

REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 1 of 7
Sick Leave
Sep 23

R 1642.01 SICK LEAVE

A. Definitions – N.J.S.A. 18A:30-1.c. and 18A:30-4.i.

1. “Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.
2. “Child” means a biological, adopted or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.
3. “Designated domestic violence agency” means a county-wide organization whose primary purpose is to provide services to victims of domestic violence and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.
4. “Domestic or sexual violence” means stalking, any sexually violent offense, as defined in N.J.S.A. 30:4-27.26, or domestic violence as defined in N.J.S.A. 2C:25-19 and N.J.S.A. 17:29B-16.
5. “Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.
6. “Health care professional” means any person licensed under Federal, State, or local law or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional including, but not limited to, doctors, nurses, and emergency room personnel.



REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 2 of 7
Sick Leave

7. “Supervisor” means the building or district administrative staff member designated by the Superintendent who is responsible for supervising the employee.

B. Eligibility for Sick Leave – N.J.S.A. 18A:30-1

1. Sick leave is defined as the absence from an employee's post of duty, for any of the following reasons:
 - a. The employee is personally ill or injured;
 - b. For diagnosis, care, or treatment of, or recovery from, an employee’s mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
 - c. For the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
 - d. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:
 - (1) Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;
 - (2) Services from a designated domestic violence agency or other victim services organization;
 - (3) Psychological or other counseling;
 - (4) Relocation; or



REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 3 of 7
Sick Leave

- (5) Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
 - e. The death of a family member for up to seven days;
 - f. To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability;
 - g. The school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency; or
 - h. The employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.
 2. N.J.S.A. 18A:30-1, Policy 1642.01, and this Regulation shall not supersede any law providing collective bargaining rights for school district employees and shall not reduce, diminish, or adversely affect an employee's collective bargaining rights.
- C. Physician's Certificate Required for Sick Leave – N.J.S.A. 18A:30-4
1. In case of sick leave claimed due to personal illness or injury, the Board of Education may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.



REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 4 of 7
Sick Leave

2. If an employee's need to use sick leave as defined pursuant to N.J.S.A. 18A:30-1 and B. above is foreseeable, the Board requires advance notice, not to exceed seven calendar days, as determined by the Superintendent, prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and the employee shall make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations of the Board.
3. If the reason for the leave is not foreseeable, the Board of Education requires an employee to give notice of the intention as soon as practicable, provided the Board of Education has notified the employee of this requirement.
4. The Board may prohibit an employee from using foreseeable sick leave on certain dates, and require reasonable documentation if sick leave that is not foreseeable is used during those dates.
5. In case of sick leave claimed for three or more consecutive days, the Board may require reasonable documentation that the leave is being taken for a purpose permitted pursuant to N.J.S.A. 18A:30-1.a. and B.1. above.
6. If the leave is permitted under N.J.S.A. 18A:30-1.a.(2) or (3) and B.1.b. or c. above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, the number of days of leave, shall be considered reasonable documentation.
7. If the leave is permitted under N.J.S.A. 18A:30-1.a.(4) and B.1.d. above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence:
 - a. Medical documentation;
 - b. A law enforcement agency record or report;
 - c. A court order;



REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 5 of 7
Sick Leave

- d. Documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense;
 - e. Certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or
 - f. Other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
8. If the leave is permitted under N.J.S.A. 18A:30-1.a.(7) and B.1.g. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.

D. Sick Leave Charges

1. An employee who is absent for fifty-one percent of their work day shall be charged a full sick day if the employee's reason for absence is covered by N.J.S.A. 18A:30-1.
2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent or designee.
3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.
4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency will not be charged with a sick leave day.



REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 6 of 7
Sick Leave

E. Readmission After Disability

1. An employee absent on sick leave, covered under N.J.S.A. 18A:30-1.a.(1); (2); and (8) and B.1.a.; b.; and h., for more than five consecutive working days who wishes to return to work shall submit the signed statement of their physician or institution indicating the employee's fitness to perform their duties.
2. The Board may, at its discretion, require the employee submit to an examination by a physician or institution designated by the Board to confirm the information submitted by the employee's physician or institution.
 - a. The Board shall bear the cost of the examination if the examination is performed by a physician or institution designated by the Board.
3. If the results of the examination conducted pursuant to paragraph E.2. above are inconsistent with the statement of the employee's physician in E.1. above, the employee and the Board shall agree to a third physician or institution to conduct the examination. The Board shall bear the cost of this third examination.

F. Accumulation of Sick Leave

1. If any employee requires in any school year less than the specified number of days of sick leave with pay allowed, all days of such minimum sick leave not utilized that year shall be accumulative to be used for additional sick leave as needed in subsequent years in accordance with N.J.S.A. 18A:30-3.

G. Exhaustion of Sick Leave

1. The Superintendent or designee shall monitor employee accumulated sick leave and charge an employee's accumulated sick leave.
 - a. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's accumulated sick leave.



REGULATION GUIDE

ADMINISTRATION
R 1642.01/page 7 of 7
Sick Leave

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's use and accumulation of sick leave days.
 - a. The Superintendent or designee will maintain the employee's record of accumulated sick leave in accordance with Policy 1642.01 and this Regulation.
2. Each employee's attendance record will record the reason for any absence.

Issued:



REGULATION GUIDE

PROGRAM
R 2419/page 1 of 15
School Threat Assessment Teams
Sep 23
Mandated

R 2419 SCHOOL THREAT ASSESSMENT TEAMS

A. Definitions

1. “Aberrant behavior” means behavior atypical for the person or situation and causes concern for the safety or well-being of those involved. Aberrant behavior for an individual involves actions, statements, communications, or responses that are unusual for the person or situation; or actions which could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person.
2. “Behavioral Threat Assessment and Management (BTAM)” means a proactive approach to identify, assess, and provide appropriate interventions and resources for individuals who display a behavior that elicits concern for the safety of themselves or others. (U.S. Secret Service National Threat Assessment Center.)
3. “Concerning behavior” means an observable behavior that elicits concerns in bystanders regarding the safety of an individual or those around them. Behaviors that may elicit concern can include unusual interests in violent topics, conflicts between classmates, increased anger, increased substance use, or other noteworthy changes in behavior (e.g., depression or withdrawal from social activities). Some concerning behaviors may be defined as prohibited behaviors and should trigger an immediate response. Prohibited behaviors can include threats, weapons violations, and other aggressive or violent behavior. Concerning behavior does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.



REGULATION GUIDE

PROGRAM
R 2419/page 2 of 15
School Threat Assessment Teams

4. “Concerning communication” means unusual, bizarre, threatening, or violent communication made by an individual or a group that elicit concerns for the safety or wellbeing of the individual or others. Concerning communication may allude to violent intentions, violence as a means to solve a problem, justifying violent acts, unusual interest in weapons, personal grievances, or other inappropriate interests. Concerning communications may also allude to hopelessness or suicide. Concerning communications may be made in the form of written or oral statements, gestures, or visual/electronic media. Communications may be considered concerning regardless of whether a direct verbal threat is expressed. Concerning communication does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.
 5. “Multidisciplinary Threat Assessment Team” means a team composed of highly trained school personnel with diverse positions, backgrounds, and experience. The team will receive reports about a concerning person and situations, gather additional information, assess the risk posed to the community, and develop intervention and management strategies to mitigate any risk of harm.
 6. “Targeted violence” means a premeditated act of violence directed at a specific individual, group, or location regardless of motivation and generally unrelated to other criminal activity.
- B. Multidisciplinary Threat Assessment Team
1. Threat Assessment Team Members
 - a. In accordance with N.J.S.A. 18A:17-43.4, the threat assessment team established by the Board of Education shall be multidisciplinary in membership and, to the extent possible, must include the following individuals:
 - (1) A Principal or other senior school administrator;



REGULATION GUIDE

PROGRAM

R 2419/page 3 of 15

School Threat Assessment Teams

- (2) A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;
 - (3) A safe-schools resource officer or school employee who serves as a school liaison to law enforcement;
 - (4) The school safety specialist (designated pursuant to N.J.S.A. 18A:17-43.3); and
 - (5) A teaching staff member.
- b. Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined to be appropriate by the team. If a student has an Individualized Education Program (IEP), 504 plan, and/or functional behavioral assessment (FBA) plan, the threat assessment team must consult with the appropriate staff or team to determine whether the reported behavior is already part of known baseline behavior or is already being managed under the student's IEP, 504 plan, or FBA plan and addressed in a manner that is required by N.J.A.C. 6A:14 and all other Federal and State special education laws.
- c. The district may choose to name the threat assessment team in a manner that suits the school community needs.

2. Threat Assessment Team Structure

- a. The district can structure the threat assessment teams to best meet the needs and resources available. This may include:
- (1) **School-Based Teams:** The district may opt to develop teams for each school comprised of those members fulfilling the assigned roles identified in the law in each of its schools.



REGULATION GUIDE

PROGRAM

R 2419/page 4 of 15

School Threat Assessment Teams

- (2) District-Level Team: The district may choose to develop one central team designated to serve each school in cases where staffing at individual schools is not sufficient to meet the membership requirements of the law. In such cases, the district may choose to operate smaller teams trained in the threat assessment process in each school, which can screen cases to determine which situations to refer to the District-Level Team. If the district uses this model, the district must ensure representation of those staff members from the involved school as identified by the law to the fullest extent possible when conducting an assessment.
- (3) District-Level Team and School-Based Teams: The district may have one central team that provides oversight, consistency, and accountability for all threat assessment processes including threats impacting the entire district. School-Based Teams address cases in each school building, while ensuring all information is shared with the District-Level Team.

C. Building a K-12 Behavioral Threat Assessment and Management Program

The district shall implement the following steps in developing a Behavioral Threat Assessment and Management Program.

1. Step 1: Establish a Multidisciplinary Team
 - a. Identify team membership pursuant to N.J.S.A. 18A:17-3.4.
 - b. Designate a team leader.
 - c. Establish team procedures and protocols.
 - d. Meet on a regular basis and as needed.



REGULATION GUIDE

PROGRAM
R 2419/page 5 of 15
School Threat Assessment Teams

2. Step 2: Define Prohibited and Concerning Behaviors
 - a. Establish policy defining prohibited behaviors
 - (1) These definitions should be included in the code of student conduct policy and shared with staff, parents, and students.
 - b. Identify other behaviors for screening or intervention.
 - c. Define threshold for intervention.
 - (1) The threshold should be relatively low so that teams can identify individuals in distress before the behavior escalates into a violent behavior.
3. Step 3: Create a Central Reporting Mechanism
 - a. Establish one or more anonymous reporting mechanisms.
 - (1) Examples include a mobile application, a dedicated email address or phone number, or on the district website.
 - b. Provide training and guidance to encourage reporting.
 - (1) Students, teachers, staff, school resource officers, and parents should be provided awareness training and guidance on recognizing behaviors of concern, their roles and responsibilities in reporting the behavior, and how to report the information.
 - c. Ensure availability to respond.
 - d. Utilize an Initial Report to collect the threat, concerning behavior, etc.
4. Step 4: Define Threshold for Law Enforcement Intervention
 - a. Most reports can be handled by the School-Based Team.



REGULATION GUIDE

PROGRAM
R 2419/page 6 of 15
School Threat Assessment Teams

- b. Establish which behaviors should be referred for law enforcement intervention (e.g., physical violence, threats of violence, etc.).
5. Step 5: Establish Threat Assessment Procedures
 - a. Decide how to document cases.
 - b. Create procedures to screen reports, gather information, make assessments, and decide on interventions.
 - c. Develop/adapt threat assessment forms to organize information around the 11 Investigative Questions referenced in D.4. below.
6. Step 6: Develop Risk Management Options
 - a. Identify all available resources for creating individualized management plans.
 - (1) The resources and supports the student needs will differ depending on the information gathered during the assessment.
 - (2) Resources to assist the student could take the form of peer support programs or therapeutic counseling to enhance social learning or emotional competency, life skills classes, tutoring in specific academic subjects, or mental health care. Most programs and supports will be available within the school, but the team may need to also access community resources to assist with the managing the student. Identify resources to assist targets/victims.
 - (3) Make efforts to address the safety of any potential targets by altering or improving security procedures for schools or individuals and providing guidance on how to avoid the concerning person.



REGULATION GUIDE

PROGRAM
R 2419/page 7 of 15
School Threat Assessment Teams

- b. Establish points of contact for all resources.
7. Step 7: Create and Promote Safe School Climates
- a. Assess current school climate.
 - (1) Anti-Bullying Bill of Rights Act (N.J.S.A. 18A:37-21) requires the school safety team in each school in the district “...to develop, foster, and maintain a positive school climate by focusing on the ongoing, systemic process and practices in the school and to address school climate issues...” and to “review and strengthen school climate and the policies of the school.
 - b. Enhance current school climate.
 - c. Strengthen students’ connectedness.
 - (1) Encourage teachers and staff to build positive, trusting relationships with students by actively listening to students and taking an interest in what students say.
 - d. Break down “codes of silence” and help students feel empowered to come forward and share concerns and problems with a trusted adult.
 - e. Identify clubs or teams at school students can join or encourage students to start their own special interest group.
8. Step 8: Conduct Training for all Stakeholders
- a. The training is for new threat assessment team members, refresher training, and professional development. This includes training on the screening and threat assessment forms and procedures.



REGULATION GUIDE

PROGRAM

R 2419/page 8 of 15

School Threat Assessment Teams

- b. Training must be coordinated with the New Jersey Department of Education (NJDOE), Office of School Preparedness and Emergency Planning (OSPEP) to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status. This training includes training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.
- c. Awareness training for students, teaching staff members, and all school staff members regarding the recognition of concerning or aberrant behavior in an individual that may represent a threat to the school community.
 - (1) Requests for awareness training can be coordinated by the district's School Safety Specialists through the OSPEP.
- d. Training for parents and other community stakeholders to anonymously report dangerous, violent, or unlawful activity to the district or school.

D. Threat Assessment and Management Process

The district shall implement the following steps in the threat assessment and management process.

- 1. Step 1: Receive a Report of Concern
 - a. When the threat assessment team first learns of a new report of a threat or aberrant or concerning behavior, the team (or one member of the team) should collect initial intake information about the behavior, the concerning person (i.e., the person who engaged in the threatening behavior; the person to be assessed), and other information that is readily available.



REGULATION GUIDE

PROGRAM
R 2419/page 9 of 15
School Threat Assessment Teams

2. Step 2: Screen the Case
 - a. Screen for imminency (of the threat or concerning behavior) and whether there is a need for a full threat assessment.
 - (1) If the threat assessment team believes the report does present an imminent danger or safety concern, immediately notify law enforcement. Once the emergency has been contained, the team should complete a full threat assessment and make all necessary notifications (i.e., anyone that is or may be directly impacted).
 - b. If the team does not believe the report presents an imminent danger or safety concern, determine if there is a need for full threat assessment. If not, document the initial report and screening.
 - c. If there is a need for a threat assessment, the team shall proceed with a full threat assessment using the steps outlined in D.3. through 8. below.
 - d. The district's Title IX Coordinator must be notified immediately if a report involves sexual harassment, sexual assault, dating violence, stalking, or a domestic violence assault, or if engagement in these actions is uncovered when gathering additional information during the threat assessment process. Notifying the district's Title IX Coordinator is completed parallel to the threat assessment process and does not stop a team from moving forward with gathering information and initiating risk management strategies.
3. Step 3: Gather Information from Multiple Sources
 - a. Gather information about the person displaying the concerning behavior and situation from various sources. These sources can include, but are not limited to, teachers, coaches, parents, and peers.



REGULATION GUIDE

PROGRAM
R 2419/page 10 of 15
School Threat Assessment Teams

4. Step 4: Organize and Analyze
 - a. Organize and analyze information using the 11 Investigative Questions detailed in the U.S. Secret Service and U.S. Department of Education threat assessment guide. The form is comprised of 11 investigative questions adapted from the U.S. Secret Services and U.S. Department of Education Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates and can be found at www.secretservice.gov/nod/2559.
5. Step 5: Make the Assessment
 - a. Make an assessment about whether the individual of concern poses a threat of violence or self-harm, or if they are otherwise in need of intervention.
6. Step 6: Develop and Implement a Case Management/Intervention Plan
 - a. Develop and implement a case management plan to reduce risk.
 - b. As needed, refer individual of concern to the local mental health authority or healthcare provider for evaluation and/or treatment.
 - c. As needed, refer individual of concern for a full and individual evaluation (FIE) for special education services.
7. Step 7: Re-Assess (Case Monitoring)
 - a. Monitor, re-evaluate, and modify plan as needed to ensure that the identified intervention(s) is effective, and the individual of concern no longer poses a threat of violence or self-harm.
 - b. Re-assessing the person of concern, going through the assessment questions again.



REGULATION GUIDE

PROGRAM
R 2419/page 11 of 15
School Threat Assessment Teams

- c. If there are still concerns, the team shall continue to monitor, adjust plan, and re-assess as needed until there is no longer a concern of harm to self and/or others, and the individual is on a better path.

8. Step 8: Document and Close the Case

- a. When the team's assessment is that the concerning person no longer poses a threat of violence or self-harm, the team can close the case or place it on the in-active status.
- b. The threat assessment team should be sure to document the case, including scheduling any future dates to check-in or follow-up, as needed.
- c. The documentation should be stored in a confidential file, with only authorized personnel having access.

E. Training

- 1. Each member of the threat assessment team must attend training in accordance with N.J.S.A. 18A:17-43.4. The district may also choose to provide awareness training to school community members on the threat assessment process. The awareness training is also outlined as part of one of the steps of the Building a K-12 Behavior Threat Assessment and Management Program.
- 2. Threat assessment team membership:
 - a. In accordance with N.J.S.A. 18A:17-43.4, the NJDOE shall provide training through the New Jersey School Safety Specialist Academy. All threat assessment team members must receive training consistent with the training and guidelines provided by the NJDOE. The school safety specialist, is a member of the threat assessment team and will assist in ensuring this training is provided to school staff in coordination with OSPEP.



REGULATION GUIDE

PROGRAM

R 2419/page 12 of 15

School Threat Assessment Teams

- b. Each new threat assessment team member must complete training by the OSPEP, which shall include training sessions as instructed by *Ontic/SIGMA as part of the Bureau of Justice Assistance (BJA) STOP School Violence Grant Program*.
- c. The district shall determine membership on the threat assessment team in accordance with N.J.S.A. 18A:17-43.4, including adding and ensuring the training of new members, as needed. The district must ensure all threat assessment team members attend the required initial training and refresher training provided by OSPEP to advance their competency in conducting assessments.
 - (1) These trainings will be offered through the OSPEP for both in person and online platforms.
 - (2) Refresher training will be developed and facilitated by the OSPEP and will be made available through in-person and online platforms, as necessary.

3. Awareness Training for Other School Community Stakeholders

- a. Request for awareness training for school staff members should be directed to the OSPEP email at school.security@doe.nj.gov, which will provide training or coordinate sessions with approved instructors from the U.S. Department of Homeland Security National Threat Evaluation and Reporting Office's Certified Master Training Program.

F. Other Considerations

1. Individualized Education Program (IEP) or 504 Plans

- a. The district is required by law to meet the needs of students with special needs, who are afforded disciplinary protections not provided to the general education population, to reduce exclusionary practices for special



REGULATION GUIDE

PROGRAM

R 2419/page 13 of 15

School Threat Assessment Teams

education students. When assessing a student whose behavior may pose a threat to the safety of the school community, in the case of a student with an IEP or 504 plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant or concerning behavior is a threat to school safety and is being properly addressed in a manner that is required by N.J.A.C. 6A:14 and all Federal and State special education laws. Working with the IEP team or 504 team, the threat assessment team shall determine if the behavior is part of known baseline behavior, or is already being managed under the student's IEP, 504 plan, or FBA plan. If the behavior is not consistent with baseline behaviors or is not able to be effectively managed through current programming, then a threat assessment would need to be conducted. A special education representative must be part of the team and shall engage throughout the process.

2. Allegations of Harassment, Intimidation, & Bullying (HIB) or Bias-Related Acts
 - a. Should the threat assessment team become aware of an allegation of HIB when considering or conducting assessments, they must follow Policy 5512 for addressing allegations of HIB in alignment with the Anti-Bullying Bill of Rights Act. Additionally, during the threat assessment process, it is important to recognize that the student may need remedial services (e.g., counseling) to address behavior that may have prompted the need for the threat assessment and to ensure their well-being.
 - b. Should a threat assessment team become aware of a bias-related act, they should implement Policy and Regulation 8465 on reporting bias-related acts to law enforcement in accordance with the Memorandum of Agreement Between Education and Law Enforcement Officials and Policy and Regulation 9320.



REGULATION GUIDE

PROGRAM
R 2419/page 14 of 15
School Threat Assessment Teams

3. Information Sharing

- a. The Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) are two Federal laws protecting the privacy of an individual's personal records. FERPA refers specifically to educational records while HIPAA refers to medical records. Questions and concerns about FERPA and/or the HIPAA protections often arise as part of the threat assessment planning process. It is critical that threat assessment teams understand how to balance the safety of the school with the privacy of individual students. These laws should not be an impediment to threat assessment and management.
- b. Threat assessment teams should consult with the Board Attorney on these elements as needed.

4. Family Education Rights & Privacy Act (FERPA) – Educational Records

- a. FERPA is a Federal law that protects the privacy of student education records. FERPA does, however, authorize school officials to disclose information without consent in emergency situations where the health and/or safety of students is at risk. Relevant information can be released to law enforcement, public health, and medical officials, as well as other schools in the event a student transfers or matriculates. The U.S. Department of Education would not find a school in violation of FERPA for disclosing FERPA-protected information under the health or safety exception as long as the school had a rational basis, based on the information available at the time, for making its determination that there was an articulable and significant threat to the health or safety of the student or other individuals.

5. Health Insurance Portability and Accountability Act (HIPAA) – Medical and Mental Health Records



REGULATION GUIDE

PROGRAM

R 2419/page 15 of 15

School Threat Assessment Teams

- a. HIPAA protects the confidentiality of information in health records. Confidentiality is held by the patient, not the mental health provider. In cases where HIPAA applies, the following strategies below may assist threat assessment teams in eliminating potential barriers to critical data collection:
 - (1) Ask permission from the student and parent to disclose medical records;
 - (2) Provide information to health and mental professionals; and
 - (3) Ask about duty to warn or duty to protect.
- b. Additionally, medical and mental health providers may disclose protected health information when disclosure:
 - (1) Is necessary to prevent or lessen a serious and imminent threat to health or safety of patient or others and is to someone reasonably able to prevent or lessen the threat; and
 - (2) May include disclosure to law enforcement, or others who can mitigate the threat and disclosure must be consistent with applicable law and standards of ethical conduct.

6. Record Keeping

All documentation from the threat assessment process must be maintained in a confidential and secure location. Maintaining records and preserving evidence throughout the process, assists in the establishment of a legal and behavioral justification for the intervention. Records may be electronic or paper and must be maintained in accordance with record retention rules established by the Department of Treasury.

Adopted:



REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 1 of 5

Attendance

**Professional Staff Attendance Review
and Improvement Plan**

Sep 23

Mandated

R 3212 ATTENDANCE PROFESSIONAL STAFF ATTENDANCE REVIEW AND IMPROVEMENT PLAN

A. Review of Attendance Data

1. A record shall be kept of the attendance of each teaching staff member, including teachers; educational services personnel; administrators; and other certificated staff members. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, bereavement leave, and any other leaves of absences taken by the teaching staff member. The teaching staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent or by Policy and Regulation 1642.01. The teaching staff member's rate of absence shall be calculated at least once per school year and entered on the teaching staff member's attendance record. A teaching staff member's attendance record shall be part of the teaching staff member's personnel file.
2. A cumulative attendance record shall be assembled for each school in the school district and also for the school district as required by the New Jersey Department of Education.
3. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for each school in the district and also for the school district.

B. Attendance Reporting and Improvement Plan

1. Planning



REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 2 of 5

Attendance

**Professional Staff Attendance Review
and Improvement Plan**

- a. Each absence of a teaching staff member shall be reported by the teaching staff member in accordance with the school district's procedure.
- b. The absence of a teaching staff member shall be provided to the teaching staff member's Principal or supervisor designated by the Superintendent, as appropriate, who shall determine if a substitute or replacement is required for the period of the absence.
- c. A report of such absences shall also be provided to the Superintendent or designee.
- d. The Principal or supervisor designated by the Superintendent shall determine if an absence requires further verification. Reasons for further verification may include, but are not limited to, the following:
 - (1) A pattern of absences on the same day(s) of the week;
 - (2) A pattern of absences before or after nonworking days;
 - (3) The habitual exhaustion of personal leave.
- e. The Superintendent or designee will meet with Principals and supervisors to discuss attendance records of teaching staff members. The attendance records shall be analyzed for patterns of absences, such as excessive absenteeism in a given department, school, or work place in the school district, among certain groups of teaching staff members, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absences shall be developed.

2. Implementation



REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 3 of 5

Attendance

~~Professional Staff Attendance Review
and Improvement Plan~~

- a. The Superintendent or designee or the teaching staff member's Principal or supervisor designated by the Superintendent shall be responsible for implementing a plan for the improvement of teaching staff member attendance.
 - b. The teaching staff member's Principal or supervisor designated by the Superintendent shall encourage the regular attendance of teaching staff members in their workplace, school, or department. The teaching staff member's Principal or supervisor designated by the Superintendent shall maintain contact with absent employees and may confer with teaching staff members who return from an absence of any duration.
 - c. The Superintendent shall direct Principals and supervisors designated by the Superintendent to incorporate a teaching staff member's attendance record in the teaching staff member's evaluation.
 - d. The teaching staff member's Principal or supervisor designated by the Superintendent shall report to the Superintendent or designee any teaching staff member whom the Principal or supervisor designated by the Superintendent suspects of misusing sick leave or falsifying the reasons for an absence.
3. Counseling
- a. The Superintendent, Principal, or supervisor designated by the Superintendent may schedule a conference with a teaching staff member where the number and/or pattern of the teaching staff member's absences or the reasons offered for the teaching staff member's absences may indicate a concern.



REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 4 of 5

Attendance

~~Professional Staff Attendance Review
and Improvement Plan~~

- b. Prior to the giving of any admonition, reprimand, or imposition of discipline of any kind, the Superintendent, Principal, or supervisor designated by the Superintendent shall determine the nature of the absences and consider any extenuating circumstances.
- c. A written report of any attendance conference shall be prepared and retained with the teaching staff member's evaluations. The teaching staff member shall be permitted to examine the report and affix their comments, if any, to evaluation reports.

C. Record of Attendance

1. A record shall be kept of the attendance of all teaching staff members, including supervisors. Any absence, for part or all of a school day, shall be recorded with the reason for the absence. A teaching staff member's attendance record shall be part of the teaching staff member's personnel file.
2. The record will distinguish sick leave; professional days; unpaid leaves of absences; personal leave; bereavement leave; and any other leaves taken by the teaching staff member. The teaching staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent, Policy 1642.01, or any other law or Board policy.
3. A teaching staff member's rate of absence shall be calculated at least once per school year and entered on the teaching staff member's attendance record.
4. At the end of each school year, the Superintendent of Schools, Principals, and teaching staff members' supervisors designated by the Superintendent will review attendance records for teaching staff members.



REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 5 of 5

Attendance

**Professional Staff Attendance Review
and Improvement Plan**

D. Attendance Improvement Plan

1. The attendance record prepared for teaching staff members shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.
2. Specific strategies for reducing the rate of absences shall be developed.
3. The Superintendent shall designate an administrator or supervisor to be responsible for implementing the approved plan for the improvement of teaching staff member attendance in the school district and in schools in the district.
4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any teaching staff member's performance.

E. In-Service Training

1. The teaching staff member's Principal or supervisor designated by the Superintendent shall meet with teaching staff members at the beginning of each school year to:
 - a. Inform teaching staff members of Board policy and district regulations on attendance;
 - b. Familiarize employees with the procedures to be used in requesting, reporting, and verifying absences; and
 - c. Acquaint teaching staff members with the degree to which attendance will affect evaluation reports.

Issued:



REGULATION GUIDE

SUPPORT STAFF MEMBERS

R 4212/page 1 of 5

Attendance

Sep 23

Mandated

R 4212 ATTENDANCE

A. Review of Attendance Data

1. A record shall be kept of the attendance of each support staff member, including secretarial staff; maintenance and custodial staff; food service staff; other support staff members, and staff members that supervise support staff members. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, bereavement leave, and any other leaves of absences taken by the support staff member. The support staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent or by Policy and Regulation 1642.01. The support staff member's rate of absence shall be calculated at least once per school year and entered on the support staff member's attendance record. A support staff member's attendance record shall be part of the support staff member's personnel file.
2. A cumulative attendance record shall be assembled for each department or classification of employees in the school district.
3. An attendance report shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for a department and/or classification of employee.

B. Attendance Reporting and Improvement Plan

1. Planning
 - a. Each absence of a support staff member shall be reported by the support staff member in accordance with the school district's procedure.



REGULATION GUIDE

SUPPORT STAFF MEMBERS

R 4212/page 2 of 5

Attendance

- b. The absence of a support staff member shall be provided to the support staff member's Principal or supervisor designated by the Superintendent, as appropriate, who shall determine if a substitute or replacement is required for the period of the absence.
- c. A report of such absences shall also be provided to the Superintendent or designee.
- d. The supervisor designated by the Superintendent shall determine if an absence requires further verification. Reasons for further verification may include, but are not limited to, the following:
 - (1) A pattern of absences on the same day(s) of the week;
 - (2) A pattern of absences before or after nonworking days;
 - (3) The habitual exhaustion of personal leave.
- e. The Superintendent or designee will meet with the support staff member supervisors to discuss attendance records of support staff members. The attendance records shall be analyzed for patterns of absences, such as excessive absenteeism in a given department, school, or work place in the school district, among certain groups of support staff members, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absences shall be developed.

2. Implementation

- a. The Superintendent or designee or the support staff member's supervisor designated by the Superintendent, shall be responsible for implementing a plan for the improvement of support staff member attendance.



REGULATION GUIDE

SUPPORT STAFF MEMBERS

R 4212/page 3 of 5

Attendance

- b. The support staff member's supervisor designated by the Superintendent shall encourage the regular attendance of the support staff members in their workplace, school, or department. The support staff member's supervisor designated by the Superintendent shall maintain contact with absent employees and may confer with support staff members who return from an absence of any duration.
- c. The Superintendent shall direct support staff member supervisors to incorporate a support staff member's attendance record in the support staff member's evaluation.
- d. The support staff member's supervisor designated by the Superintendent shall report to the Superintendent or designee any support staff member whom the supervisor suspects of misusing sick leave or falsifying the reasons for an absence.

3. Counseling

- a. The Superintendent or supervisor designated by the Superintendent may schedule a conference with a support staff member where the number and/or pattern of the support staff member's absences or the reasons offered for the support staff member's absences may indicate a concern.
- b. Prior to the giving of any admonition, reprimand, or imposition of discipline of any kind, the Superintendent or supervisor designated by the Superintendent shall determine the nature of the absences and consider any extenuating circumstances.
- c. A written report of any attendance conference shall be prepared and retained with the support staff member's evaluations. The support staff member shall be permitted to examine the report and affix their comments, if any, to evaluation reports.



REGULATION GUIDE

SUPPORT STAFF MEMBERS

R 4212/page 4 of 5

Attendance

C. Record of Attendance

1. A record shall be kept of the attendance of all support staff members, including supervisors. Any absence, for part or all of a school day, shall be recorded with the reason for the absence. A support staff member's attendance record shall be part of the employee's personnel file.
2. The record will distinguish sick leave; professional days; unpaid leaves of absences; personal leave; bereavement leave; and any other leaves taken by the support staff member. The support staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent, Policy 1642.01, or any other law or Board policy.
3. A support staff member's rate of absence shall be calculated at least once per school year and entered on the support staff member's attendance record.
4. At the end of each school year, the Superintendent, School Business Administrator/Board Secretary, and support staff members' supervisors will review attendance records for support staff members.

D. Attendance Improvement Plan

1. The attendance record prepared for support staff members shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.
2. Specific strategies for reducing the rate of absences shall be developed.
3. The Superintendent shall designate an administrator or supervisor to be responsible for implementing the approved plan for the improvement of support staff member attendance in the school district.



REGULATION GUIDE

SUPPORT STAFF MEMBERS

R 4212/page 5 of 5

Attendance

4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any support staff member's performance.
- E. In-Service Training
1. The School Business Administrator/Board Secretary or supervisor designated by the Superintendent shall meet with support staff members at the beginning of each school year to:
 - a. Inform support staff members of Board policy and district regulations on attendance;
 - b. Familiarize employees with the procedures to be used in requesting, reporting, and verifying absences;
 - c. Acquaint support staff members with the degree to which attendance will affect evaluation reports.

Issued:



REGULATION GUIDE

STUDENTS
R 5111/page 1 of 26
Eligibility of Resident/Nonresident Students
Sep 23
Mandated

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

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

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

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:



REGULATION GUIDE

STUDENTS

R 5111/page 2 of 26

Eligibility of Resident/Nonresident Students

- a. A student is domiciled in the school district when **the student** ~~he or she~~ is **the child of living with** a parent or guardian whose domicile is located within the school district.
- (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. **N.J.A.C. 6A:22-3.1(a)1. and B.1.a. above** ~~This provision~~ shall apply regardless of which parent has legal custody.
 - (2) When a student's physical custody is shared on an equal-time, alternating week/month, or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
 - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school



REGULATION GUIDE

STUDENTS

R 5111/page 3 of 26

Eligibility of Resident/Nonresident Students

district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.

- (b) When the domicile of ~~a 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 a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22, **Policy 5111, and this Regulation.**
- (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
- b. A student is domiciled in the school district when **the student** ~~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 within the school district.
- c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition)



REGULATION GUIDE

STUDENTS

R 5111/page 4 of 26

Eligibility of Resident/Nonresident Students

and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.

- d. A student is domiciled in the school district when **the student's** ~~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 the municipality to which the majority of the dwelling's **or unit's** property tax is paid, ~~or to which the majority of the dwelling's or unit's property tax is paid.~~
- a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs of **eligibility** as provided pursuant to N.J.A.C. 6A:22-3.4 **and E. below.**
 - b. **N.J.A.C. 6A:22-3.1(b) and B.2. above** ~~This provision~~ shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.



REGULATION GUIDE

STUDENTS

R 5111/page 5 of 26

Eligibility of Resident/Nonresident Students

3e. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b. or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.

43. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

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

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

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



REGULATION GUIDE

STUDENTS

R 5111/page 6 of 26

Eligibility of Resident/Nonresident Students

- (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that **the parent or guardian** ~~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:
 - (a) A sworn statement that **the person** ~~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 all personal obligations for the student pertaining to school requirements; and
 - (b) A copy of **their** ~~his or her~~ lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
- b. A student shall not be deemed ineligible under **N.J.A.C. 6A:22-3.2** ~~this provision~~ because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
- c. A student shall not be deemed ineligible under **N.J.A.C. 6A:22-3.2** ~~this provision~~ when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.



REGULATION GUIDE

STUDENTS

R 5111/page 7 of 26

Eligibility of Resident/Nonresident Students

- d. A student shall not be deemed ineligible under **N.J.A.C. 6A:22-3.2** ~~this provision~~ solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
 - e. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use **their** ~~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 **their** ~~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 this school district pursuant to N.J.S.A. 18A:38-1.b. if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.
 - a. Eligibility under **N.J.A.C. 6A:22-3.2(b) and C.2. above** ~~this provision~~ shall cease at the end of the school year during which the parent or guardian 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 pursuant to N.J.S.A. 18A:38-1.d. if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.



REGULATION GUIDE

STUDENTS

R 5111/page 8 of 26

Eligibility of Resident/Nonresident Students

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



REGULATION GUIDE

STUDENTS

R 5111/page 9 of 26

Eligibility of Resident/Nonresident Students

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



REGULATION GUIDE

STUDENTS

R 5111/page 10 of 26

Eligibility of Resident/Nonresident Students

- (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 C.8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of **their** ~~his or her~~ right to appeal the decision within twenty-one calendar days of **the parent's or guardian's** ~~his or her~~ receipt of the notification, and shall state that if such appeal is denied, **the parent or guardian** ~~he or she~~ may be assessed the costs for



REGULATION GUIDE

STUDENTS

R 5111/page 11 of 26

Eligibility of Resident/Nonresident Students

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 C.8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.
 - (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.



REGULATION GUIDE

STUDENTS

R 5111/page 12 of 26

Eligibility of Resident/Nonresident Students

- (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria ~~set forth~~ at C.8.a. above.
 - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.
- 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.



REGULATION GUIDE

STUDENTS

R 5111/page 13 of 26

Eligibility of Resident/Nonresident Students

- (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 **New Jersey Department's of Education's** Office of School Facilities and Finance for reimbursement payment(s) to the school district.
- (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

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

hi. 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, **their** ~~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 – **N.J.A.C. 6A:22-3.3**

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or **their** ~~his or her~~ compliance with local housing ordinances or terms of lease.
2. Except as set forth in **D.2.a.** below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 **and C. above** shall be enrolled without regard to, or inquiry concerning, immigration status.



REGULATION GUIDE

STUDENTS

R 5111/page 14 of 26

Eligibility of Resident/Nonresident Students

- a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).

3. F-1 Visa Students

The school district is not required to, but may permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. A F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.



REGULATION GUIDE

STUDENTS

R 5111/page 15 of 26

Eligibility of Resident/Nonresident Students

4. J-1 Visa Students

The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.]

~~E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, and with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.a.~~

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

1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
 - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
 - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;



REGULATION GUIDE

STUDENTS

R 5111/page 16 of 26

Eligibility of Resident/Nonresident Students

- d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
 - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
 - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an “affidavit student,” adult student, person(s) with whom a family is living, or others, as appropriate;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
2. The Board of ~~Education~~ may accept forms of documentation not listed in **N.J.A.C. 6A:22-3.4(a) and E.1.** above, and shall not exclude from consideration any documentation or information presented by an applicant.
 3. The Board of ~~Education~~ shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
 4. The Board of ~~Education~~ shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:



REGULATION GUIDE

STUDENTS

R 5111/page 17 of 26

Eligibility of Resident/Nonresident Students

- 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) **and D.2. above**;
- c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
- d. Social security numbers.

5. The Board of ~~Education~~ may consider, in a manner consistent with Federal law, documents or information referenced in **N.J.A.C. 6A:22-3.4(d) and E.4.** above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board of ~~Education~~ may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

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

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

1. The Board of Education shall use Commissioner-provided registration forms **pursuant to N.J.A.C. 6A:22-4.1(a)**, or locally developed forms that:



REGULATION GUIDE

STUDENTS

R 5111/page 18 of 26

Eligibility of Resident/Nonresident Students

- a. Are consistent with the ~~forms provided by the Commissioner~~**provided forms**;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22-4 or any other provision of statute or rule;
 - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
 - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
 - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board of ~~Education~~ shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
- a. If the school district uses separate forms for affidavit student applications rather than a single **application** form for all types of enrollment, affidavit student forms shall comply in all respects with **N.J.A.C. 6A:22-4.1(a)** and ~~the provisions of G.1. above~~. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom **they are** ~~he or she~~ is not the parent or guardian, even if not specifically requested.
 - (1) The Board of ~~Education~~ or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.



REGULATION GUIDE

STUDENTS

R 5111/page 19 of 26

Eligibility of Resident/Nonresident Students

- (2) The Board of ~~Education~~ or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.
 - b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.
 - a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 **and G. below.**
 - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.
- (1) An applicant whose student is enrolled pursuant to **N.J.A.C. 6A:22-4.1(c)2.i. and F.3.b. above** ~~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.



REGULATION GUIDE

STUDENTS

R 5111/page 20 of 26

Eligibility of Resident/Nonresident Students

4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of **the applicant's** ~~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 the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.
5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board of ~~Education~~ shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of **their** ~~his or her~~ identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.



REGULATION GUIDE

STUDENTS

R 5111/page 21 of 26

Eligibility of Resident/Nonresident Students

8. Enrollment in the school district shall not be denied based upon **the** absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

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

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22, **Policy 5111, and this Regulation** or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4.2 and **F. above and H. below et seq.**
 - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
 - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and



REGULATION GUIDE

STUDENTS

R 5111/page 22 of 26

Eligibility of Resident/Nonresident Students

- (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
- b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
 - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
 - d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;
 - e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
 - f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
 - g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, **J.2. and J.3. below**, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:



REGULATION GUIDE

STUDENTS

R 5111/page 23 of 26

Eligibility of Resident/Nonresident Students

- (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education 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.

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

1. Nothing in N.J.A.C. 6A:22-4, **Policy 5111**, and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.



REGULATION GUIDE

STUDENTS

R 5111/page 24 of 26

Eligibility of Resident/Nonresident Students

- a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2 **and G. above**. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.
 3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an “affidavit student,” has been informed of **their** ~~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,” does not respond within the designated time frame to the Superintendent’s notice or appear for the hearing, the Board of Education shall make a prompt determination of the student’s eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2 **and G. above**.
 5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.
- II. Appeal to the Commissioner – N.J.A.C. 6A:22-5.1**
1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
 - a. Pursuant to N.J.S.A. 18A:38-1.b.(1), appeals of “affidavit student” ineligibility determinations shall be filed by the resident keeping the student.



REGULATION GUIDE

STUDENTS

R 5111/page 25 of 26

Eligibility of Resident/Nonresident Students

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

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

2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student’s ineligible attendance in a school district prior to the appeal’s filing and including the twenty-one day period to file an appeal.
 - a. Upon the Commissioner’s finding that an appeal has been abandoned, the Board of ~~Education~~ may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) **and J.1. above** plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the



REGULATION GUIDE

STUDENTS

R 5111/page 26 of 26

Eligibility of Resident/Nonresident Students

date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of **their** ~~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 the Board of ~~Education~~ has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.

- b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of ~~Education~~ pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
4. Nothing in N.J.A.C. 6A:22, **Policy 5111, and this Regulation** shall preclude an equitable determination by the Board of ~~Education~~ or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of ~~Education~~ or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted:



REGULATION GUIDE

STUDENTS
R 5116/page 1 of 12
Education of Homeless Children **and Youths**
Sep 23

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

A. Definitions – (N.J.A.C. 6A:17-1.2)

1. **“Best interest determination” means the school placement decision made by Division of Child Protection and Permanency (DCP&P) based on the factors considered, as set forth at N.J.S.A. 30:4C-26b.**
2. **“Career or technical education” or “CTE” means as defined in N.J.A.C. 6A:19-1.2.**
3. **“DCP&P” means the Division of Child Protection and Permanency, which is a division in the New Jersey Department of Children and Families (DCF) that is responsible for the placement of children in resource family care, pursuant to N.J.S.A. 30:4C-26b.**
4. **“Educational stability school district notification” means the notification provided by DCP&P to the school district, pursuant to N.J.S.A. 30:4C-26b.h.**
5. **“Enroll” or “enrollment” means attending classes and participating fully in school activities.**
6. **“Homeless child” means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12, N.J.A.C. 6A:17-2.2, and B. below.**
7. **“Immediate” or “immediately” means at the instant the need for placement is made known.**
8. **“Parent” means the natural or adoptive parent, legal guardian, resource family care parent, surrogate parent, or person acting in the place of a parent, such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.**



REGULATION GUIDE

STUDENTS

R 5116/page 2 of 12

Education of Homeless Children and Youths

9. **“Point of contact” means the employee identified in each school district who facilitates all activities needed to ensure enrollment and attendance of children in resource family care.**
10. **“Resource family care” means twenty-four-hour substitute care for children placed away from their parent(s) and for whom DCP&P has placement and care responsibility. The term is synonymous with “foster care” as defined in the Federal Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), and includes “resource family home” found elsewhere in the New Jersey Administrative Code and in the New Jersey Statutes Annotated.**
11. **“School district liaison for the education of homeless children and youths” means the person identified in each school district who facilitates all activities needed to ensure the enrollment and attendance of homeless children and youths.**
12. **“School district of residence” for a homeless child or youth means the school district in which the parent of a homeless child or youth resided prior to becoming homeless. It may not be the school district in which the student currently resides. This term is synonymous with “school district or origin” referenced in the McKinney-Vento Homeless Education Assistance Act. “School district of residence” for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides, pursuant to N.J.S.A. 18A:7B-12.b. In the case of a child placed in resource family care prior to September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the “school district of residence” means the school district in which the resource family care parent(s) resides. In the case of a child placed in resource family care on or after September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the “school district of resident” means the present school district of residence of the parent(s) with whom the child lived prior to the most recent placement in resource family care.**



REGULATION GUIDE

STUDENTS

R 5116/page 3 of 12

Education of Homeless Children **and** Youths

13. **“School of origin” for a child in resource family care means the school district in which a child was enrolled prior to a change in the child’s care, custody, or guardianship. If a child’s resource family care placement changes, the school or origin would then be considered the school district in which the child is enrolled at the time of the placement change.**
14. **“State agency” means the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.**
15. **“State facility” means residential and day programs operated by, contracted with, or specified by the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.**
16. **“Transitional living facility” means a temporary facility that provides housing to a child due to domestic violence, pursuant to N.J.S.A. 18A:7B-12.1.**
17. **“Unaccompanied youth” means a youth not in the physical custody of a parent at the time of enrollment.**
- ~~1. “School district liaison for the education of homeless children” means the person identified in the school district that facilitates all activities needed to ensure the enrollment and attendance of homeless children.~~
- ~~2. “School district of residence” for a homeless child means the school district in which the parent of a homeless child resided prior to becoming homeless. It may not be the school district in which the student currently resides. This is synonymous with the term “school district of origin” referenced in the McKinney-Vento Homeless Education Assistance Act. “School district of residence” for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.~~



REGULATION GUIDE

STUDENTS

R 5116/page 4 of 12

Education of Homeless Children **and Youths**

- ~~3. “Homeless child” means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.2.~~
 - ~~4. “Immediate” or “immediately” means at the instant the need for placement is made known.~~
 - ~~5. “Parent” means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, or person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.~~
 - ~~6. “Superintendent” means Superintendent and/or Chief School Administrator.~~
- B. Determination of Homelessness – (N.J.A.C. 6A:17-2.2)
1. The Board of Education **for the school district of residence** shall determine that a child **or youth** is homeless for the purposes of N.J.A.C. 6A:17-2, **Policy 5116, and this Regulation** when **the child or youth** ~~he or she~~ resides in any of the following:
 - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;
 - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;
 - c. The residence of relatives or friends where the homeless child **or youth** resides out of necessity because **their** ~~his or her~~ family lacks a regular or permanent residence of its own; or
 - d. Substandard housing.



REGULATION GUIDE

STUDENTS

R 5116/page 5 of 12

Education of Homeless Children **and Youths**

C. Responsibilities of the School District of Residence – ~~(N.J.A.C. 6A:17-2.3)~~

1. The school district of residence for a homeless child **or youth shall be** ~~is~~ responsible for the education of the child and shall:

- a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5 **and E. below**;
- b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and
- c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.

2. The determination of the homeless child's **or youth's** school district of residence shall be made by the Superintendent of the school district of residence or designee, pursuant to N.J.A.C. 6A:17-2.4 **and D. below** based upon information received from the parent, ~~the Department of Human Services or the Department of Children and Families~~, a shelter provider, another school district, **or** an involved agency, ~~or a case manager~~.

3. The **school** district ~~Board of Education~~ identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child **or youth** shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.

D. Designation of School District Liaisons and Their Responsibilities – ~~(N.J.A.C. 6A:17-2.4)~~

1. The Superintendent identifies annually a **school** district liaison for the education of homeless children **or youths**. The school district liaison shall:



REGULATION GUIDE

STUDENTS

R 5116/page 6 of 12

Education of Homeless Children **and Youths**

- a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child **or youth** resides;
- b. Develop procedures to ensure a homeless child **or youth** residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5 **and E. below**;
- c. Ensure homeless families, children, and youths receive educational services for which they are eligible, including Head Start ~~and Even Start~~ programs, preschool programs administered by the **Board** ~~local education agency~~, and referrals to health care, dental, mental health, and other appropriate services;
- d. Inform parents of homeless children and youths of the educational and related opportunities available to their children and ensure that **parents** ~~they~~ are provided with meaningful opportunities to participate in the education of their children;
- e. Ensure that public notice of the educational rights of homeless children and youths is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;
- f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7 **and G. below**;
- g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5 **and E. below**;
- h. Assist the parent to obtain the homeless child's or youth's medical records or required immunizations; and



REGULATION GUIDE

STUDENTS

R 5116/page 7 of 12

Education of Homeless Children **and Youths**

- i. Assist an unaccompanied youth to ensure **the youth** ~~he or she~~ is enrolled **in**, and is receiving, all services pursuant to N.J.A.C. 6A:17, **Policy 5116, and this Regulation.**
 2. When a homeless child **or youth** resides in a school district, the **school** district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, ~~the Department of Human Services or the Department of Children and Families~~, a shelter director, **or** an involved agency, ~~or a case manager.~~
 3. Upon notification of the need for enrollment of a homeless child **or youth**, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child, pursuant to N.J.A.C. 6A:17-2.5(b) **and E.2. below.**
- E. School District Enrollment – ~~(N.J.A.C. 6A:17-2.5)~~
1. The Superintendent of the school district of residence or designee shall decide in which **school** district the homeless child **or youth** shall be enrolled as follows:
 - a. Enroll the homeless child **or youth** in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's **or youth's** parent;
 - b. Continue the homeless child's **or youth's** education in the school district of last attendance if it is not the school district of residence; or
 - c. Enroll the homeless child in the school district where the child resides.
 2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child **or youth** based on what is determined to be in the best interest of the child **or youth** after considering:



REGULATION GUIDE

STUDENTS

R 5116/page 8 of 12

Education of Homeless Children **and Youths**

- a. The enrollment of the homeless child **or youth** in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's **or youth's** parent.
 - b. The continuity of the child's educational program;
 - c. The eligibility of the child for special instructional programs, including, but not limited to, bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and
 - d. The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.
3. The Superintendent of the school district of residence or designee shall determine the child's **or youth's** school district **of** enrollment immediately after consultation with the parent. The school district of residence shall adhere to the following procedures:
- a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child **or youth shall** ~~will~~ be enrolled immediately. If a dispute arises regarding enrollment of a homeless child **or youth**, the homeless child **or youth** shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7 **and G. below**.
 - b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.
 - c. A decision to enroll a homeless child **or youth** in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.



REGULATION GUIDE

STUDENTS

R 5116/page 9 of 12

Education of Homeless Children **and Youths**

4. When a decision is made to enroll the child **or youth** in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32-7, ~~School District Operations~~.
 5. When a homeless child **or youth** with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.
 6. When the school district of residence for a homeless child **or youth** cannot be determined, the Superintendent or designee of the school district in which the child **or youth** currently resides shall enroll the child **or youth** immediately in the school district of the current residence or the school district of last attendance.
 7. The school district selected pursuant to N.J.A.C. 6A:17-2, **Policy 5116, and this Regulation** shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.
 8. Enrollment in the school district of residence; ~~;~~ **enrollment in** the school district of last attendance, if not the school district of residence; ~~;~~ or **enrollment in** the school district where the child **or youth** resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child **or youth** becomes permanently housed during the academic year.
- F. Parental Rights – ~~(N.J.A.C. 6A:17-2.6)~~
1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.4 ~~et seq~~, **Policy 5116, and this Regulation**.



REGULATION GUIDE

STUDENTS

R 5116/page 10 of 12

Education of Homeless Children **and Youths**

G. Disputes and Appeals – (N.J.A.C. 6A:17-2.7)

1. When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child's **or youth's** parent(s) shall immediately notify the Executive County Superintendent. ~~of Schools, who, In~~ consultation with the **New Jersey Department's of Education's (NJDOE) McKinney-Vento Homeless Education Coordinator or the Coordinator's designee, the Executive County Superintendent** shall immediately decide the child's **or youth's** status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent ~~of Schools,;~~ **The Executive County Superintendent who** shall make a determination immediately, if possible, but no later than within forty-eight hours **and, when necessary, in consultation with the NJDOE's Homeless Education Coordinator, or the Coordinator's designee.**
 - a. If the dispute regarding determination of **the school** district of residence does not involve the determination of homelessness and/or **school** district **of** enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the **NJDOE Department of Education** pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of ~~Administration and~~ Finance.



REGULATION GUIDE

STUDENTS

R 5116/page 12 of 12

Education of Homeless Children **and Youths**

3. The State shall assume fiscal responsibility for the tuition of the child **or youth** pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child **or youth** is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d., under the following circumstances:
 - a. If the school district of residence cannot be determined for the homeless child **or youth**;
 - b. If the school district of residence is outside of the State; or
 - c. If a child **or youth** resides in a **domestic violence shelter, homeless shelter, Department of Community Affairs-licensed emergency shelter** or transitional living facility **located in a school district other than the school district of residence due to domestic violence** for more than a year **during combined for the duration** of the placement pursuant to N.J.S.A. 18A:7B-12.d. **and 12.1.**

- 4.(1) When the State assumes fiscal responsibility for the tuition of a homeless child **or youth under the circumstances at N.J.A.C. 6A:17-2.8(c) and H.3. above**, the State shall pay to the school district in which the child **or youth** is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49; and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

Issued:

