



## Health and Safety Evaluation of School Buildings Checklist 2023-2024

**County:** BERGEN      **District Occupying Building:** CLOSTER PUBLIC SCHOOLS

| Building | Check One (✓ or X) |
|----------|--------------------|
| Leased   |                    |
| Owned    | ✓                  |

**School Building:** TENAKILL MIDDLE SCHOOL

**Completed By:** Joseph Scaglione, Supervisor of B & G      **Date:** October 20, 2023

This form shall be used for the evaluation of school buildings (pursuant to [NJAC 6A:26-6.1](#) and [NJAC 6A:26-8.1](#)) Traditional Public School Districts (owned or leased), Approved Private Schools for Students with Disabilities (APSSD), Charter Schools, Renaissance School Projects and any other setting used for instruction.

This evaluation checklist shall be completed annually by appropriate district personnel and kept on file for inspection or other legal issues. These indicators cover regulations issued by NJDOE, NJDCA, NUCC, POSHA, NFPA.

The emphasis of this evaluation checklist is for the health and safety of students and staff, even in the absence of a specific Statute or Code. The items listed are not mutually exclusive of other findings a monitor/inspector may cite. See "Health and Safety Evaluation of School Buildings Facilities Checklist Instructions & Guidance 2023-2024" document for additional detailed information.

**Note:** Items denoted with a 6A:26-8.1 reference, cover all school buildings but are also included in the Temporary Facilities Code.

#### References:

- **NFPA:** National Fire Protection Association
- **NJDCA:** Department of Community Affairs
- **NJSA:** New Jersey Statutes
- **PEOSH:** Public Employees Occupational Safety and Health Act.
- **UCC:** Uniform Construction Code

## Section A: 100% Items

(This section must have full compliance with all items.)

### 100% Compliance

| Current Licenses and Certificates #1 to #10   | Yes | No | N/A | Violation Location |
|---|-----|----|-----|--------------------|
| 1. A current certificate of compliance with the Uniform Fire Code has been issued by the local or State fire official/inspector within the year and posted in a conspicuous location (or current abatement inspection is available).  | ✓   |    |     |                    |
| 2. A current inspection report of the local health official (kitchen, cafeteria, pool, etc.) is available.  | ✓   |    |     |                    |
| 3. A 3-year asbestos management plan, as required by A.H.E.R.A., is available including current 6-month surveillance update reports. If constructed without asbestos, a letter of certification from the architect is available.  | ✓   |    |     |                    |
| 4. An annual inspection report of the Department of Environmental Protection for the operation of a sewage treatment plant, where applicable, is available.   |     |    | ✓   |                    |
| 5. Current boiler inspection certificate(s) posted at site of boiler(s).  | ✓   |    |     |                    |
| 6. Current license(s) for high- and low-pressure boiler operators, as required by code, are properly posted.  | ✓   |    |     |                    |
| 7. Current drinking water supply inspection reports are available to comply with the Safe Water Drinking Act. ( <a href="#">NJAC 58:12A-1</a> ) ( <a href="#">NJAC 6A:26-12.4</a> ). Also, evidence of testing of water for lead has been provided by the district through annual submittal of the Lead Testing Statement of Assurance.   | ✓   |    |     |                    |
| 8. One fire drill and one school security drill are held each month. (See "Checklist Instructions" for Certificate of Assurance.) <a href="#">NJSA 18A:41-1</a> .   | ✓   |    |     |                    |
| 9. Right-To-Know requirements are properly posted and SDS reporting materials on file for review.   | ✓   |    |     |                    |
| 10. Janet's Law—District has Automated External Defibrillators (AEDs) identified with appropriate signage and made available in an unlocked location on school property, which are accessible during the school day and any other time in which a school-sponsored athletic event or team practice, in which pupils of the district are participating, is taking place and is within reasonable proximity of the school athletic field or gymnasium, as applicable. ( <a href="#">Janet's Law NJSA 18A:40-41a-41c</a> ) | ✓   |    |     |                    |

| <b>Exits/Exterior #11 to #12</b>  | <b>Yes</b> | <b>No</b> | <b>N/A</b> | <b>Violation location</b> |
|---|------------|-----------|------------|---------------------------|
| <b>11.</b> Exterior switches and receptacles are covered by securely fastened weather-proof plates and fixtures are securely mounted with no exposed wires.   | ✓          |           |            |                           |
| <b>12.</b> All exterior exits are in good condition, locked from outside access, are readily accessible and free of obstructions for use in an emergency, including: <ul style="list-style-type: none"> <li><b>a.</b> Fire escapes and/or exterior stairs can be safely negotiated. Exterior doors shall not be propped open.</li> <li><b>b.</b> Panic hardware is provided on exit doors of all spaces with an occupancy load/capacity greater than 50.</li> </ul> | ✓          |           |            |                           |
| <b>Interior #13 to #21</b>  | <b>Yes</b> | <b>No</b> | <b>N/A</b> | <b>Violation Location</b> |
| <b>13.</b> All electrical outlets, switches, receptacles and junction boxes, electric wires, fuses and/or circuit breaker panels, etc., are properly covered and/or secured and/or protected.   | ✓          |           |            |                           |
| <b>14.</b> Sufficient access and working space are provided and maintained around all electrical systems equipment. Items, especially combustibles, are a minimum of 36 inches from electrical power sources or equipment, i.e., circuit breaker panels, fuse boxes, transformers.  | ✓          |           |            |                           |
| <b>15.</b> Instructional areas are free of all unapproved construction, e.g., walls, partitions, doors and stairs, etc.   | ✓          |           |            |                           |
| <b>16.</b> Doors on any occupied space are free of deadbolts or slide bolts and permit exiting without need of a key or special knowledge. NJAC 6A:26-8.1   | ✓          |           |            |                           |
| <b>17.</b> Unobstructed vision panels with code-approved glass are installed in doors opening into corridors. Interior glazing shall be safety glazing. NJAC 6A:26-8.1  | ✓          |           |            |                           |
| <b>18.</b> Kindergarten and Pre-K toilet requirements are met. NJAC 6A:26-6.3(h)4.  | ✓          |           |            |                           |
| <b>19.</b> District requested approvals as needed: Dual Use, Change-of-Use, Alternate (Toilet) Method of Compliance, Temporary sites (Temporary Classroom Units (TCUs) or rented facilities). Required DOE approvals in place.  |            |           | ✓          |                           |
| <b>20.</b> Dangerous chemicals (i.e., liquefied petroleum (LP) gas/propane) and/or explosive materials (i.e., gunpowder, picric acid) are <i>not</i> stored/present in the building. If needed, flammable and combustible materials are properly stored/maintained (i.e., in properly rated cabinets; <b>not</b> in boiler room/high-hazard areas).   | ✓          |           |            |                           |
| <b>21.</b> Carbon Monoxide (CO) Detectors must be in the vicinity of <b>all</b> fuel burning appliances. <ul style="list-style-type: none"> <li><b>a.</b> Gas and oil heating systems: boilers, furnaces, central and unitary equipment.</li> <li><b>b.</b> Generators: portable and permanent.</li> </ul>  | ✓          |           |            |                           |

| Interior #13 to #21  | Yes | No | N/A | Violation Location |
|--|-----|----|-----|--------------------|
| c. Natural gas and propane appliances: water heaters, ranges, stoves, ovens, laundry washers and dryers<br>d. Fireplaces<br>e. In hallways connected to space with the source<br><br><u>NJAC 5:70-4.3(a), and NJAC 5:70-4.9(d)</u>   |     |    |     |                    |
| Vocational/Laboratories #22 to #25   | Yes | No | N/A | Violation Location |
| <b>22.</b> Power machinery and equipment, as well as science laboratories, have appropriate safety features in place including, as applicable:<br>a. Appropriate placement on the floor and required point-of-operation guards to protect users from injury due to moving parts.<br>b. Clearly visible and accessible push-type emergency cut-off switches at appropriate locations within shops to de-energize electrical supply to non-portable machinery.<br>c. Non-portable machinery provided with magnetic type switches to prevent automatic restart upon restoration of power after an electrical failure or reactivation of the emergency cut-off switch.<br>d. Key-operated electric solenoid shut-off valves on natural gas lines in science laboratories and shops constructed after 1979. On all other gas lines there is an emergency shut off valve which is clearly marked and accessible. | ✓   |    |     |                    |
| <b>23.</b> At a minimum, one #20 ABC-rated fire extinguisher is provided in each laboratory and vocational area.   | ✓   |    |     |                    |
| <b>24.</b> Adequate eye and body protection are provided, including:<br>a. Eye protection devices (glasses, goggles) for students and faculty in each laboratory and shop area, including appropriate provision for their sanitation.<br>b. Emergency eyewash device(s), with 15 minutes continuous flow, where caustic or corrosive materials are used.<br>c. An emergency cold-water shower for chemistry laboratory if constructed after October 1985. NJAC 6A:26-12.5(d)   | ✓   |    |     |                    |
| <b>25.</b> Provision of proper local or general ventilation and/or exhausting of toxic and/or dangerous fumes and/or odors, including for the following activities, as applicable:<br>a. For science activities (i.e., via fume hoods)<br>b. For welding operations<br>c. For paint spraying operations:<br>1. Automotive: should have a separate exhaust system.<br>2. Art: proper ventilation for spray paint with fumes<br>d. Art: Designated safe space/room for kilns with proper ventilation<br>e. In dust generating operations, such as wood working, (i.e.: a dust collecting system which should be either single or multi-use vacuum packs or a central dust collection system  | ✓   |    |     |                    |

100% Compliance

| <b>Total</b>            | <b>Yes</b> | <b>No</b> | <b>N/A</b> |
|-------------------------|------------|-----------|------------|
| <b>100% Items Total</b> | <b>23</b>  |           | <b>2</b>   |

Space for Notes:

## Section B: 80% Items

Must be compliant with 80% of these items to pass.

### 80% Compliance

| Exits/Exterior #1 to #4  | Yes | No | N/A | Violation Location |
|--|-----|----|-----|--------------------|
| <p>1. No evidence of major exterior building structural damage. Example(s) would include:</p> <ul style="list-style-type: none"> <li>a. Exterior walls appear free of structural cracks, loose masonry and crumbling parapets; lintels appear free of rust and flaking.</li> <li>b. Gutters and downspouts appear to be in good condition and are secured to the building; runoff does not appear to be obstructed or create poor drainage or soil erosion.</li> </ul> | ✓   |    |     |                    |
| 2. All exterior receptacles are GFCI-protected in accordance with code.  | ✓   |    |     |                    |
| 3. All school grounds, including general purpose play areas and athletic fields, are free of holes, glass, stumps, roots, rocks and other hazardous obstacles. Fences are maintained and are free of holes. The outside physical education area for students shall include, but not be limited to, sufficient space, equipment, and safe surfaces for students and program needs and are protected from hazards or traffic conditions.                                 | ✓   |    |     |                    |
| 4. Playground area and equipment appear to be in safe operating condition and in compliance with code and the district maintains documentation of compliance and regular (annual and/or monthly) inspections.  | ✓   |    |     |                    |
| Interior Items #5 to #26   | Yes | No | N/A | Violation Location |
| 5. All interior exits and corridors are in good condition, readily accessible, and free of obstructions and/or excessive materials that would hinder exiting.  | ✓   |    |     |                    |
| 6. Emergency evacuation egress procedures are posted at a visible height and standard location in all areas.   | ✓   |    |     |                    |
| 7. Doors leading to interior courtyards are clearly marked: "Not an Exit" and such doors should open into the corridor.  | ✓   |    |     |                    |
| 8. Handrails on both sides of interior stairways, guardrails, and interior stair treads are free of surface features that may cause injury and/or are properly secured. Interior stair treads do not show evidence of extensive wear and are generally in good repair.   | ✓   |    |     |                    |
| 9. Stage curtains need to indicate flame proof or flame retardant and certificates are on file.  | ✓   |    |     |                    |

| Interior Items #5 to #26  | Yes | No | N/A | Violation Location   |
|---|-----|----|-----|--|
| 10. All education spaces shall be equipped with a communication device/system connected to the main office and capable of emergency communication to local authorities or 9-1-1.  | ✓   |    |     |  |
| 11. Electric outlets and/or wiring appear appropriate, including: <ul style="list-style-type: none"> <li>a. GFI protection for receptacle(s) within 6 feet of water in accordance with code.</li> <li>b. Electrical extension cords and surge protectors used appropriately, with extension cords only used <i>temporarily</i>.</li> <li>c. Sufficient electrical duplex outlets shall be provided to satisfy the program needs as provided in code. NJAC 6A:26-6.3(f)</li> </ul> | ✓   |    |     |  |
| 12. Nurse's Office: Space shall provide the necessary facilities, equipment and supplies for the performance of the duties required under State law and the rules by health services personnel. NJAC 6A:26-6.3(9) and NJAC 6A:26-12.3   | ✓   |    |     |  |
| 13. Individual or central mechanical ventilation unit(s) are operating in all student- and staff-occupied rooms/areas and toilet facilities; air conditioners are operational in windowless interior areas. Heating and ventilation requirements shall be as set forth in code. NJAC 6A:26-6.3(d)   | ✓   |    |     |  |
| 14. Lighting levels in all instructional areas at least 50-foot candles, as measured with a light meter, comply with code and lamps/bulbs are covered with a lens cover or equivalent protection. NJAC 6A:26-6.3(g)   | ✓   |    |     |  |
| 15. Instructional areas have no unauthorized and/or potentially hazardous materials/equipment in rooms.<br><u>Uniform Fire Code</u><br><br>Dangerous touch points in educational spaces, such as hot pipes, radiators, should be covered. NJAC 6A:26-6.3 (e) (5)  | ✓   |    |     |  |
| 16. A chalkboard, whiteboard, and/or electronic display board is/are provided in each instructional space and is/are free of cracks and jagged edges. NJAC 6A:26-8.1.viii.(1)   | ✓   |    |     |  |
| 17. Ceilings, walls and floors are free of holes, sags, and evidence of water damage. The average ceiling height shall be at least 8 feet for instructional spaces in an existing public school, in a district owned facility and in rented or leased buildings not on school district-owned sites. NJAC 6A:26-6.3(6) and NJAC 6A:8.1.d.1.i.(1)   |     | ✓  |     | Some ceiling tiles have started to sag due to their age and temperature fluctuations, but the school district is actively working to replace the ones in poor condition. |

| Interior Items #5 to #26   | Yes | No | N/A | Violation Location |
|--|-----|----|-----|--------------------|
| 18. Area and floor drains, where provided, appear to be in working order and covered with appropriate plates; unused (abandoned) waste lines (drains) are sealed off/capped.   | ✓   |    |     |                    |
| 19. Floors throughout the school are clean and free of trash, as well as appear free of slipping, tripping and/or other hazards. Egress through halls and exits are clear and accessible. Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering. NJAC 6A:26-d-1, i 5  | ✓   |    |     |                    |
| 20. Supplies and materials are neatly and appropriately stored:<br>a. Storage racks/shelving over 6 feet in height are properly secured from tipping.<br>b. There is no storage within 24 inches of a ceiling. In spaces with sprinkler systems, storage is at least a minimum of 18 inches below sprinkler head deflectors.<br>c. Storage is organized to allow safe access within and through space. | ✓   |    |     |                    |
| 21. Provision shall be made for storage of students' clothing in other than a corridor or exit way. Student lockers are usable, i.e., doors, handles and locks are operable. NJAC 6A:26-8.1 (i) (7)  | ✓   |    |     |                    |
| 22. Drinking fountains are provided with sufficient water pressure or access to water coolers is readily available. Potable water shall be available and drinking fountains/bubblers shall be provided for students in cafeterias and in preschool and kindergarten programs in accordance with NJAC 6A:26-12.4 and NJAC 6A:26-8.1 (d) (1) (v).  | ✓   |    |     |                    |
| 23. Toilet facilities shall meet existing UCC requirements for the E Use Group as determined by the construction official. Toilet facilities shall be available within a reasonable distance not more than one floor away and shall be equipped with an exterior operable window sash or mechanical exhaust ventilation. NJAC 6A:26-8.1  | ✓   |    |     |                    |
| 24. Food and non-food items (i.e., cleaning products, etc.) in home economics rooms and cafeteria/kitchen are stored separately.   |     |    | ✓   |                    |
| 25. Non-instructional areas are free of all unapproved construction, e.g. walls, partitions, doors and stairs.   | ✓   |    |     |                    |
| 26. Furniture and equipment are in good condition and suitable for the age and size of the students and purposes of instruction shall be provided. NJAC 6A:26-8.1  | ✓   |    |     |                    |



80% Compliance

| <b>Vocational/Laboratories #27 to #34</b>  | <b>Yes</b> | <b>No</b> | <b>N/A</b> | <b>Violation Location</b> |
|--|------------|-----------|------------|---------------------------|
| 27. Corrosives, toxic and other hazardous substances are stored in properly rated cabinets and are labeled accordingly.  | ✓          |           |            |                           |
| 28. Required space is available for the safe operation of machinery.   |            |           | ✓          |                           |
| 29. Mechanical and hydraulic automotive lifts have locking devices to hold them in the extended (open) position.   |            |           | ✓          |                           |
| 30. Floors and aisles in all shops are free of slipping and tripping hazards.  | ✓          |           |            |                           |
| 31. "Eye Hazard Area - Wear Your Eye Protection" signs are posted.   | ✓          |           |            |                           |
| 32. The following additional safety measures are in place if welding operations are on-going:<br>a. Welding curtains are provided and are painted with a finish of low reflectivity.<br>b. Personal protective equipment (e.g., goggles, aprons, etc.) are provided. |            |           | ✓          |                           |
| 33. Pressurized gas cylinders are secured (chain and eye hooks to welding cart, etc.) and valve protection caps are in place.  |            |           | ✓          |                           |
| 34. Oxygen cylinders in storage are separated from fuel gas cylinders (acetylene) or combustible materials a minimum distance of 20 feet.  |            |           | ✓          |                           |
| <b>Total</b>   | <b>Yes</b> | <b>No</b> | <b>N/A</b> |                           |
| <b>80% Items Total</b>   | <b>27</b>  | <b>1</b>  | <b>6</b>   |                           |

**Note:** Violations of 100% items 12, 16 & 17 and 80% item 15 are the most egregious. Please refer to the Guidance Document for details.

Space for Notes:

## School Facility Score Summary 2023-2024

**Note:** This form must be signed and dated.

| Scoring Sections                  | 100% Section A | 80% Section B |
|-----------------------------------|----------------|---------------|
| Maximum # of Compliant Questions: | 25             | 34            |

### 100% Section A Compliance

| 100% Section A Compliance                  | Score    |
|--|----------|
| Number of <b>No</b> Responses in Section A | <b>0</b> |

|  |                            |
|--|----------------------------|
| <b>NJQSAC Fiscal DPR</b><br>(All items are compliant in building)  | <b>Must select one (✓)</b> |
| <b>Compliant</b> (no exceptions)   | ✓                          |
| <b>Non-compliant</b><br>(Section is non-compliant with <i>any</i> exceptions. Corrective action needed). |                            |

### 80% Section B Compliance

| 80% Section B Compliance          | Score        |
|-----------------------------------|--------------|
| A. Number of <b>Yes</b> Responses | <b>27</b>    |
| B. Number of <b>No</b> Responses  | <b>1</b>     |
| C. Subtotal [A + B]               | <b>28</b>    |
| D. Multiply [(C) × 80%]           | <b>22.40</b> |

|   |                            |
|---|----------------------------|
| <b>NJQSAC Fiscal DPR</b><br>[At least 80% of items are in compliance in the building(s)]                          | <b>Must select one (✓)</b> |
| <b>Compliant</b><br>The school building passes if Line (A) is equal to or greater than Line (D)                   | ✓                          |
| <b>Non-compliant</b><br>The school building fails if Line (A) is less than Line (D). Corrective action is needed. |                            |

### LEA Assurance Signatures

**School Facility Name:** Tenakill Middle School

| Title  | Signature  | Date             |
|--|--|------------------|
| Completed by (add title below):  |  | 10/20/2023       |
| Certified Educational Facilities Manager (if position used by district) or Head/Lead Custodian |  | 10/20/2023       |
| Chief School Administrator or School Business Administrator                                    |  | OCTOBER 20, 2023 |



## Health and Safety Evaluation of School Buildings Checklist 2023-2024

**County:** BERGEN      **District Occupying Building:** CLOSTER PUBLIC SCHOOLS

| Building | Check One (✓ or X) |
|----------|--------------------|
| Leased   |                    |
| Owned    | ✓                  |

**School Building:** HILLSIDE ELEMENTARY SCHOOL

**Completed By:** Joseph Scaglione, Supervisor of B & G      **Date:** October 20, 2023

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| 3. A 3-year asbestos management plan, as required by A.H.E.R.A., is available including current 6-month surveillance update reports. If constructed without asbestos, a letter of certification from the architect is available.  | ✓   |    |     |                    |
| 4. An annual inspection report of the Department of Environmental Protection for the operation of a sewage treatment plant, where applicable, is available.   |     |    | ✓   |                    |
| 5. Current boiler inspection certificate(s) posted at site of boiler(s).  | ✓   |    |     |                    |
| 6. Current license(s) for high- and low-pressure boiler operators, as required by code, are properly posted.  | ✓   |    |     |                    |
| 7. Current drinking water supply inspection reports are available to comply with the Safe Water Drinking Act. ( <a href="#">NJAC 58:12A-1</a> ) ( <a href="#">NJAC 6A:26-12.4</a> ). Also, evidence of testing of water for lead has been provided by the district through annual submittal of the Lead Testing Statement of Assurance.   | ✓   |    |     |                    |
| 8. One fire drill and one school security drill are held each month. (See "Checklist Instructions" for Certificate of Assurance.) <a href="#">NJSA 18A:41-1</a> .   | ✓   |    |     |                    |
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| Interior #13 to #21   | Yes | No | N/A | Violation Location |
|---|-----|----|-----|--------------------|
| c. Natural gas and propane appliances: water heaters, ranges, stoves, ovens, laundry washers and dryers<br>d. Fireplaces<br>e. In hallways connected to space with the source<br><br><u>NJAC 5:70-4.3(a)</u> , and <u>NJAC 5:70-4.9(d)</u>  |     |    |     |                    |
| Vocational/Laboratories #22 to #25  | Yes | No | N/A | Violation Location |
| <b>22.</b> Power machinery and equipment, as well as science laboratories, have appropriate safety features in place including, as applicable: <ul style="list-style-type: none"> <li>a. Appropriate placement on the floor and required point-of-operation guards to protect users from injury due to moving parts.</li> <li>b. Clearly visible and accessible push-type emergency cut-off switches at appropriate locations within shops to de-energize electrical supply to non-portable machinery.</li> <li>c. Non-portable machinery provided with magnetic type switches to prevent automatic restart upon restoration of power after an electrical failure or reactivation of the emergency cut-off switch.</li> <li>d. Key-operated electric solenoid shut-off valves on natural gas lines in science laboratories and shops constructed after 1979. On all other gas lines there is an emergency shut off valve which is clearly marked and accessible.</li> </ul> |     |    | ✓   |                    |
| <b>23.</b> At a minimum, one #20 ABC-rated fire extinguisher is provided in each laboratory and vocational area.  |     |    | ✓   |                    |
| <b>24.</b> Adequate eye and body protection are provided, including: <ul style="list-style-type: none"> <li>a. Eye protection devices (glasses, goggles) for students and faculty in each laboratory and shop area, including appropriate provision for their sanitation.</li> <li>b. Emergency eyewash device(s), with 15 minutes continuous flow, where caustic or corrosive materials are used.</li> <li>c. An emergency cold-water shower for chemistry laboratory if constructed after October 1985. NJAC 6A:26-12.5(d)</li> </ul>   |     |    | ✓   |                    |
| <b>25.</b> Provision of proper local or general ventilation and/or exhausting of toxic and/or dangerous fumes and/or odors, including for the following activities, as applicable: <ul style="list-style-type: none"> <li>a. For science activities (i.e., via fume hoods)</li> <li>b. For welding operations</li> <li>c. For paint spraying operations:               <ol style="list-style-type: none"> <li>1. Automotive: should have a separate exhaust system.</li> <li>2. Art: proper ventilation for spray paint with fumes</li> </ol> </li> <li>d. Art: Designated safe space/room for kilns with proper ventilation</li> <li>e. In dust generating operations, such as wood working, (i.e.: a dust collecting system which should be either single or multi-use vacuum packs or a central dust collection system</li> </ul>  |     |    | ✓   |                    |

100% Compliance

| <b>Total</b>            | <b>Yes</b> | <b>No</b> | <b>N/A</b> |
|-------------------------|------------|-----------|------------|
| <b>100% Items Total</b> | <b>20</b>  |           | <b>5</b>   |

Space for Notes:

## Section B: 80% Items

Must be compliant with 80% of these items to pass.

### 80% Compliance

| Exits/Exterior #1 to #4  | Yes | No | N/A | Violation Location |
|--|-----|----|-----|--------------------|
| <p>1. No evidence of major exterior building structural damage.<br/>Example(s) would include:</p> <ul style="list-style-type: none"> <li>a. Exterior walls appear free of structural cracks, loose masonry and crumbling parapets; lintels appear free of rust and flaking.</li> <li>b. Gutters and downspouts appear to be in good condition and are secured to the building; runoff does not appear to be obstructed or create poor drainage or soil erosion.</li> </ul> | ✓   |    |     |                    |
| 2. All exterior receptacles are GFCI-protected in accordance with code.  | ✓   |    |     |                    |
| 3. All school grounds, including general purpose play areas and athletic fields, are free of holes, glass, stumps, roots, rocks and other hazardous obstacles. Fences are maintained and are free of holes. The outside physical education area for students shall include, but not be limited to, sufficient space, equipment, and safe surfaces for students and program needs and are protected from hazards or traffic conditions.                                     | ✓   |    |     |                    |
| 4. Playground area and equipment appear to be in safe operating condition and in compliance with code and the district maintains documentation of compliance and regular (annual and/or monthly) inspections.  | ✓   |    |     |                    |
| Interior Items #5 to #26   | Yes | No | N/A | Violation Location |
| 5. All interior exits and corridors are in good condition, readily accessible, and free of obstructions and/or excessive materials that would hinder exiting.  | ✓   |    |     |                    |
| 6. Emergency evacuation egress procedures are posted at a visible height and standard location in all areas.   | ✓   |    |     |                    |
| 7. Doors leading to interior courtyards are clearly marked: "Not an Exit" and such doors should open into the corridor.  | ✓   |    |     |                    |
| 8. Handrails on both sides of interior stairways, guardrails, and interior stair treads are free of surface features that may cause injury and/or are properly secured. Interior stair treads do not show evidence of extensive wear and are generally in good repair.   | ✓   |    |     |                    |
| 9. Stage curtains need to indicate flame proof or flame retardant and certificates are on file.  | ✓   |    |     |                    |



| Interior Items #5 to #26  | Yes | No | N/A | Violation Location   |
|---|-----|----|-----|--|
| 10. All education spaces shall be equipped with a communication device/system connected to the main office and capable of emergency communication to local authorities or 9-1-1.  | ✓   |    |     |  |
| 11. Electric outlets and/or wiring appear appropriate, including: <ul style="list-style-type: none"> <li>a. GFI protection for receptacle(s) within 6 feet of water in accordance with code.</li> <li>b. Electrical extension cords and surge protectors used appropriately, with extension cords only used <i>temporarily</i>.</li> <li>c. Sufficient electrical duplex outlets shall be provided to satisfy the program needs as provided in code. NJAC 6A:26-6.3(f)</li> </ul> | ✓   |    |     |  |
| 12. Nurse's Office: Space shall provide the necessary facilities, equipment and supplies for the performance of the duties required under State law and the rules by health services personnel. NJAC 6A:26-6.3(9) and NJAC 6A:26-12.3   | ✓   |    |     |  |
| 13. Individual or central mechanical ventilation unit(s) are operating in all student- and staff-occupied rooms/areas and toilet facilities; air conditioners are operational in windowless interior areas. Heating and ventilation requirements shall be as set forth in code. NJAC 6A:26-6.3(d)   | ✓   |    |     |  |
| 14. Lighting levels in all instructional areas at least 50-foot candles, as measured with a light meter, comply with code and lamps/bulbs are covered with a lens cover or equivalent protection. NJAC 6A:26-6.3(g)   | ✓   |    |     |  |
| 15. Instructional areas have no unauthorized and/or potentially hazardous materials/equipment in rooms.<br><u>Uniform Fire Code</u><br><br>Dangerous touch points in educational spaces, such as hot pipes, radiators, should be covered. NJAC 6A:26-6.3 (e) (5)  | ✓   |    |     |  |
| 16. A chalkboard, whiteboard, and/or electronic display board is/are provided in each instructional space and is/are free of cracks and jagged edges. NJAC 6A:26-8.1.viii.(1)   | ✓   |    |     |  |
| 17. Ceilings, walls and floors are free of holes, sags, and evidence of water damage. The average ceiling height shall be at least 8 feet for instructional spaces in an existing public school, in a district owned facility and in rented or leased buildings not on school district-owned sites. NJAC 6A:26-6.3(6) and NJAC 6A:8.1.d.1.i.(1)   |     | ✓  |     | Some ceiling tiles have started to sag due to their age and temperature fluctuations, but the school district is actively working to replace the ones in poor condition. |

| Interior Items #5 to #26   | Yes | No | N/A | Violation Location |
|--|-----|----|-----|--------------------|
| 18. Area and floor drains, where provided, appear to be in working order and covered with appropriate plates; unused (abandoned) waste lines (drains) are sealed off/capped.   | ✓   |    |     |                    |
| 19. Floors throughout the school are clean and free of trash, as well as appear free of slipping, tripping and/or other hazards. Egress through halls and exits are clear and accessible. Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering. NJAC 6A:26-d-1, i 5  | ✓   |    |     |                    |
| 20. Supplies and materials are neatly and appropriately stored:<br>a. Storage racks/shelving over 6 feet in height are properly secured from tipping.<br>b. There is no storage within 24 inches of a ceiling. In spaces with sprinkler systems, storage is at least a minimum of 18 inches below sprinkler head deflectors.<br>c. Storage is organized to allow safe access within and through space. | ✓   |    |     |                    |
| 21. Provision shall be made for storage of students' clothing in other than a corridor or exit way. Student lockers are usable, i.e., doors, handles and locks are operable. NJAC 6A:26-8.1 (i) (7)  | ✓   |    |     |                    |
| 22. Drinking fountains are provided with sufficient water pressure or access to water coolers is readily available. Potable water shall be available and drinking fountains/bubblers shall be provided for students in cafeterias and in preschool and kindergarten programs in accordance with NJAC 6A:26-12.4 and NJAC 6A:26-8.1 (d) (1) (v).  | ✓   |    |     |                    |
| 23. Toilet facilities shall meet existing UCC requirements for the E Use Group as determined by the construction official. Toilet facilities shall be available within a reasonable distance not more than one floor away and shall be equipped with an exterior operable window sash or mechanical exhaust ventilation. NJAC 6A:26-8.1  | ✓   |    |     |                    |
| 24. Food and non-food items (i.e., cleaning products, etc.) in home economics rooms and cafeteria/kitchen are stored separately.   |     |    | ✓   |                    |
| 25. Non-instructional areas are free of all unapproved construction, e.g. walls, partitions, doors and stairs.   | ✓   |    |     |                    |
| 26. Furniture and equipment are in good condition and suitable for the age and size of the students and purposes of instruction shall be provided. NJAC 6A:26-8.1  | ✓   |    |     |                    |

80% Compliance

| <b>Vocational/Laboratories #27 to #34</b>   | <b>Yes</b> | <b>No</b> | <b>N/A</b> | <b>Violation Location</b> |
|---|------------|-----------|------------|---------------------------|
| 27. Corrosives, toxic and other hazardous substances are stored in properly rated cabinets and are labeled accordingly.   |            |           | ✓          |                           |
| 28. Required space is available for the safe operation of machinery.  |            |           | ✓          |                           |
| 29. Mechanical and hydraulic automotive lifts have locking devices to hold them in the extended (open) position.  |            |           | ✓          |                           |
| 30. Floors and aisles in all shops are free of slipping and tripping hazards.   |            |           | ✓          |                           |
| 31. "Eye Hazard Area - Wear Your Eye Protection" signs are posted.  |            |           | ✓          |                           |
| 32. The following additional safety measures are in place if welding operations are on-going: <ul style="list-style-type: none"> <li>a. Welding curtains are provided and are painted with a finish of low reflectivity.</li> <li>b. Personal protective equipment (e.g., goggles, aprons, etc.) are provided.</li> </ul> |            |           | ✓          |                           |
| 33. Pressurized gas cylinders are secured (chain and eye hooks to welding cart, etc.) and valve protection caps are in place.   |            |           | ✓          |                           |
| 34. Oxygen cylinders in storage are separated from fuel gas cylinders (acetylene) or combustible materials a minimum distance of 20 feet.   |            |           | ✓          |                           |
| <b>Total</b>  | <b>Yes</b> | <b>No</b> | <b>N/A</b> |                           |
| <b>80% Items Total</b>  | <b>24</b>  | <b>1</b>  | <b>9</b>   |                           |

**Note:** Violations of 100% items 12, 16 & 17 and 80% item 15 are the most egregious. Please refer to the Guidance Document for details.

Space for Notes:

## School Facility Score Summary 2023-2024

**Note:** This form must be signed and dated.

| Scoring Sections                         | 100% Section A | 80% Section B |
|--|----------------|---------------|
| <b>Maximum # of Compliant Questions:</b> | <b>25</b>      | <b>34</b>     |

### 100% Section A Compliance

| 100% Section A Compliance                  | Score    |
|--|----------|
| Number of <b>No</b> Responses in Section A | <b>0</b> |

|  |                            |
|--|----------------------------|
| <b>NJQSAC Fiscal DPR</b><br>(All items are compliant in building)  | <b>Must select one (✓)</b> |
| <b>Compliant</b> (no exceptions)   | ✓                          |
| <b>Non-compliant</b><br>(Section is non-compliant with <i>any</i> exceptions. Corrective action needed). |                            |




### 80% Section B Compliance

| 80% Section B Compliance          | Score     |
|-----------------------------------|-----------|
| A. Number of <b>Yes</b> Responses | <b>24</b> |
| B. Number of <b>No</b> Responses  | <b>1</b>  |
| C. Subtotal [A + B]               | <b>25</b> |
| D. Multiply [(C) × 80%]           | <b>20</b> |

|   |                            |
|---|----------------------------|
| <b>NJQSAC Fiscal DPR</b><br>[At least 80% of items are in compliance in the building(s)]                          | <b>Must select one (✓)</b> |
| <b>Compliant</b><br>The school building passes if Line (A) is equal to or greater than Line (D)                   | ✓                          |
| <b>Non-compliant</b><br>The school building fails if Line (A) is less than Line (D). Corrective action is needed. |                            |

### LEA Assurance Signatures

**School Facility Name:** **Hillside Elementary School**

| Title  | Signature  | Date             |
|--|--|------------------|
| Completed by (add title below):  |  | 10/20/2023       |
| Certified Educational Facilities Manager (if position used by district) or Head/Lead Custodian |  | 10/20/2023       |
| Chief School Administrator or School Business Administrator                                    |  | OCTOBER 20, 2023 |

# REGULATION GUIDE

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Sick Leave  
Sep 23

## R 1642.01 SICK LEAVE

- A. Definitions – N.J.S.A. 18A:30-1.c. and 18A:30-4.i.
1. “Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.
  2. “Child” means a biological, adopted or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.
  3. “Designated domestic violence agency” means a county-wide organization whose primary purpose is to provide services to victims of domestic violence and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.
  4. “Domestic or sexual violence” means stalking, any sexually violent offense, as defined in N.J.S.A. 30:4-27.26, or domestic violence as defined in N.J.S.A. 2C:25-19 and N.J.S.A. 17:29B-16.
  5. “Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.
  6. “Health care professional” means any person licensed under Federal, State, or local law or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional including, but not limited to, doctors, nurses, and emergency room personnel.



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Sick Leave

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

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

1. Sick leave is defined as the absence from an employee's post of duty, for any of the following reasons:

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





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





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

## D. Sick Leave Charges

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



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## E. Readmission After Disability

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

## F. Accumulation of Sick Leave

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

## G. Exhaustion of Sick Leave

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



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Sick Leave

## H. Records

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

Issued:



# REGULATION GUIDE

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School Threat Assessment Teams  
Sep 23  
**Mandated**

## R 2419 SCHOOL THREAT ASSESSMENT TEAMS

### A. Definitions

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



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

## B. Multidisciplinary Threat Assessment Team

1. Threat Assessment Team Members
  - a. In accordance with N.J.S.A. 18A:17-43.4, the threat assessment team established by the Board of Education shall be multidisciplinary in membership and, to the extent possible, must include the following individuals:

(1) A Principal or other senior school administrator;



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

## 2. Threat Assessment Team Structure

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



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

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

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

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



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





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



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



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School Threat Assessment Teams

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

## D. Threat Assessment and Management Process

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

### 1. Step 1: Receive a Report of Concern

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



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



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



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

## 8. Step 8: Document and Close the Case

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

## E. Training

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



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- b. Each new threat assessment team member must complete training by the OSPEP, which shall include training sessions as instructed by *Ontic/SIGMA as part of the Bureau of Justice Assistance (BJA) STOP School Violence Grant Program*.
  - c. The district shall determine membership on the threat assessment team in accordance with N.J.S.A. 18A:17-43.4, including adding and ensuring the training of new members, as needed. The district must ensure all threat assessment team members attend the required initial training and refresher training provided by OSPEP to advance their competency in conducting assessments.
    - (1) These trainings will be offered through the OSPEP for both in person and online platforms.
    - (2) Refresher training will be developed and facilitated by the OSPEP and will be made available through in-person and online platforms, as necessary.
3. Awareness Training for Other School Community Stakeholders
- a. Request for awareness training for school staff members should be directed to the OSPEP email at [school.security@doe.nj.gov](mailto:school.security@doe.nj.gov), which will provide training or coordinate sessions with approved instructors from the U.S. Department of Homeland Security National Threat Evaluation and Reporting Office's Certified Master Training Program.

## F. Other Considerations

### 1. Individualized Education Program (IEP) or 504 Plans

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



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

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





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## 3. Information Sharing

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

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

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

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



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

## 6. Record Keeping

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

Adopted:



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TEACHING STAFF MEMBERS

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**Attendance**

**Professional Staff Attendance Review  
and Improvement Plan**

Sep 23

**Mandated**

**R 3212 ATTENDANCE  
PROFESSIONAL STAFF ATTENDANCE REVIEW  
AND IMPROVEMENT PLAN**

**A. Review of Attendance Data**

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

**B. Attendance Reporting and Improvement Plan**

1. Planning



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TEACHING STAFF MEMBERS

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**Attendance**

**Professional Staff Attendance Review  
and Improvement Plan**

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

## 2. Implementation



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## TEACHING STAFF MEMBERS

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### Attendance

#### Professional Staff Attendance Review and Improvement Plan

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



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**Attendance**

~~Professional Staff Attendance Review  
and Improvement Plan~~

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

## C. Record of Attendance

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



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TEACHING STAFF MEMBERS

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**Attendance**

**Professional Staff Attendance Review  
and Improvement Plan**

## D. Attendance Improvement Plan

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

## E. In-Service Training

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

Issued:



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SUPPORT STAFF MEMBERS

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Attendance

Sep 23

**Mandated**

## R 4212 ATTENDANCE

### A. Review of Attendance Data

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

### B. Attendance Reporting and Improvement Plan

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





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## SUPPORT STAFF MEMBERS

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

## 2. Implementation

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



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## SUPPORT STAFF MEMBERS

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

### 3. Counseling

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



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## SUPPORT STAFF MEMBERS

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### C. Record of Attendance

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

### D. Attendance Improvement Plan

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



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4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any support staff member's performance.

E. In-Service Training

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

Issued:



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STUDENTS

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Eligibility of Resident/Nonresident Students

Sep 23

**Mandated**

## R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

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

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

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



# REGULATION GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

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



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Eligibility of Resident/Nonresident Students

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

- (b) When the domicile of a the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22, **Policy 5111, and this Regulation.**
- (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
- b. A student is domiciled in the school district when **the student he or she** has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
- c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition)



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- and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
- d. A student is domiciled in the school district when **the student's** ~~his or her~~ parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's **or unit's** property tax is paid, ~~or to which the majority of the dwelling's or unit's property tax is paid.~~
- a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs of **eligibility** as provided pursuant to N.J.A.C. 6A:22-3.4 **and E. below.**
  - b. **N.J.A.C. 6A:22-3.1(b) and B.2. above** ~~This provision~~ shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.





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

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

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

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

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



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- (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that **the parent or guardian** ~~he or she~~ is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and
- (2) The person keeping the student has filed, if so required by the Board of Education:
  - (a) A sworn statement that **the person** ~~he or she~~ is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and
  - (b) A copy of **their** ~~his or her~~ lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
- b. A student shall not be deemed ineligible under **N.J.A.C. 6A:22-3.2** ~~this provision~~ because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
- c. A student shall not be deemed ineligible under **N.J.A.C. 6A:22-3.2** ~~this provision~~ when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.



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



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### Eligibility of Resident/Nonresident Students

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



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



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



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transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.

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



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- (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria ~~set forth~~ at C.8.a. above.
  - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.
- f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.
- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
- (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.





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- (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the **New Jersey Department's of Education's** Office of School Facilities and Finance for reimbursement payment(s) to the school district.
- (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

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

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

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

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



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

### 3. F-1 Visa Students

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



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4. J-1 Visa Students

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

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

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

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



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



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

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

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



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





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





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

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

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



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



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### Eligibility of Resident/Nonresident Students

- (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

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

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



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Eligibility of Resident/Nonresident Students

- a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2 and G. above. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an “affidavit student,” has been informed of **their** ~~his or her~~ entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an “affidavit student,” does not respond within the designated time frame to the Superintendent’s notice or appear for the hearing, the Board of Education shall make a prompt determination of the student’s eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2 and G. above.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

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

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



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Eligibility of Resident/Nonresident Students

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

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
  - a. If the responsible party does not pay the tuition assessment, the Board ~~of Education~~ may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board ~~of Education~~ pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student’s ineligible attendance in a school district prior to the appeal’s filing and including the twenty-one day period to file an appeal.
  - a. Upon the Commissioner’s finding that an appeal has been abandoned, the Board ~~of Education~~ may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) **and J.1. above** plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the



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Eligibility of Resident/Nonresident Students

date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of **their** ~~his or her~~ decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board ~~of Education~~ has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.

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

Adopted:



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Education of Homeless Children and Youths

Sep 23

## R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

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



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Education of Homeless Children and Youths

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





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Education of Homeless Children and Youths

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



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Education of Homeless Children **and Youths**

3. ~~“Homeless child” means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.2.~~
4. ~~“Immediate” or “immediately” means at the instant the need for placement is made known.~~
5. ~~“Parent” means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, or person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.~~
6. ~~“Superintendent” means Superintendent and/or Chief School Administrator.~~

B. Determination of Homelessness – (N.J.A.C. 6A:17-2.2)

1. The Board of Education **for the school district of residence** shall determine that a child **or youth** is homeless for the purposes of N.J.A.C. 6A:17-2, **Policy 5116, and this Regulation** when **the child or youth** ~~he or she~~ resides in any of the following:
  - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;
  - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;
  - c. The residence of relatives or friends where the homeless child **or youth** resides out of necessity because **their** ~~his or her~~ family lacks a regular or permanent residence of its own; or
  - d. Substandard housing.



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Education of Homeless Children **and Youths**

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

1. The school district of residence for a homeless child **or youth shall be** is responsible for the education of the child and shall:
  - a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5 **and E. below**;
  - b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and
  - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
2. The determination of the homeless child's **or youth's** school district of residence shall be made by the Superintendent of the school district of residence or designee, pursuant to N.J.A.C. 6A:17-2.4 **and D. below** based upon information received from the parent, ~~the Department of Human Services or the Department of Children and Families~~, a shelter provider, another school district, **or an involved agency, or a case manager.**
3. The **school** district ~~Board of Education~~ identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child **or youth** shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.

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

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



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Education of Homeless Children **and Youths**

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





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Education of Homeless Children **and Youths**

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



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Education of Homeless Children **and Youths**

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

F. Parental Rights – (N.J.A.C. 6A:17-2.6)

1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 ~~et seq~~, **Policy 5116, and this Regulation**.



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Education of Homeless Children **and Youths**

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

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







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Education of Homeless Children **and Youths**

3. The State shall assume fiscal responsibility for the tuition of the child **or youth** pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child **or youth** is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d., under the following circumstances:
- a. If the school district of residence cannot be determined for the homeless child **or youth**;
  - b. If the school district of residence is outside of the State; or
  - c. If a child **or youth** resides in a **domestic violence shelter, homeless shelter, Department of Community Affairs-licensed emergency shelter** or transitional living facility **located in a school district other than the school district of residence due to domestic violence** for more than a year **during combined for the duration of** the placement pursuant to N.J.S.A. 18A:7B-12.d. **and 12.1.**
- 4.(1) When the State assumes fiscal responsibility for the tuition of a homeless child **or youth under the circumstances at N.J.A.C. 6A:17-2.8(c) and H.3. above**, the State shall pay to the school district in which the child **or youth** is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49; and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

Issued:



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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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Religion in the Schools

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



# POLICY GUIDE

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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.

PROGRAM



# POLICY GUIDE

2419/page 2 of 4  
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.~~

PROGRAM



# POLICY GUIDE

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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.

PROGRAM



# POLICY GUIDE

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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





# POLICY GUIDE

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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);

## TEACHING STAFF MEMBERS



# POLICY GUIDE

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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

TEACHING STAFF MEMBERS





# POLICY GUIDE

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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



# POLICY GUIDE

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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, Tthe 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



# POLICY GUIDE

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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



# POLICY GUIDE

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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



# POLICY GUIDE

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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





# POLICY GUIDE

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Examination for Cause

- 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





# POLICY GUIDE

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Examination for Cause

- 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



# POLICY GUIDE

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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, Tthe 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



# POLICY GUIDE

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Attendance

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



# POLICY GUIDE

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Right of Privacy  
Sep 23

## 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



# POLICY GUIDE

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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



# POLICY GUIDE

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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;~~

STUDENTS





# POLICY GUIDE

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Eligibility of Resident/Nonresident Students

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.~~

STUDENTS



# POLICY GUIDE

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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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Eligibility of Resident/Nonresident Students

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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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:17-2.4 ~~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~~ 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:

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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:





# SCHOOL BUS EMERGENCY EVACUATION DRILL REPORT

School Bus emergency evacuation drills shall be conducted twice each school year according to the New Jersey Administrative Code (NJAC 6A:27-11.2).

Emergency evacuation drills and safety education

- (a). School administrators shall organize and conduct emergency exit drills at least twice within the school year for all students who are transported to and from school.
  - 1. All other students shall receive school bus evacuation instruction at least once within the school year.
- (b). The school bus driver and bus aide shall participate in the emergency exit drills.
- (c). Drills shall be conducted on school property and shall be supervised by the principal or person assigned to act in a supervisory capacity.
- (d). Drills shall be documented in the minutes of the local board of education at the first board meeting following the completion of the emergency exit drill. The minutes shall include, but are not limited to, the following:
  - 1. Date of the drill;
  - 2. Time of day the drill was conducted;
  - 3. School name;
  - 4. Location of the drill;
  - 5. Route number(s) included in the drill; and
  - 6. Name of school principal, or person(s) assigned, who supervised the drill.

## REPORT OF THE COMPLETION OF THE SCHOOL BUS EMERGENCY EVACUATION DRILL TO THE BOARD OF EDUCATION

Date of the school bus emergency evacuation drill: 10/13/23

Time of day the drill was conducted: 7:55 AM

School Name: Tenakill Middle School

Location of the Emergency Evacuation Drill: \_\_\_\_\_

275 High Street Closter, NJ 07624

Route Number(s): CLOSTER2

Name of the school principal/person(s) overseeing the drill: Andrew Enrique Board Office Assistant

Other information relative to the emergency evacuation drill:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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6. Name of school principal, or person(s) assigned, who supervised the drill.

## REPORT OF THE COMPLETION OF THE SCHOOL BUS EMERGENCY EVACUATION DRILL TO THE BOARD OF EDUCATION

Date of the school bus emergency evacuation drill: 10/13/2023

Time of day the drill was conducted: 8:15 AM

School Name: Hillside Elementary School

Location of the Emergency Evacuation Drill: \_\_\_\_\_

340 Homans Avenue Closter, NJ 07624

Route Number(s): CLOSTER2

Name of the school principal/person(s) overseeing the drill: Andrew Enrique Board Office Assistant

Other information relative to the emergency evacuation drill:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_