**



## PUBLIC PARTICIPATION IN BOARD MEETINGS

- cb. Request any **person individual** to leave the meeting when that person does not observe reasonable decorum;
- de. Request the assistance of law enforcement officers in the removal of a disorderly person when **that person prevents or that person's conduct disrupts a meeting with an act that obstructs or interferes with the orderly progress of the a meeting**;
- ed. Call for a recess or an adjournment to another time when the lack of public decorum ~~so~~ interferes with the orderly conduct of the meeting ~~as to warrant such action~~; and
- fe. Waive these rules when necessary for the protection of privacy or **to maintain an the orderly operation of the Board meeting efficient administration of the Board's business.**

N.J.S.A. 2C:33-8  
N.J.S.A. 10:4-12

Adopted: 27 July 2009  
Revised, First Reading: 23 July 2012  
Revised, Second Reading and Adoption: 27 August 2012  
Revised, First Reading: 21 March 2016  
Revised, Second Reading and Adoption:



## 0168 RECORDING BOARD MEETINGS

The Board of Education directs the creation and maintenance of an official record of the formal proceedings of the Board and will permit the unofficial recording of Board meetings in accordance with this Bylaw.

### Minutes

The Board shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subject considered, the actions taken, the vote of each member, information sufficient to explain the actions taken, and any other information required to be shown in the minutes by law.

Minutes of public meetings shall be public records signed by the Board Secretary and filed in the Board Secretary's office in a minute book as the permanent record of the acts of this Board.

Minutes of executive meetings shall be filed in the Board Secretary's office in a place separate from the minute book until the time, if any, when the proceedings may be made public. At that time, the minutes shall be public records and shall be filed in the regular minute book.

The Board Secretary shall provide each Board member with a copy of the minutes prior to Board approval.

### Recording by the Public

A member of the public may record the proceedings of a public meeting of the Board provided the audio or video recording process complies with reasonable guidelines as outlined in this Bylaw. These guidelines are adopted to ensure the recording of the public meeting does not interrupt the proceedings, inhibit the conduct of the meeting, or distract Board members or other observers present at the meeting.

The Board will permit the use of **audio or video recording devices by members of the public to record public meetings.**

**Prior notice to audio or video record a public meeting is not required provided the person operates the recording device while sitting in the area designated by the Board for public seating. The recording of a meeting from this area shall not obstruct or distract any member of the public from observing and listening to the**



**proceedings of the meeting. If the recording is obstructing the view or is distracting to members of the public, the presiding officer or designee will require the person recording the meeting to relocate to another area of the meeting room.**

**In the event a member of the public wants or needs to audio or video record a public meeting from an area other than the area designated for public seating, the person shall provide notice of such request only when notice of such intended use has been given to the Board Secretary in advance of the meeting. The Board Secretary or designee shall review the video recording guidelines outlined in this Bylaw with the person requesting to video record the meeting. Prior notice is not required to audio record a meeting.**

**All audio and video recording devices shall be silent in operation, inoffensive, and unobtrusive. Any member of the public wanting to use a video recording device from an area other than the area designated for public seating must be located and operated from inconspicuous locations in the meeting room as determined by the presiding officer or designee of the meeting. Prior to the meeting, the presiding officer or designee will determine the location of each recording device so each the video recording device can video record the meeting with an unobstructed view and each audio recording device can record a meeting so the speakers and meeting proceedings can be properly recorded. The location of any recording device operated from an area other than the area designated for public seating will be in an area of the meeting room that is not distracting or obtrusive to Board members, members of the public, or the orderly operation of the meeting. Any recording device used outside the area designated for public seating shall be located within a similar distance from the Board as the public seating area. The presiding officer or designee shall determine when the number of recording devices used outside the area designated for public seating interferes with the conduct of a Board meeting and may order that an interfering recording device be removed or relocated. The presiding officer may permit a person wanting to video record the meeting using a small hand-held video recording device to sit with their video recording device in the public seating area of the meeting room provided the person recording and/or the recording device is not distracting or obtrusive to the meeting.**

**A person that wants to audio record a public meeting shall sit with their audio recording device in the public seating area of the meeting room and shall not be distracting or obtrusive to the meeting. Additional lighting shall not be used unless approved by the presiding officer or designee prior to the meeting. All recording devices and any related equipment must be battery operated or operational without the use of district electricity; as the district cannot will not permit such equipment to be connected to**





# POLICY

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RECORDING BOARD MEETINGS

~~the school district's electrical service guarantee convenient availability or location of electric outlets in the meeting room.~~

The presiding officer **or designee** shall determine ~~when the number of video recording devices or if an audio or video~~ if a recording device interferes with the conduct of a Board meeting and may order that an interfering device be ~~removed or relocated~~. The ~~presiding officer may also limit the number of video recording devices if he/she determines the number and positioning of the video recording devices will be an unnecessary intrusion to the meeting.~~ In this event, preference will be given based on the order in which prior notice requesting to record the meeting was provided to the Board Secretary.

~~Any person who video records a public meeting in accordance with the provisions of this Policy shall provide the Board the opportunity to obtain a copy of the recording at the Board's expense, but the Board shall have no power to edit or abridge the original recording.~~

N.J.S.A. 10:4-14

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Revised, First Reading: 19 December 2011

Revised, Second Reading and Adoption: 23 January 2012

Revised, First Reading: 21 March 2016

Revised, Second Reading and Adoption:

