

# **POLICY**

# **ENGLEWOOD BOARD OF EDUCATION**

TEACHING STAFF MEMBERS

3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

## **M**

The Board of Education recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and teaching staff members communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between teaching staff members and students. However, the Board of Education recognizes teaching staff members can be vulnerable in electronic communications with students.

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students.

The Commissioner of Education and arbitrators, appointed by the Commissioner, have determined inappropriate conduct may determine a teaching staff member unfit to discharge the duties and functions of their position. Improper electronic communications by teaching staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities regarding co-curricular, athletic coaching, and any other instructional or non-instructional responsibilities assigned to the teaching staff member by the administration or Board of Education.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a teaching staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or

## **POLICY**

## **ENGLEWOOD BOARD OF EDUCATION**

### TEACHING STAFF MEMBERS

#### 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a teaching staff member and a student as defined in this Policy.

Inappropriate content of an electronic communication between a teaching staff member and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the teaching staff member's or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member's professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a teaching staff member and a student shall be followed:

1. E-Mail Electronic Communications Between a Teaching Staff Member and a Student

## **POLICY**

## **ENGLEWOOD BOARD OF EDUCATION**

TEACHING STAFF MEMBERS

### 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

- a. All e-mails between a teaching staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.
  - b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.
  - c. A teaching staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a teaching staff member shall have no expectation of privacy on the school district's e-mail system.
2. Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student
- a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited.
    - (1) However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.
3. Text Messaging Electronic Communications Between Teaching Staff Members and Students
- a. Text messaging communications between a teaching staff member and an individual student are prohibited.

3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

- (1) However, a teaching staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities with a class or co-curricular activity. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the class or activity approved by the Principal or designee.
  
4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student
  - a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.
  
  - b. A teaching staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member's personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Principal or designee by the teaching staff member.
  
  - c. If a teaching staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.
  
  - d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

# **POLICY**

# **ENGLEWOOD BOARD OF EDUCATION**

TEACHING STAFF MEMBERS

## 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

### Reporting Responsibilities

In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member, the teaching staff member shall report the improper communication to the Principal or designee by the next school day. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.

The provisions of this Policy shall be applicable at all times while the teaching staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted:

# POLICY

# ENGLEWOOD BOARD OF EDUCATION

SUPPORT STAFF

## 4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

### 4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

**M**

**[See POLICY ALERT No. 203]**

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to support staff members to prevent improper electronic communications between support staff members and students. The Board of Education recognizes support staff members can be vulnerable in electronic communications with students.

The Board prohibits all electronic communications between a support staff member and a student. However, based on a support staff member's professional responsibilities electronic communications between a support staff member and a student may be permitted with written approval of the Superintendent or designee. The approval is only for the school year in which the approval is granted. If the Superintendent or designee approves electronic communications between a support staff member and a student, the support staff member shall be required to comply with all the provisions of this Policy.

The Commissioner of Education has determined inappropriate conduct may determine a school staff member unfit to discharge the duties and functions of their position. Improper electronic communications by school staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a support staff member's responsibilities assigned to the support staff member by the administration or Board of Education.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a support staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a support staff member and a student as defined in this Policy.

## **POLICY**

## **ENGLEWOOD BOARD OF EDUCATION**

SUPPORT STAFF

### 4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

Inappropriate content of an electronic communication between a support staff member, who has been approved by the Superintendent or designee to have electronic communications, and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the support staff member's or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the support staff member's professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the support staff member and a student that the Commissioner of Education would determine to be inappropriate in determining the support staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a support staff member, who has been approved by the Superintendent or designee to have electronic communications, and a student shall be followed:

1. E-Mail Electronic Communications Between a Support Staff Member and a Student
  - a. All e-mails between a support staff member and a student must be sent or received through the school district's e-mail system. The content of all e-

# POLICY

# ENGLEWOOD BOARD OF EDUCATION

SUPPORT STAFF

## 4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

mails between a support staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.

- b. A support staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a support staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the support staff member and the student.
- c. A support staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a support staff member shall have no expectation of privacy on the school district's e-mail system.

### 2. Cellular Telephone Electronic Communications Between a Support Staff Member and a Student

- a. Communications between a support staff member and a student via a personal cellular telephone shall be prohibited.

- (1) However, a support staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the support staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.

### 3. Text Messaging Electronic Communications Between Support Staff Members and Students

- a. Text messaging communications between a support staff member and an individual student are prohibited.

- (1) However, a support staff member may, with prior approval of the Principal or designee, text message students provided the need to



4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

text message is directly related to the support staff member’s professional responsibilities regarding the student. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the activity approved by the Principal or designee.

4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Support Staff Members and a Student
  - a. A support staff member is prohibited from communicating with any student through the support staff member’s personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a support staff member and a student.
  - b. A support staff member shall not accept “friend” requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a support staff member’s personal social networking website or other Internet-based social media website shall not be responded to by the support staff member and shall be reported to the Principal or designee by the support staff member.
  - c. If a support staff member has a student(s) as a “friend” on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.
  - d. Communication between a support staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

Reporting Responsibilities

1. In the event a student sends an electronic communication to a support staff member who has not been approved by the Superintendent or designee to have electronic communications, the support staff member shall report the communication to the

# **POLICY**

# **ENGLEWOOD BOARD OF EDUCATION**

SUPPORT STAFF

## **4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)**

Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such electronic communications. Electronic communications by a support staff member or a student where such communications are not approved by the Superintendent or designee may result in appropriate disciplinary action.

2. In the event a student sends an improper electronic communication, as defined in this Policy, to a support staff member who has been approved by the Superintendent or designee to receive electronic communications, the support staff member shall report the improper electronic communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a support staff member or a student may result in appropriate disciplinary action.

The provisions of this Policy shall be applicable at all times while the support staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted:

## 2610 EDUCATIONAL PROGRAM EVALUATION (M)

### M

The Board of Education directs the Superintendent to develop and implement a systematic plan for the continuous evaluation of the educational program against the educational goals established by this Board. ~~To this end,~~ ~~†~~The Superintendent shall employ such tests and methods **that will ensure decision making is data driven and a variety of sources of data are used to analyze and monitor student achievement and progress, as well as evaluate school programs as may be indicated by sound professional judgment.** Wherever possible, the assessment program shall follow evaluation procedures set forth in the course guides.

The Superintendent shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board ~~during the school year.~~ ~~Findings of the assessment program,~~ **that** evaluate the progress of students and the effectiveness of staff members. **The Superintendent shall use multiple (more than two) sources of data to monitor student achievement and the progress of students. The Superintendent shall also use multiple (more than two) sources of data to evaluate the effectiveness of programs, initiatives, and strategies.**

The Board will annually make available to the public the collective progress of students toward the goals of the district. The Board will annually, prior to the end of the school year and in conjunction with appropriate members of the administrative staff, conduct a review of the educational progress of the district, assess district and student needs, and establish long range and short range objectives for the educational program. The Board's annual report will be submitted to the Commissioner of Education as required.

The Superintendent shall annually recommend improvements in the educational program based on the Board's evaluation of the district's program. The Board reserves the right to employ experts from outside the school district to serve in the evaluation process.

N.J.S.A. 18A:7A-11

N.J.A.C. 6A:8-4.1 et seq.

N.J.A.C. 6A:19-2.6 [vocational districts]

Adopted: 28 August 2006

Revised: 30 August 2016

Revised:



ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

## M

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

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.

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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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 his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

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

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

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

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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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 in pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

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

Except as set forth in N.J.A.C. 6A:22-3.3(b)1, immigration/visa status shall not affect eligibility to attend school and the school district shall not condition enrollment in the school district on immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.

### Proof of Eligibility

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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. However, in the case of a dispute between the school district and the parent or guardian of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district **in accordance with the provisions of N.J.S.A. 18A:38-1.3.**

### Registration Forms and Procedures for Initial Assessment

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

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. 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.



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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

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

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

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





## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

### Notice of Ineligibility

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

Nothing in N.J.A.C. 6A:22 et seq. and this Policy 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.

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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

### Appeal to the Commissioner

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

### Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed 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. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

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

### Nonresident Students

The admission of a nonresident student 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.



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

### Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian 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 tuition for a period of time not greater than 90 days prior to the anticipated date of residency. If any such student does not become a resident of the school district within 91st day after admission to school, tuition will be charged for attendance commencing the beginning on the 1st day of school and until such time as the student becomes a resident or withdraws from school.

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

### Children of District Employees

At the discretion of the Superintendent, children of Board of Education employees who do not reside in this school district may be admitted to school in this district with payment of tuition per the state estimated school tuition schedule, provided that the educational program of such children can be provided within school district facilities without substantial additional cost to the district, and when space exists at the discretion of the Superintendent. However, any students who have been registered June 30, 2017 shall be permitted to attend without payment of tuition, until June 30, 2018.

### Other Nonresident Students

Other nonresident students, otherwise eligible for attendance may be admitted to this school district with payment of tuition and Board approval.



## F-1 Visa Students

The school district will 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.]

N.J.S.A. 18A:38-1 et seq.; 18A:38-3; 18A:38-3.1  
N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.  
**8 CFR 214.3**

Adopted: 28 August 2006

Revised: 14 October 2010

Revised: 30 August 2016

Revised: 19 October 2017

Revised:



## 2422 HEALTH AND PHYSICAL EDUCATION

The Board of Education requires all students to participate in a comprehensive, sequential, health and physical education program aligned with the New Jersey Department of Education Core Curriculum Content Standards (CCCS) **Student Learning Standards (NJSLs)** that emphasizes the natural interdisciplinary connection between wellness and health and physical education. The primary focus of the **NJSLs CCCS** is the development of knowledge and skills that influence healthy behaviors within the context of self, family, school, and the local and global community. ~~The mission of the CCCS for comprehensive health and physical education is knowledge of health and physical education concepts and skills to empower students to assume lifelong responsibility to develop physical, social, and emotional wellness.~~

The **NJSLs CCCS** incorporate New Jersey statutes related to health and well-being of students in New Jersey schools. The following statutes incorporated into the **NJSLs CCCS** include, but are not limited to, the following requirements:

1. Accident and Fire Prevention (N.J.S.A. 18A:6-2) requires **regular courses of instruction** in accident and fire prevention. ~~Regular courses of instruction in accident prevention and fire prevention shall be given in every public and private school in New Jersey. Instruction shall be adapted to the understanding of students at different grade levels.~~
2. Breast Self-Examination (N.J.S.A. 18A:35-5.4) requires **offering instruction on breast self-examination for students in grades seven through twelve**. ~~The Board of Education shall operate an educational program for students in grades seven through twelve with instruction in breast self examination. The instruction shall take place as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education and the comprehensive health and physical education curriculum framework shall provide school districts with sample activities that may be used to support implementation of the instructional requirement.~~



3. ~~Bullying Prevention Programs (N.J.S.A. 18A:37-17) requires the establishment of bullying prevention programs. The school district is encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members. To the extent funds are appropriated for these purposes, the school district shall: (1) provide training on the school district's Harassment, Intimidation, or Bullying Policy to school employees and volunteers who have significant contact with students; and (2) develop a process for discussing the district's Harassment, Intimidation, or Bullying Policy with students. Information regarding the school district Policy against harassment, intimidation, or bullying shall be incorporated into the school's employee training program.~~
4. ~~Cancer Awareness (N.J.S.A. 18A:40-33) requires the development of a school program on cancer awareness by the Commissioner of Education. The Commissioner of Education, in consultation with the State school Boards, shall develop a cancer awareness program appropriate for school-aged children.~~
5. ~~Dating Violence Education (N.J.S.A. 18A:35-4.23a) requires instruction regarding dating violence in grades seven through twelve. The school district shall incorporate dating violence education that is age appropriate into the health education curriculum as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education for students in grades seven through twelve. The dating violence education shall include, but not be limited to, information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.~~
6. ~~Domestic Violence Education (N.J.S.A. 18A:35-4.23) allows instruction on problems related to domestic violence and child abuse. The Board of Education may include instruction on the problems of domestic violence and child abuse in an appropriate place in the curriculum of elementary school, middle school, and high school students. The instruction shall enable students to understand the psychology and dynamics of family~~



# POLICY

ENGLEWOOD  
BOARD OF EDUCATION

Program  
2422/Page 3 of 8  
HEALTH AND PHYSICAL EDUCATION

violence,  
~~dating violence, and child abuse; the relationship of alcohol and drug use to such violence and abuse; the relationship of animal cruelty to such violence and abuse; and to learn methods of nonviolent problem-solving.~~

7. ~~Gang Violence Prevention (N.J.S.A. 18A:35-4.26) requires instruction in gang violence prevention for elementary school students. A Board of Education that operates an educational program for elementary school students shall offer instruction in gang violence prevention and in ways to avoid membership in gangs. The instruction shall take place as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education and the comprehensive health and physical education curriculum framework shall provide the school district with sample materials that may be used to support implementation of the instructional requirement.~~
8. ~~Health, Safety, and Physical Education (N.J.S.A. 18A:35) requires that all students in grades one through twelve participate in at least two and one-half hours of health, safety, and physical education each school week. Every student, except Kindergarten students, attending the public schools, insofar as he or she is physically fit and capable of doing so, as determined by the medical inspector, shall take such courses, which shall be a part of the curriculum prescribed for the several grades. The conduct and attainment of the students shall be marked as in other courses or subjects, and the standing of the student in connection therewith shall form a part of the requirements for promotion or graduation. The time devoted to such courses shall aggregate at least two and one half hours each school week, or proportionately less when holidays fall within the week.~~
9. ~~Drugs, Alcohol, Tobacco, Controlled Dangerous Substances, and Anabolic Steroids (N.J.S.A. 18A:40A-1) requires instructional programs on drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances and the development of curriculum guidelines for each grade Kindergarten through twelve. Instructional programs on the nature of drugs, alcohol,~~



~~anabolic steroids, tobacco, and controlled dangerous substances, as defined in Section 2 of P.L.1970, c.226 (C.24:21-2), and their physiological, psychological, sociological, and legal effects on the individual, the family, and society shall be taught in the public school and in each grade from Kindergarten through grade twelve in a manner adapted to the age and understanding of the students. The programs shall be based upon the curriculum guidelines established by the Commissioner of Education and shall be included in the curriculum for each grade in such a manner as to provide a thorough and comprehensive treatment of the subject.~~

10. ~~Lyme Disease Prevention (N.J.S.A. 18A:35-5.1 through 5.3) requires the development of Lyme Disease curriculum guidelines and training to all teaching staff members who instruct students with Lyme Disease. The guidelines shall emphasize disease prevention and sensitivity for victims of the disease. The Commissioner of Education shall periodically review and update the guidelines to insure that the curriculum reflects the most current information available.~~
11. ~~Organ Donation (N.J.S.A. 18A:7F-4.3) requires information relative to organ donation to be given to students in grades nine through twelve. The goals of the instruction shall be to:~~
  - a. ~~Emphasize the benefits of organ and tissue donation to the health and well being of society generally and to individuals whose lives are saved by organ and tissue donations, so that students will be motivated to make an affirmative decision to register as donors when they become adults.~~
  - b. ~~Fully address myths and misunderstandings regarding organ and tissue donation.~~
  - c. ~~Explain the options available to adults, including the option of designating a decision maker to make the donation decision on one's behalf.~~





- d. ~~Instill an understanding of the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision maker.~~

~~The instruction shall inform students that, beginning five years from the date of enactment of P.L.2008, c.48 (C.26:6-66 et al.), the New Jersey Motor Vehicle Commission will not issue or renew a New Jersey driver's license or personal identification card unless a prospective or renewing licensee or card holder makes an acknowledgement regarding the donor decision pursuant to Section 8 of P.L.2008, c.48 (C.39:3-12.4). The Commissioner of Education, through the non-public school liaison in the Department of Education, shall make any related instructional materials available to private schools educating students in grades nine through twelve, or any combination thereof. Such schools are encouraged to use the instructional materials at the school; however, nothing in N.J.S.A. 18A:7F-4.3 shall be construed to require such schools to use the materials.~~

12. Sexual Assault Prevention (N.J.S.A. 18A:35-4.3) requires the development of a sexual assault prevention education program **by the Commissioner of Education for utilization by school districts.** ~~The Department of Education in consultation with the advisory committee shall develop and establish guidelines for the teaching of sexual assault prevention techniques for utilization by local school districts in the establishment of a sexual assault prevention education program. Such program shall be adapted to the age and understanding of the students and shall be emphasized in appropriate places of the curriculum sufficiently for a full and adequate treatment of the subject.~~

13. Stress Abstinence (N.J.S.A. 18A:35-4.19 through N.J.S.A. 18A:35-4.22), also known as the "AIDS Prevention Act of 1999," requires sex education programs to stress abstinence. ~~Any sex education that is given as part of any planned course, curriculum, or other instructional program and that is intended to impart~~



~~sexuality and reproduction, pregnancy avoidance or termination, HIV infection or sexually transmitted diseases, regardless of whether such instruction is described as, or incorporated into, a description of "sex education," "family life education," "family health education," "health education," "family living," "health," "self-esteem," or any other course, curriculum program, or goal of education, and any materials including, but not limited, to handouts, speakers, notes, or audiovisuals presented on school property concerning methods for the prevention of acquired immune deficiency syndrome (HIV/AIDS), other sexually transmitted diseases, and of avoiding pregnancy, shall stress that abstinence from sexual activity is the only completely reliable means of eliminating the sexual transmission of HIV/AIDS and other sexually transmitted diseases and of avoiding pregnancy.~~

14. ~~Suicide Prevention (N.J.S.A. 18A:6-111 through 113) requires instruction in suicide prevention in public schools. Instruction in suicide prevention shall be provided as part of any continuing education that public school teaching staff members must complete to maintain their certification; and inclusion of suicide prevention awareness shall be included in the CCCS in Comprehensive Health and Physical Education.~~
  
15. **Cardiopulmonary Resuscitation (CPR)/Automated External Defibrillator (AED)** (N.J.S.A. 18A:35-4.28 and 18A:35-4.29) **requires public high schools and charter schools to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student prior to graduation.** ~~instruction in the use of automated external defibrillator for students. Instruction shall be provided in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student in a public school that includes grades nine through twelve prior to graduation as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education. The instruction provided shall be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally recognized association and shall include a hands-on learning component.~~



16. **Sexually Explicit Images through Electronic Means (N.J.S.A. 18A:35-4.32 and 4.33)** requires instruction, once during middle school, on the social, emotional, and legal consequences of distributing and soliciting sexually explicit images through electronic means.

1716. Other Statutory or Administrative Codes. The Board will incorporate into its health and physical education curriculum any other requirements of the New Jersey Department of Education's CCCS NJSLs in Comprehensive Health and Physical Education.

In accordance with the provisions of N.J.S.A. 18A:35-4.7, any student whose parent presents to the Principal a signed statement that any part of the instruction in health, family life education, or sex education is in conflict with his/her conscience or sincerely held moral or religious beliefs shall be excused from that portion of the course where such instruction is being given and no penalties as to credit or graduation shall result.

The Board of Education must provide two and one-half hours of health, safety, and physical education courses in each school week, or proportionately less when holidays fall within the week. Recess period(s) shall not be used to meet the requirements of N.J.S.A. 18A:35-5, 7, and 8.

In accordance with N.J.S.A. 18A:35-4.31, the Board of Education shall provide a daily recess period of at least twenty minutes for students in grades Kindergarten through five. A recess period is not required on a school day in which the day is substantially shortened due to a delayed opening or early dismissal. The recess period shall be outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the school district's Code of Student Conduct, including a harassment, intimidation, or bullying (HIB) investigation pursuant to N.J.S.A. 18A:37-13 et seq. Students may not be denied recess more than twice per week for a violation of the Code of Student Conduct or HIB investigation and these students shall be provided restorative justice activities during the recess period. Restorative justice activities mean activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate and less punitive interventions thereby establishing a more



# POLICY

ENGLEWOOD  
BOARD OF EDUCATION

Program  
2422/Page 8 of 8  
HEALTH AND PHYSICAL EDUCATION

**supportive and inclusive school culture. The student's recess period should be scheduled in a manner that does not interfere with the implementation of a student's Individualized Education Program (IEP). School staff may deny recess for a student on the advice of a medical professional, school nurse, or the provisions of a student's IEP and/or 504 Plan.**

A copy of the ~~CCCS~~ NJSLs for Comprehensive Health and Physical Education and all related curriculum/course guides and instructional material shall be available for public inspection in each school.

**N.J.S.A. 18A:35-4.31; 18A:35-5; 18A:35-7; 18A:35-8**

Adopted: 28 August 2006

Revised: 30 August 2016

Revised:



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

#### A. Definitions

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C 6A:22-3.2(a).
2. "Appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. "Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. "Commissioner" means the Commissioner of Education or his/her 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

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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

- (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.
- (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
  - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
  - (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C.



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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.
  - (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
- b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
  - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
  - d. A student is domiciled in the school district when his or her 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.



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

- 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 property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.
    - a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
    - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
    - c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
  3. 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





## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.
  - a. A student is not eligible to attend this school district pursuant to this provision unless:
    - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and
    - (2) The person keeping the student has filed, if so required by the Board of Education:
      - (a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and

- (b) A copy of his or her 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 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 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.
- d. A student shall not be deemed ineligible under 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 his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.



# REGULATION

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
R 5111/Page 7 of 24

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

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 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.
  - 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)1i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.



# REGULATION

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
R 5111/Page 8 of 24

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

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.
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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.

- a. For purposes of N.J.A.C. 6A:22-3.2(h) and Policy and Regulation 5111, "family crisis" shall include, but not be limited to:
  - (1) An instance of abuse such as domestic violence or sexual abuse;
  - (2) A disruption to the family unit caused by death of a parent or guardian; or
  - (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.
- b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.
  - (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.
- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A.



18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.

- d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in 8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of his or her right to appeal the decision within twenty-one calendar days of his or her receipt of the notification, and shall state that if such appeal is denied, he or she may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.
- (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.
  - (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria set forth at 8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.
  - (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.

- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
  - (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria set forth at 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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Superintendent for a reimbursement of eligible costs for transportation services.

- (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
  - (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
  - (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.
- i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.
- D. Housing and Immigration Status
1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.
  2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such





## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.

- a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the 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 will 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.]**

- 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, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.a.



F. Proof of Eligibility

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;
  - 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.



# REGULATION

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS

R 5111/Page 15 of 24

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

2. The Board of Education may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by an applicant.
  3. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
  4. The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
    - a. Income tax returns;
    - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
    - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
    - d. Social security numbers.
  5. The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in 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 or guardians of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.
- G. Registration Forms and Procedures for Initial Assessment



# REGULATION

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
R 5111/Page 16 of 24

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

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:
  - a. Are consistent with the forms provided by the Commissioner;
  - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
  - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, 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 form for all types of enrollment, affidavit student forms shall comply in all respects with 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 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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

than the parent or guardian since such student may qualify as an affidavit student.

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



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this 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 his or her identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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.

### H. Notice of Ineligibility

1. 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 shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 et seq.
  - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
  - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
    - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and
    - (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
  - b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
  - (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without





## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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.

### I. Removal of Currently Enrolled Students

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



6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.

3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an “affidavit student,” has been informed of his or her 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.
  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.
- J. Appeal to the Commissioner
1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
    - a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of “affidavit student” ineligibility determinations shall be filed by the resident keeping the student.
- K. Assessment and Calculation of Tuition



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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 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: 16 March 2007  
Revised: 1 September 2011  
Revised: 30 August 2016  
Revised:



# REGULATION

ENGLEWOOD  
BOARD OF EDUCATION

PROGRAM  
R 2460.16/Page 1 of 1  
Special Education - Instructional Material to  
Blind or Print-Disabled Students (M)

R 2460.16 SPECIAL EDUCATION - INSTRUCTIONAL MATERIAL TO BLIND OR  
PRINT-DISABLED STUDENTS (M)

**M**

All students that are blind or print-disabled will be provided instructional materials in a timely manner in accordance with a plan developed by the district.

The plan to provide the instructional material to blind or print-disabled students in a timely manner will:

1. Be included in the Individualized Education Program of each student with a disability;
2. Set forth the instructional materials needed by the student;
3. Indicate how the instructional material will be provided to the blind or print-disabled student; and
4. Address any assistive technology needed to permit the student to utilize the instructional material to be provided.

Adopted: 16 July 2009  
Revised: 13 March 2014  
Revised:



# REGULATION

ENGLEWOOD  
BOARD OF EDUCATION

PROGRAM

R 2460.15/Page 1 of 1

Special Education – In-Service Training Needs for  
Professional and Paraprofessional Staff

R 2460.15 SPECIAL EDUCATION – IN-SERVICE TRAINING NEEDS FOR  
PROFESSIONAL AND PARAPROFESSIONAL STAFF (M)

The in-service training needs for professional and paraprofessional staff who provide special education, general education, or related services will be identified and appropriate in-service special education training will be provided by the district.

The district will maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials, and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services, and general education personnel

Adopted: 1 July 2004

Revised: 1 July 2004

Revised:



# REGULATION

## BOARD OF EDUCATION

### ENGLEWOOD

No. R2624

PROGRAM  
GRADING SYSTEM

#### ENGLEWOOD PUBLIC SCHOOLS PHILOSOPHY OF GRADING

The Englewood Public Schools philosophy of grading is founded in the belief that each student is a unique learner, and as a unique learner must be provided with individualized opportunities to explore our curriculum and a multitude of opportunities to demonstrate their mastery of all academic standards. It is our goal to encourage all students to become lifelong learners who value authentic learning. As authentic learners, we want our students to embrace the value in measuring individual learning, not using grades solely as a means to rank achievement.

The Englewood Public Schools shall enforce policies that require for zero tolerance of failure without documented evidence of the development and implementation of tiered interventions. It shall be the responsibility of the subject teacher to develop and implement the first level of tiered interventions and to collect, aggregate and evaluate data of the progress for each intervention in preparation for review by the Intervention and Referral Services Team. (See Failure Prevention: Student Achievement Program section on page 3 of this document.)

#### **Grades 1-12**

##### **100% Assessment of Content**

#### **Grades 1-5**

Content assessment shall be a combination of the following: written, verbal, or computer-based quizzes; tests; research papers; presentations; and graded class work. There shall be a minimum of five (5) gradebook entries per subject area each marking period in combination from the list above in support of differentiated instruction and assessment. Therefore, all graded work that is selected by the teacher to be entered into the gradebook must be rigorous and contain content and questions that support New Jersey Learning Standards. All gradebook entries must have content standards listed on the graded assignment/assessment.

#### **Grades 6-12**

Marking period grades are calculated using the Total Points System. The final marking period average is the total of points earned divided by the total possible points as distributed across a minimum of ten (10) gradebook entries each marking period that meet the minimum total point requirement as listed below. Gradebook entries shall be a combination of the following: written, verbal, or computer-based quizzes; tests; research papers; presentations; and graded class work. Graded homework may be entered as an assessment grade. All graded work that is selected by the teacher to be entered in the gradebook must be rigorous and contain content and questions that support New Jersey Learning Standards. All gradebook entries must have content standards listed on the graded assignment/assessment.

- Grades 7 and 8 - 500 minimum total points Each gradebook entry shall have a minimum value of 25 and a maximum value of 50.
- Grades 7 and 8 Honors level courses - 600 minimum total points. Each gradebook entry shall have a minimum value of 25 and a maximum value of 50.

- Grades 9 through 12 – 600 minimum total points. Each gradebook entry shall have a minimum value of 25 and a maximum value of 50.
- Grades 9 through 12 Honors level courses – 700 minimum total points. Each gradebook entry shall have a minimum value of 35 and a maximum value of 70.
- Grades 9 through 12 Advanced Placement level courses - 750 minimum total points. Each gradebook entry shall have a minimum value of 25 and a maximum value of 50.

## **Homework**

Homework is designed to reinforce the district's curriculum by providing students with the opportunities to independently practice skills, review content, integrate and apply skills learned in class to solving problems and producing creative works, and develop independent study skills. Homework must have a clear connection to preparing students for assessment of content.

The Board of Education acknowledges the educational validity of work assigned to pupils for completion outside the classroom as an adjunct to and extension of the instructional program of the schools.

The Superintendent shall develop regulations for the assignment of homework according to these guidelines:

1. Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school;
2. Homework should help children learn by providing practice in the mastery of skills, experience in data gathering and integration of knowledge, and an opportunity to remediate learning problems;
3. Homework should help develop the pupil's responsibility and provide an opportunity for the exercise of independent work and judgment;
4. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the pupil and take into account other activities that make a legitimate claim on the pupil's time;
5. As a valid educational tool, homework should be clearly assigned and its product carefully evaluated and that evaluation should be reported to the pupil;
6. The schools should recognize the role of parent(s) or legal guardian(s) by suggesting ways in which parent(s) or legal guardian(s) may assist the school in helping a child carry out assigned responsibilities;
7. Homework should always serve a valid learning purpose; it should never be used as a punitive measure.

## **Failure Prevention: Student Achievement Program**

The purpose of the Student Achievement Program is to ensure that students are learning and that the district's grading system is being utilized to measure learning--not to inflate grades.

An at-risk pupil is one who has a marking period or projected final average of 72 or below at any time during the course of the academic year. Any graded assessment that results in a grade of UIF must be re-taught and re-assessed via the Achievement Program procedures if that grade lowers the pupil's average at or below a 72.

It is the responsibility of the teacher to identify at-risk pupils enrolled in their class and to provide best-practice interventions for instruction and assessment that meet the unique needs of each at-risk pupil.



The teacher shall provide every at-risk student with multiple opportunities to earn a passing grade for any failed assignment. These may include graded homework, class work, quizzes, tests, projects, etc. The student may not receive a grade higher than 65 if the child satisfactorily completes the failed assignment, regardless of the number of attempts. *The only exception is if the newly graded assignment's true grade is above a 65, and the child needs the true grade to attain a 65 average for the marking period.*

#### **Level 1\***

A Level 1 student is one who has a **live gradebook average** of **less than or equal to 72** for a single marking period or for the projected final course average. The teacher shall develop and maintain a record of all **Evidence of Interventions** provided to assist each at-risk Level 1 student. The teacher shall maintain this record in the student's *Genesis Gradebook Notes* section. The teacher shall contact the parent/guardian when a student's grade causes him or her to become a Level 1 at-risk student. The contact may be via phone, email, US mail or a live parent/teacher conference. All parent/guardian contact shall be recorded in the student's Genesis Gradebook Notes section. K-8 teachers shall also inform the Principal via email of each Level 1 student. High School teachers shall inform the Principal and Director of Athletics of every Level 1 student.

#### **Level 2\***

Any student who completes the marking period with a grade of 64.4 or below shall receive an **Incomplete** for the marking period. The teacher shall develop and implement a Pre-Referral Plan and maintain a record of all action taken for each Level 2 student. The teacher shall provide a Level 2 student with multiple opportunities to earn a passing grade for any failed assignment. A Level 2 student shall receive at maximum of 5 weeks to earn a passing grade for any failed assignment that will result in a 65 average for the marking period. The teacher shall contact the parent/guardian of Level 2 students weekly to provide information regarding the student's Level 2 requirements and intervention progress. The contact may be via phone, email, US mail or a live parent/teacher conference. All parent/guardian contact shall be recorded in the student's Genesis Gradebook Notes section. K-8 teachers shall also inform the Principal via email of each Level 2 student. High School teachers shall inform the Principal and Director of Athletics of every Level 2 student.

#### **Level 3\***

A Level 2 student will be elevated to Level 3 if the student does not respond to Level 2 interventions or does not attain the goals and objectives set forth in Level 2 despite all efforts by the teacher and student to attain success. At this point, the student is deemed at risk for academic failure and for becoming disaffected. In an effort to not discourage the student from remaining engaged in the learning process, a Level 2 student shall receive the grade of I in lieu of an F/UIF on the Interim Report or Marking Period Grade while a Pre-Referral Plan is in place. The teacher shall immediately submit the Level 2 Pre-Referral Plan and all accompanying data to the building Intervention & Referral Services Coordinator for review. The Intervention & Referral Services Team shall review the teacher's Pre-Referral Plan and data to determine if a formal I&RS Plan is required. K-8 teachers shall also inform the Principal via email of each Level 3 student. High School teachers shall inform the Principal and Director of Athletics of every Level 3 student.

No student shall receive an end of course grade of F or UIF without approval from the teacher's supervisor or principal. A supervisor or principal shall review the teacher's Evidence of Interventions and Pre-Referral Plan from Levels 1-3 to determine if all interventions have been exhausted in an effort to assist the student. If the supervisor or principal deems that a student did

not receive all required opportunities as set forth by this policy and regulation, then the teacher shall be required to provide multiple opportunities for the student to exhibit mastery of the standards for all areas not yet mastered.

\*It should be noted that programs of intervention and referral services may not be used to delay obvious and appropriate referrals to special education (N.J.A.C. 6A:14-3 et seq.). Schools are not permitted to create any barrier for the administration of appropriate evaluations to determine the existence or nature of students' educational disabilities.

It should also be noted that the Student Achievement Program procedures as listed above may be utilized for a student who is not deemed at-risk. Teachers shall utilize best practices of differentiated instruction and assessment at any time to ensure that each student is reaching his or her full potential.

### **Grades Pre-Kindergarten and Kindergarten**

The grading system consists of four (4) letter grades as follows:

- M - Meeting Standards
- W - Working Towards Standards
- NI - Needs Improvement meeting standards
- NA - Not Assessed at this time

### **Grades 1-12**

The grading system consists of nineteen (19) letter grades as follows:

A	95-100
A-	90-94
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	65-69
F	60-64
UIF	0-59
I	Incomplete
EX	Exempt (grading exempted for specific courses and/or student populations)
W	Withdrew from class (for any course dropped after the first marking period with a cumulative passing numerical average)
WF	Withdrew from class failing (for any course dropped after the first marking period with a cumulative failing numerical average)
NG	No Grade (no record of grade provided by previous school)
P	Pass for specific courses and/or student populations
NC	Loss of Credit due to Attendance
AU	Audit (enrolled in course with option to forego grade/credit)

### **Summer School/Online Grading System**

All courses taken for credit recovery or new credit through an approved summer school or online provider will be recorded on the student's official transcript as P (grades of 64.5 and above) or F (all grades of 64.4 and below). The grade will not count toward the student's grade point average and will not be used to calculate class rank. For the purpose of athletic grade point average calculation, the Director of Athletics may use the GPA value of the actual alpha grade earned in the course to calculate GPA for eligibility.

### **NCAA Clearinghouse Credits and Grading**

Prospective NCAA student-athletes are forewarned that NCAA Clearinghouse may not accept the credits earned from all approved summer school/online providers. Transfer prospective NCAA student-athletes are forewarned that the NCAA Clearinghouse may not accept the credits earned from previously attended high school programs. Also, the NCAA Clearinghouse will automatically convert every final grade of P to D and will use the value of the D when calculating the student's GPA for eligibility. Therefore, prospective NCAA athletes are discourage from participating in programs of study that require P/F grading.