

POLICY GUIDE

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Religion in the Schools
Sep 23

2270 RELIGION IN THE SCHOOLS

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

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

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

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



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

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

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

U.S. Const. Amend. 1

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

U.S. Department of Education - Guidance on Constitutionally Protected
Prayer **and Religious Expression** in Public Elementary and Secondary Schools
– ~~January 16, 2020~~ **May 15, 2023**

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

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

Adopted:



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School Threat Assessment Teams

Sep 23

Mandated

2419 SCHOOL THREAT ASSESSMENT TEAMS

The Board of Education shall establish a threat assessment team at each school in the district pursuant to N.J.S.A. 18A:17-43.4. The purpose of a threat assessment team shall be to provide school teachers, administrators, and other staff with assistance in identifying students of concern, assessing those students' risk for engaging in violence or other harmful activities, and delivering intervention strategies to manage the risk of harm for students who pose a potential safety risk, to prevent targeted violence in the school, and ensure a safe and secure school environment that enhances the learning experience for all members of the school community.

Threat assessment teams established pursuant to N.J.S.A. 18A:17-43.4.a., ~~and~~ this Policy, **and Regulation 2419** must be multidisciplinary in membership and, to the extent possible, ~~shall~~ **must** include the following individuals:

1. A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;
2. A teaching staff member;
3. A ~~school~~ Principal or other senior school administrator;
4. A safe schools resource officer or school employee who serves as a school liaison to law enforcement; and
5. The school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3. and Policy 7440, in the event that the school safety specialist is not already a school administrator or school employee required to be a part of the threat assessment team pursuant to N.J.S.A. 18A:17-43.4.~~b.(5)~~.

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.

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School Threat Assessment Teams

Nothing contained in N.J.S.A. 18A:17-43.4 shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the effective date pursuant to N.J.S.A. **18A:17-43.3** ~~18A:14-43.4~~ (August 1, 2022).

This Policy **and Regulation 2419, pursuant to N.J.S.A. 18A:17-43.5, are required pursuant to N.J.S.A. 18A:17-43.4, shall be aligned with the Guidance on the Establishment of Behavioral Threat Assessment and Management Teams (BTAM) 2023 (Guidance) guidelines** developed by the New Jersey Department of Education (NJDOE) pursuant to N.J.S.A. 18A:17-43.6. ~~and shall include, but need not be limited to:~~

- ~~1. Guidance for students, teaching staff members, and all school staff members regarding the recognition of threatening or aberrant behavior in a student that may represent a threat to the school community;~~
- ~~2. The designation of members of the school community to whom threatening behavior shall be reported;~~
- ~~3. The development and implementation of policies concerning the assessment and intervention of students whose behavior poses a threat to the safety of the school community, and appropriate actions to be taken, including available social, developmental, and law enforcement resources, for students whose behavior is identified as posing a threat to the safety of the school community;~~
- ~~4. Coordination and consultation with the school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3. and Policy 7440; and~~
- ~~5. The threat assessment team shall not disclose or disseminate any information obtained during their assessment beyond the purpose for which the information was provided to the threat assessment team, except that the threat assessment team is authorized to disclose the information to applicable agencies to pursue appropriate action pursuant to N.J.S.A. 18A:17-43.5.a.(3) for any student whose behavior is identified as posing a threat to the safety of the school community.~~

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School Threat Assessment Teams

The school district shall structure the threat assessment teams to best meet the needs and resources available, which may include school-based teams and/or district-level teams.

The Superintendent or designee will build a behavioral threat assessment and management program that will: establish a multi-disciplinary team; define prohibited and concerning behaviors; create a central reporting mechanism; define a threshold for law enforcement intervention; establish threat assessment procedures; develop risk management options; create and promote safe school climates; and conduct training for all stakeholders.

The threat assessment and management process will include: the threat assessment team's actions when first learning of a new report or threat; screening the case; gathering information; organizing and analyzing information; making the assessment; developing and implementing a case management/intervention plan; re-assessing and case monitoring; and documenting and closing the case.

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 Individualized Education Program (IEP) or 504 Plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant 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.

Each member of the threat assessment team **must attend** ~~shall participate in~~ training **in accordance with** ~~provided by the school safety specialist designated pursuant to N.J.S.A. 18A:17-43.43., this and Policy, and Regulation 7440~~ that is consistent with the **Guidance guidelines** developed by the NJDOE pursuant to N.J.S.A. 18A:17-43.6. **Training must be coordinated with the New Jersey Department of Education, Office of School Preparedness and Emergency Planning (OSPEP).** The training shall ensure 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. The training shall, at a minimum, include training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.

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School Threat Assessment Teams

~~The NJDOE, in consultation with State law enforcement agencies and the New Jersey Office of Homeland Security and Preparedness, shall develop guidelines for school districts regarding the establishment and training of threat assessment teams pursuant to N.J.S.A. 18A:17-43.4 et seq. The NJDOE shall provide training through the New Jersey School Safety Specialist Academy established pursuant to N.J.S.A. 18A:17-43.2. The school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3, and Policy 7440 shall provide training to school staff consistent with the training and guidelines provided by the NJDOE.~~

Should a threat assessment team become aware of an allegation of HIB when considering or conducting assessments, they must follow Policy 5512 – Harassment, Intimidation, or Bullying for addressing allegations of HIB in alignment with the Anti-Bullying Bill of Rights Act.

Should a threat assessment team become aware of a bias-related act, the team should implement Policy and Regulation 8465 – Bias Crimes and Bias-Related Acts 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 – Cooperation With Law Enforcement Agencies.

Questions and concerns about Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) protections often arise as part of the threat assessment planning process. The threat assessment teams must 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.

N.J.S.A. 18A:17-43.3; 18A:17-43.4; 18A:17-43.5; 18A:17-43.6

Guidance on the Establishment of Behavioral Threat Assessment and Management Teams (BTAM) 2023

Adopted:

TEACHING STAFF MEMBERS



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Examination for Cause
Sep 23

3161 EXAMINATION FOR CAUSE

- A. Pursuant to N.J.S.A. 18A:16-2 and N.J.A.C. 6A:32-6.3, the Board of Education may require physical or psychiatric examinations of a teaching staff member whenever, in the judgment of the Board, a teaching staff member shows evidence of deviation from normal physical or mental health, to determine the teaching staff member's physical and mental fitness to perform, with reasonable accommodation, the position the teaching staff member currently holds, or to detect any health risk(s) to students and other employees. When the Board requires a teaching staff member to undergo a physical or psychiatric examination:
1. The Board shall provide the teaching staff member with a written statement of the reasons for the required examination; and
 2. The Board shall provide the teaching staff member with a hearing, if requested.
 - a. Notice of the teaching staff member's right to a hearing shall be provided with the statement of reasons for the required examination;
 - b. The teaching staff member must request the Board hearing, in writing, within five working days of the teaching staff member's receipt of the written statement of reasons:
 - (1) The teaching staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the teaching staff member failed to timely request a hearing before the Board;
 - c. The Board hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer the teaching staff member the opportunity to appear before the Board to refute the reason(s) for the required examination(s);

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Examination for Cause

- d. The teaching staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the teaching staff member failed to persuade the Board at the hearing that the teaching staff member should not be required to submit to the appropriate examination(s); and
 - e. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 – Appeals.
3. The teaching staff member may refuse, without reprisal, to waive their right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996.
- B. Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of examinations made by a physician or institution designated by the Board. However, the teaching staff member shall bear the cost if the examination is performed by a physician or institution designated by the teaching staff member with the approval of the Board.
1. If the teaching staff member submits names of physicians or institutions to the Board for consideration to complete the appropriate examination(s), the Board is not required to designate the physician or institution submitted for consideration by the teaching staff member, but shall not act unreasonably in withholding its approval of the physician or institution.
 2. The teaching staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.
 3. All records and reports relating to any such examination shall be the property of the Board, in accordance with N.J.S.A. 18A:16-5.
 - a. Health records of teaching staff members, including computerized records, shall be secured, stored, and maintained separately from other personnel files; and

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Examination for Cause

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

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Examination for Cause

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

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-3; 18A:16-4; 18A:16-5
18A:25-7; 18A:28-5; 18A:30-1 et seq.

N.J.A.C. 6A:32-6.2; 6A:32-6.3

Adopted:

TEACHING STAFF MEMBERS



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Attendance
Sep 23
Mandated

3212 ATTENDANCE

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

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

Sick leave is defined in accordance with N.J.S.A. 18A:30-1 and Policy and Regulation 1642.01. ~~In accordance with N.J.S.A. 18A:30-1, sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household.~~ No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for **by statute; administrative code; in the collective bargaining agreement; negotiated with the member's majority representative, in an individual employment contract; or provided in the policies of the Board.** ~~In accordance with N.J.S.A. 18A:30-4, T~~he Superintendent or Board of Education may require **verification a physician's certificate** to be filed with the Secretary of the Board in order to obtain sick leave **in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.**

TEACHING STAFF MEMBERS



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Attendance

The Superintendent, in consultation with administrative staff members, will review the rate of absence among **teaching** the staff members. The review will include the collection and analysis of attendance **patterns data**, the training of teaching staff members in their attendance responsibilities, and the counseling of teaching staff members for whom regular and prompt attendance is a problem.

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

Adopted:

TEACHING STAFF MEMBERS



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Right of Privacy
Sep 23

3324 RIGHT OF PRIVACY

The Board of Education will provide facilities and school district-owned property to assist **teaching** staff members in their job responsibilities or for the **teaching** staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a **teaching** staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The **teaching** staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee.

Teaching School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by ~~legitimate~~ school district policies or regulations. In addition, **teaching** staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the **teaching** staff member is violating a law or school policy. **Teaching School** staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, **teaching school** staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted:

SUPPORT STAFF MEMBERS



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Examination for Cause
Sep 23

4161 EXAMINATION FOR CAUSE

- A. Pursuant to N.J.S.A. 18A:16-2 and N.J.A.C. 6A:32-6.3, the Board of Education may require physical or psychiatric examinations of a support staff member whenever, in the judgment of the Board, a support staff member shows evidence of deviation from normal physical or mental health, to determine the support staff member's physical and mental fitness to perform, with reasonable accommodation, the position the support staff member currently holds, or to detect any health risk(s) to students and other employees. When the Board requires a support staff member to undergo a physical or psychiatric examination:
1. The Board shall provide the support staff member with a written statement of the reasons for the required examination; and
 2. The Board shall provide the support staff member with a hearing, if requested.
 - a. Notice of the support staff member's right to a hearing shall be provided with the statement of reasons for the required examination;
 - b. The support staff member must request the Board hearing, in writing, within five working days of the support staff member's receipt of the written statement of reasons:
 - (1) The support staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the support staff member failed to timely request a hearing before the Board;
 - c. The Board hearing shall be conducted in accordance with the provisions of N.J.S.A. 18A:25-7 and will offer the support staff member the opportunity to appear before the Board to refute the reason(s) for the required examination(s);

SUPPORT STAFF MEMBERS



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- d. The support staff member shall be ordered to submit to the appropriate examination(s) by the physician or institution designated by the Board if the support staff member failed to persuade the Board at the hearing that the support staff member should not be required to submit to the appropriate examination(s); and
 - e. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4 - Appeals.
3. The support staff member may, without reprisal, refuse to waive their right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996.
- B. Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of examinations made by a physician or institution designated by the Board. However, the support staff member shall bear the cost if the examination is performed by a physician or institution designated by the support staff member with approval of the Board.
1. If the support staff member submits names of physicians or institutions to the Board for consideration to complete the appropriate examination(s), the Board is not required to designate the physician or institution submitted for consideration by the support staff member, but shall not act unreasonably in withholding its approval of the physician or institution.
 2. The support staff member shall authorize the physician or institution performing the examination to immediately release the examination results to the Superintendent.
 3. All records and reports relating to any such examination shall be the property of the Board, in accordance with N.J.S.A. 18A:16-5.
 - a. Health records of support staff members, including computerized records, shall be secured, stored, and maintained separately from other personnel files; and
- SUPPORT STAFF MEMBERS**



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

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-3; 18A:16-4; 18A:16-5
18A:25-7; 18A:28-5; 18A:30-1 et seq.

N.J.A.C. 6A:32-6.2; 6A:32-6.3

Adopted:

SUPPORT STAFF MEMBERS



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Attendance
Sep 23
Mandated

4212 ATTENDANCE

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

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

Sick leave is defined in accordance with N.J.S.A. 18A:30-1 and Policy and Regulation 1642.01. ~~In accordance with N.J.S.A. 18A:30-1, sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the support staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household. No support staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for by statute; administrative code; in the collective bargaining agreement; negotiated with the member's majority representative, in an individual employment contract; or the policies of the Board. In accordance with N.J.S.A. 18A:30-4, T~~he Superintendent or Board of Education may require **verification a physician's certificate** to be filed with the Secretary of the Board in order to obtain sick leave **in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.**

SUPPORT STAFF MEMBERS



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The Superintendent, in consultation with administrative staff members, will review the rate of absence among **support** the staff members. The review will include the collection and analysis of attendance **patterns data**, the training of support staff members in their attendance responsibilities, and the counseling of support staff members for whom regular and prompt attendance is a problem.

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

Adopted:

SUPPORT STAFF MEMBERS



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4324 RIGHT OF PRIVACY

The Board of Education will provide facilities and school district-owned property to assist **support** staff members in their job responsibilities or for the **support** staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a **support** staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The **support** staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee, or immediate supervisor.

Support School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by ~~legitimate~~ school district policies or regulations. In addition, **support** staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the support staff member is violating a law or school policy. **Support School** staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, **support school** staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted:

STUDENTS



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Eligibility of Resident/Nonresident Students
Sep 23
Mandated

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

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

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

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

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, **and** where 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 in accordance with N.J.A.C. 6A:22-3.2 **and Regulation 5111 – Section C.** ~~A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement~~

STUDENTS



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Eligibility of Resident/Nonresident Students

~~that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use **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 district commits a disorderly persons offense.~~

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

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

A student is eligible to attend this school district free of charge **in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.:**

- ~~1. If the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 Education of Homeless Children;~~

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- ~~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;~~
- ~~3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and~~
- ~~4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.~~

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

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

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

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Eligibility of Resident/Nonresident Students

Except as set forth in N.J.A.C. 6A:22-3.3(b)1., immigration/visa status shall not affect eligibility to attend school. **Any student who is domiciled in and the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.** ~~shall not condition enrollment in the school district on immigration status.~~ A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111 – **Section D.**

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

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

~~The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.~~

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

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

Registration and **procedures** for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1 **and Regulation 5111 – Section F**. ~~The Board of Education shall use Commissioner provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.~~

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

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education **in accordance with N.J.A.C. 6A:22-4.1(c)2. and Regulation 5111 – Section F**. ~~Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty one day period established by N.J.S.A. 18A:38-1.~~

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws **in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F**. ~~When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence,~~

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

~~Enrollment or attendance at the school shall not be conditioned **or denied pursuant to N.J.A.C. 6A:22-4.1(e) through (i) and Regulation 5111 – Section F.** on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student’s birth certificate or other proof of a student’s identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.~~

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

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

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

~~When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student’s initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample~~

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~~form(s) and meets requirements of N.J.A.C. 6A:22-4.2 et seq and Regulation 5111 – Section G. 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. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.~~

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

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

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

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

An applicant may appeal to the Commissioner of Education the school district’s determination that a student is ineligible to attend its schools **in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I.** ~~Appeals shall be initiated~~

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~~by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of “affidavit student” eligibility determinations shall be filed by the resident keeping the student.~~

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

If no appeal to the Commissioner is filed **by the parent, guardian, adult student, or district resident keeping an affidavit student** following notice of an ineligibility determination, the Board of Education may assess tuition; for up to one year of a student’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner **in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J**. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 ~~et seq~~ **and Regulation 5111 – Section J**. ~~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.~~

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

Nonresident Students – N.J.S.A. 18A:38-3.a.

Any person not resident in the school district, if eligible except for residence, may be admitted to the schools of the district with the consent of the Board of Education upon such terms, and with payment of tuition, as the Board prescribes. The Board of Education, with the approval of the Executive County Superintendent, shall establish a uniform tuition amount for any

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nonresident student admitted to the schools of the district pursuant to N.J.S.A. 18A:38-3.a. ~~The admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.~~ The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship, ~~and~~ discipline, **attendance, and payment of tuition.**

Children Who Anticipate Moving to or from the District

A nonresident student ~~otherwise eligible for attendance~~ whose parent or guardian anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled with payment of a **tuition rate approved by the Executive County Superintendent** for a period of time not greater than sixty days prior to the anticipated date of residency. ~~If any such student does not become a resident of the school district within sixty days after admission to school, tuition will be charged for attendance commencing the beginning of the sixty first and until such time as the student becomes a resident or withdraws from school.~~

Resident students who were enrolled for at least sixty school days of the current year and who then move out of Closter may remain in the district through June of the current academic year with payment of tuition. Tuition will be prorated for the remaining months based on the approved annual tuition rate. Nonresident eighth-grade students who attended Closter Public Schools in sixth and seventh grades may attend with payment of a tuition rate, as approved by the Executive County Superintendent. This policy will not apply to Closter students attending an out-of-district placement, as their new district of domicile will be financially responsible for their tuition and the cost of related services.

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Other Nonresident Students

Nonresident students other than those listed above and those attending through Region III agreement shall not be eligible to attend the school district. Nonresident students who were accepted as of August 2019 as tuition students may remain in the district, with **an** annual tuition ~~based on per-pupil cost rate~~ **approved by the Executive County Superintendent** until their promotion from the eighth grade.

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. An 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 supporting documentation as determined by the Superintendent or designee. A student with an 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.

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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 supporting 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.

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

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

Adopted:

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POLICY GUIDE

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Education of Homeless Children **and Youths**
Sep 23

5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

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

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

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

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

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Education of Homeless Children **and Youths**

When a homeless child **or youth** resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, ~~the Department of Human Services or the Department of Children and Families~~, a shelter director, **or** an involved agency, ~~or a case manager~~. Upon notification of the need for enrollment of a homeless child **or youth**, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).

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

Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 ~~et seq.~~

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

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

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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~~ NJDOE pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the NJDOE Division of Administration and Finance. If an appeal of a determination of **school** district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

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

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

Financial responsibility, including the payment of tuition for the homeless child **or youth**, will be in accordance with N.J.A.C. 6A:17-2.8. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence **or the school district in**

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Education of Homeless Children **and Youths**

which the parent has been deemed domiciled shall no longer list the student on its ASSA. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child **or youth** is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c).

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

N.J.S.A. 18A:7B-12; 18A:7B-12.1; **18A:7B-12.3**; 18A:38-1
N.J.A.C. 6A:17-2.1 et seq.

Adopted:

OPERATIONS



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Food Services
Sep 23
Mandated

8500 FOOD SERVICES

The Board of Education shall make school lunch available to all students enrolled in a school in the district unless less than five percent of enrolled students in the school are Federally eligible for a free or reduced-price lunch in accordance with N.J.S.A. 18A:33-4. School lunches made available pursuant to N.J.S.A. 18A:33-4 and this Policy shall meet minimum nutritional standards, established by the Department of Education.

Free or reduced-price breakfast and lunch, as required, shall be offered, under a school lunch program, school breakfast program, or a breakfast after the bell program, to all enrolled students who are determined to be Federally eligible for free or reduced-price meals. As provided by N.J.S.A. 18A:33-4.a.(3) and N.J.S.A. 18A:33-14a.a.(2), any student who is eligible for a reduced-price lunch and breakfast, pursuant to Federal income eligibility standards and criteria, shall not be required to pay for such lunch or breakfast. Free lunch or breakfast shall also be offered to each enrolled student who is Federally ineligible for free or reduced-price meals, but who has an annual household income that is not less than one hundred and eighty-six percent, and not more than one hundred ninety-nine percent, of the Federal poverty level, as determined pursuant to N.J.S.A. 18A:33-21b1.

- A. Breakfast Program – N.J.S.A. 18A:33-10; 18A:33-10.1; 18A:33-11; 18A:33-11.1; 18A:33-11.3; 18A:33-14a.

If twenty percent or more of the students enrolled in a school in the district on October 1 of the preceding school year were Federally eligible for free or reduced-price meals under the National School Lunch Program or the Federal School Breakfast Program, the district shall establish a school breakfast program in the school in accordance with the provisions of N.J.S.A. 18A:33-10.

Notwithstanding the provisions of N.J.S.A. 18A:33-10 to the contrary, if ten percent or more of the students enrolled in a school in the district on October 1 of the preceding school year were Federally eligible for free or reduced-price meals under the National School Lunch Program or the Federal School Breakfast Program the district shall establish a breakfast program in accordance with the provisions of N.J.S.A. 18A:33-10.1.

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If seventy percent or more of the students enrolled in a school in the district on or before the last school day before October 16 of the preceding school year were Federally eligible for free or reduced-price meals under the National School Lunch Program or the Federal School Breakfast Program, the district shall establish a breakfast after the bell program pursuant to N.J.S.A. 18A:33-11.3.

In accordance with N.J.S.A. 18A:33-11, in implementing a school lunch program, pursuant to 18A:33-4 et seq., a school breakfast program, pursuant N.J.S.A. 18A:33-9 et seq., or N.J.S.A. 18A:33-10.1, or a breakfast after the bell program, pursuant to N.J.S.A. 18A:33-11.1 or N.J.S.A. 18A:33-11.3, the district shall:

1. Publicize, to parents and students, the availability of the respective school meals program, as well as the various ways in which a student may qualify to receive free or reduced price meals under the program, as provided by N.J.S.A. 18A:33-4 and N.J.S.A. 18A:33-14a;
2. Make every effort to ensure that subsidized students are not recognized as program participants, by the student body, faculty, or staff, in a manner that is different from the manner in which unsubsidized students are recognized as program participants. Such efforts shall include, but need not be limited to, the establishment of a neutral meal plan or voucher system that does not make a distinction between subsidized and unsubsidized students; and
3. Make every effort to:
 - a. Facilitate the prompt and accurate identification of categorically eligible students who may be certified to participate in the program, on a subsidized basis, without first submitting an application therefore, and, whenever an application is required to establish eligibility for subsidized meals, encourage students and their families to submit a subsidized school meals application for that purpose;

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- b. Facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes that are used, by the district, to certify a student for free or reduced price school meals on the basis of income, and assist parents in completing the school meals application; and
- c. Encourage students who are neither categorically eligible nor income-eligible for free or reduced price school meals to nonetheless participate, on a paid and unsubsidized basis, in the program.

If the district participates in the Federal School Breakfast Program, the district is encouraged to increase the number of students participating in the program by establishing a breakfast after-the-bell program that incorporates school breakfast into the first-period classroom or the first few minutes of the school day pursuant to N.J.S.A. 18A:33-11.1.

Pursuant to N.J.S.A. 18A:33-14a., school breakfasts made available to students under a school breakfast program or a breakfast after the bell program shall meet minimum nutritional standards, established by the New Jersey Department of Education.

The State of New Jersey shall provide funding to each school in the district if the school operates a School Breakfast Program or a breakfast after-the-bell program, as may be necessary to reimburse the costs associated with the school's provision of free breakfasts, pursuant to N.J.S.A. 18A:33-14a.b., to students who are Federally ineligible for free or reduced price meals.

- B. Summer Food Service Program – N.J.S.A. 18A:33-23; 18A:33-24; 18A:33-25; 18A:33-26

In accordance with N.J.S.A. 18A:33-24, if fifty percent or more of the students enrolled in the school district on or before the last school day before October 16 of the preceding school year were Federally eligible for free or reduced price meals under the National School Lunch Program or the Federal School Breakfast Program, the district shall become a sponsor or site under the Federal Summer Food Service Program or apply for a waiver pursuant to N.J.S.A. 18A:33-26.

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In accordance with N.J.S.A. 18A:33-23, the district shall notify each student enrolled and the student's parent of the availability of, and criteria of eligibility for, the summer meals program and the locations in the district where the summer meals are available. The district shall provide this notification by distributing flyers provided by the New Jersey Department of Agriculture pursuant to subsection N.J.S.A. 18A:33-23.c. The district may also provide electronic notice of the information through the usual means by which the district communicates with parents and students electronically.

Pursuant to N.J.S.A. 18A:33-26.a., the New Jersey Department of Agriculture may grant a waiver of the requirements of N.J.S.A. 18A:33-24 et seq. To be granted a waiver, the district must show that it lacks the staff, facilities, or equipment to sponsor the Federal Summer Food Service Program, or the means to finance the hiring or acquisition of such staff, facilities, or equipment. The New Jersey Department of Agriculture also may grant a waiver for one year to the district if a different sponsor currently runs the Federal Summer Food Service Program within the district's community.

Pursuant to N.J.S.A. 18A:33-26.b., the district shall report to the New Jersey Department of Agriculture, in the manner prescribed by the New Jersey Department of Agriculture, its reasons for requesting a waiver of the requirements of N.J.S.A. 18A:33-24 et seq. The report shall include, but need not be limited to, a description of the specific impediments to implementing the program and actions that could be taken to remove those impediments or, where applicable, the identification of the sponsor that currently runs the program within the same community.

C. Information Provided to Parents Regarding the National School Lunch Program and the Federal School Breakfast Program – N.J.S.A. 18A:33-21b1

1. At the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, the school shall provide each student's parent with:
 - a. Information on the National School Lunch Program and the Federal School Breakfast Program, including, but not limited to, information on the availability of free or reduced-price meals for eligible students, information on

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the application and determination processes that are used to certify eligible students for subsidized school meals, and information on the rights that are available to students and their families under N.J.S.A. 18A:33-21b1 and N.J.S.A.18A:33-21; and

- b. A school meals application form, as well as instructions for completing the application, and, as necessary, assistance in completing the application.
2. The school meals information and application provided to parents, pursuant to N.J.S.A. 18A:33-21b1.a. shall:
 - a. Be communicated in a language that the parent understands;
 - b. Specify the limited purposes for which collected personal data may be used, as provided by N.J.S.A. 18A:33-21b1.c.; and
 - c. Be submitted to the parent either in writing or electronically. In the latter case, the school district shall use the usual means by which it communicates with parents electronically.
 3. A school meals application that is completed by a parent shall be confidential, and shall not be used or shared by the student's school or school district, except as may be necessary to:
 - a. Determine whether a student identified in the application is eligible for free or reduced-price school meals;
 - b. Determine whether the school or school district is required, by N.J.S.A. 18A:33-11.3 or by N.J.S.A. 18A:33-24, to establish a breakfast after the bell program, or to participate as a sponsor or site in the Federal Summer Meals Service Program;

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- c. Ensure that the school receives appropriate reimbursement, from the State and Federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and
- d. Facilitate school aid determinations under the “School Funding Reform Act of 2008,” N.J.S.A. 18A:7F-43 et seq.

D. Free or Reduced-Price Meals’ Application Process – 7 CFR 245

School meals applications shall be reviewed in a timely manner. An eligibility determination will be made, the family will be notified of its status, and the status will be implemented as soon as possible within ten operating days of receipt of the completed application pursuant to 7 CFR 245.6(c)(6). Any student found eligible shall be offered free or reduced price meals or free milk immediately upon the establishment of their eligibility and shall continue to receive such meals during the pendency of any inquiry regarding their eligibility in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture. Carry-over of previous year’s eligibility for students shall be in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

In accordance with 7 CFR 245.6(c)(1) and (2), eligibility for free or reduced price meals, as determined through an approved application or by direct certification, must remain in effect for the entire school year and for up to thirty operating days in the subsequent school year. Prior to the processing of an application or the completion of direct certification procedures for the current school year, children from households with approved applications or documentation of direct certification on file from the preceding year, shall be offered reimbursable free and reduced price meals, as appropriate.

In accordance with 7 CFR 245.6(c)(6)(iii), children from households that notify the local educational agency that they do not want free or reduced price benefits must have their benefits discontinued as soon as possible.

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Pursuant to 7 CFR 245.6(c)(7), if the district receives an incomplete school meals application or a school meals application that does not meet the eligibility criteria for free or reduced-priced benefits, the school meals application must be denied. The district shall document and retain the denied school meals application and reasons for ineligibility for three years in accordance with 7 CFR 245.6(e).

In accordance with 7 CFR 245.6(c)(7), parents of students who are denied benefits must receive prompt, written notification of their denial. The notification may be provided by mail or e-mail to the individual who signed the school meals application. Posting the denial on the “notification” page of an online system does not meet this requirement. Likewise, informing the parent of denial via telephone does not meet this requirement. If the district uses an automated telephone information system to notify parents of denied benefits, the district must also provide the parents with written notification of the denial. The notification must provide the: reason for denial of benefits; right to appeal; instructions on how to appeal; and ability to reapply for free and reduced-price benefits at any time during the school year.

In accordance with 7 CFR 245.6(e), the district shall record the eligibility determination and notification in an easily referenced format. The record shall include the: denial date; reason for denial; date the denial notice was sent; and signature or initials of the determining official (may be electronic, where applicable).

Any parents of students who have benefits that are to be reduced or terminated must be given ten calendar days’ written notice of the change prior to the date the change will go into effect pursuant to 7 CFR 245.6a(j). The first day of the advance notice period shall be the day the notice is sent. The notice of adverse action may be sent via mail or to the e-mail address of the parent. The district shall notify the household of adverse action by phone only.

Pursuant to 7 CFR 245.6a(j), the notice of adverse action must advise the parents of: change in benefits; reasons for the change; an appeal must be filed within the ten calendar days advance notice period to ensure continued benefits while awaiting a hearing and decision; instructions on how to appeal; and the parents may reapply for benefits at any time during the school year.

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If the district participates in any National School Lunch Program, School Breakfast Program, or provides free milk under the Special Milk Program, the district shall submit to the New Jersey Department of Agriculture a free and reduced-price policy statement pursuant to 7 CFR 245.10.

In accordance with 7 CFR 245.1(b), the district shall avoid any policy or practice leading to the overt identification of students receiving free or reduced-price meal benefits. Overt identification is any action that may result in a child being recognized as potentially eligible for or certified for free or reduced-price school meals. Unauthorized disclosure or overt identification of students receiving free and reduced-price meal benefits is prohibited. The district shall ensure that a child's eligibility status is not disclosed at any point in the process of providing free and reduced-price meals, including: notification of the availability of free and reduced-price benefits; certification and notification of eligibility; provision of meals in the cafeteria; and the point of service. In addition, the district shall ensure students who receive free and reduced-price benefits are not overtly identified when they are provided additional services under programs or activities available to low-income students based on their eligibility for free and reduced-price meals.

Pursuant to 7 CFR 245.2, disclosure means revealing or using individual student's program eligibility information obtained through the free and reduced-price meal or free milk eligibility process for a purpose other than the purpose for which the information was obtained. Disclosure includes, but is not limited to, access, release, or transfer of personal data about students by means of print, tape, microfilm, microfiche, electronic communication, or any other means. It includes eligibility information obtained through the school meals application or through direct certification.

If the district accepts both cash and electronic payments, the district shall ensure students are not overtly identified through the method of payment pursuant to 7 CFR 245.8(b). To the maximum extent practicable, the district must ensure the sale of non-program foods and the method of payment for non-program foods do not inadvertently result in students being identified by their peers as receiving free and reduced-price benefits.

The School Business Administrator/Board Secretary or designee will verify applications of those eligible for free or reduced-price meals in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

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E. Meal Charge Program – N.J.S.A. 18A:33-21

The Board of Education provides a meal charge program to permit unsubsidized students in the district to charge for breakfast or lunch. Collection of any payment for a meal charge program account that is in arrears shall be addressed in accordance with provisions of this Policy.

“Unsubsidized student” means a student who is neither categorically eligible nor income-eligible for free or reduced price school meals, and who is, consequently, required to pay for any such meals that are served to the student under the National School Lunch Program or the Federal School Breakfast Program.

The Board of Education recognizes a student may not have breakfast or lunch (meal), as applicable, or money to purchase a meal at school on a school day causing the student’s meal charge account to fall into arrears. The district shall contact the student’s parent to provide notice of the arrearage and shall provide the parent with a period of ten school days to pay the amount due. If the student’s parent has not made full payment by the end of the designated ten school day period, then the district shall again contact the student’s parent to provide notice of any action to be taken by the school district in response to the arrearage.

A parent who has received a second notice their child’s meal bill is in arrears and who has not made payment in full within one week from the date of the second notice may be requested to meet with the Principal or designee to discuss and resolve the matter.

A parent’s refusal to meet with the Principal or designee or take other steps to resolve the matter may be indicative of more serious issues in the family or household. However, when a parent’s routine failure to provide breakfast or lunch is reasonably suspected to be indicative of child neglect, the Principal or designee shall immediately report such suspicion to the Department of Children and Families, Division of Child Protection and Permanency as required in N.J.S.A. 9:6-8.10. Such reporting shall not be delayed to accommodate a parent’s meeting with the Principal or designee.

A school district shall report at least biannually to the New Jersey Department of Agriculture the number of students who are denied school breakfast or school lunch in accordance with N.J.S.A. 18A:33-21.a.(2) and this Policy.

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Nothing in N.J.S.A. 18A:33-21 or this Policy shall be construed to require the district to deny or restrict the ability of an unsubsidized student to access school breakfast or school lunch when the student's school breakfast or school lunch bill is in arrears.

The school or school district shall not:

1. Publicly identify or stigmatize an unsubsidized student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill is in arrears. (For example, by requiring the student to sit at a separate table or by requiring that the student wear a wristband, hand stamp, or identifying mark, or by serving the student an alternative meal);
2. Require an unsubsidized student, who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill is in arrears to do chores or other work to pay for the school breakfast or school lunch;
3. Require an unsubsidized student to discard a school breakfast or school lunch after it has been served because of the student's inability to pay for a school breakfast or school lunch or because money is owed for previously provided meals;
4. Prohibit an unsubsidized student, or sibling of such a student, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt; or
5. Require the parent of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

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If an unsubsidized student owes money for the equivalent of five or more school meals, the Principal or designee shall:

1. Determine whether the student is categorically eligible or income-eligible for free or reduced price meals, by conducting a review of all available records related to the student, and by making at least two attempts, not including the initial attempt made pursuant to N.J.S.A. 18A:33-21.c.(2), to contact the student's parent and have the parent fill out a school meals application; and
2. Contact the parent of the unsubsidized student to offer assistance with respect to the completion of the school meals application; and to determine if there are other issues in the household that have caused the student to have insufficient funds to purchase a school breakfast or school lunch; and to offer any other appropriate assistance.

The school district shall direct communications about a student's school breakfast or school lunch bill being in arrears to the parent and not to the student. Nothing in N.J.S.A. 18A:33-21 shall prohibit the school district from sending a student home with a letter addressed to a parent.

Notwithstanding the provisions of N.J.S.A. 18A:33-21 and the provisions of any other law, rule, or regulation to the contrary, an unsubsidized student shall not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination, pursuant to N.J.S.A. 18A:33-21.c., as to whether the student is eligible for, and can be certified to receive, free or reduced price meals.

If the student's meal bill is in arrears, but the student has the money to purchase a meal on a subsequent school day, the student will be provided a meal with payment and the food service program will not use the student's payment to repay previously unpaid charges if the student intended to use the money to purchase that school day's meal.

Students receiving free meals will not be denied a meal even if they accrued a negative balance from other purchases in the cafeteria.

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The school district may post this Policy on the school district's website provided there is a method in place to ensure this Policy reaches all households without access to a computer or the Internet.]

F. Provision of Meals to Homeless Children – N.J.S.A. 18A:33-21c.

The district's liaison for the education of homeless children shall coordinate with district personnel to ensure that a homeless student receives free school meals and is monitored according to district policies pursuant to N.J.S.A. 18A:33-21c.

G. Provision of School Meals During Period of School Closure – N.J.S.A. 18A:33-27.2

In the event the Board is provided a written directive, by either the New Jersey Department of Health or the health officer of the jurisdiction, to institute a public health-related closure due to the COVID-19 epidemic, the district shall implement a program, during the period of the school closure, to provide school meals, at meal distribution sites designated pursuant to N.J.S.A. 18A:33-27.2.b., to all students enrolled in the district who are either categorically eligible or income-eligible for free or reduced price school meals.

In the event of an emergency closure, as described in N.J.S.A. 18A:33-27.2.a., the district shall identify one or more school meal distribution sites that are walkable and easily accessible to students in the district. The district shall collaborate with county and municipal government officials in identifying appropriate sites. A school meals distribution site may include, but need not be limited to: faith-based locations; community centers, such as YMCAs; and locations in the district where meals are made available through a summer meals program. In a district that includes high density housing, the district shall make every effort to identify a school meal distribution site in that housing area.

The district shall identify students enrolled in the district who are categorically eligible or income-eligible for free or reduced price meals, and for whom a school meal distribution site, identified pursuant to N.J.S.A. 18A:33-27.2.b., is not within walking distance. In the case of these students, the district shall distribute the school meals to the student's

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residence or to the student's bus stop along an established bus route, provided that the student or the student's parent is present at the bus stop for the distribution. Food distributed pursuant to N.J.S.A. 18A:33-27.2.c. may include up to a total of three school days' worth of food per delivery.

The district may use school buses owned and operated by the district to distribute school meals pursuant to N.J.S.A. 18A:33-27.2. If the district does not own and operate its own buses, the district may contract for the distribution of school meals, and these contracts shall not be subject to the public bidding requirements established pursuant to the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq.

The district shall collaborate, as feasible, with other districts and with local government units to implement the emergency meals distribution program, as required by N.J.S.A. 18A:33-27.2, in order to promote administrative and operational efficiencies and cost savings.

School lunches and breakfasts that are made available, through an emergency meals distribution program operating pursuant to N.J.S.A. 18A:33-27.2, shall be provided to eligible students, free of charge, in accordance with the provisions of N.J.S.A. 18A:33-4.a. and N.J.S.A. 18A:33-14a.

H. Statement of Compliance

All food service programs shall be operated pursuant to 7 CFR 245, as appropriate, and this Policy.

N.J.S.A. 18A:18A-42.1; 18A:33-4; 18A:33-5; 18A:33-10;
18A:33-10.1; 18A:33-11; 18A:33-11.1; 18A:33-11.2;
18A:33-11.3; 18A:33-14a.; 18A:33-21; 18A:33-21a.;
18A:33-21b1; 18A:33-21c.; 18A:33-23; 18A:33-24;
18A:33-25; 18A:33-26; 18A:33-27.2; 18A:58-7.1;
18A:58-7.2

N.J.A.C. 2:36

N.J.A.C. 6A:23-2.6 et seq.

N.J.A.C. 8:24-2.1 through 7.5

7 C.F.R. 210.1 et seq.



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Adopted:

