

WESTFIELD PUBLIC SCHOOLS
Westfield, New Jersey 07090

PUPILS
5111

Eligibility of Resident/Nonresident Pupils

Regulations Follow

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5111 ELIGIBILITY OF RESIDENT/NON-RESIDENT PUPILS

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 pupil as is otherwise entitled by law to a free public education.

Eligibility to Attend School

The Board shall admit pupils 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. 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 pupil that is kept in the home of a person other than the pupil's parent or guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child in accordance with N.J.A.C. 6A:22-3.2 et seq. A pupil is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the pupil'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 pupil due to family or economic hardship and the pupil is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the pupil must file, if so required by the district, a sworn statement that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the pupil relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. Pursuant to N.J.S.A. 18A:38-1(c), any person who fraudulently allows a child of another person to use 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 person's offense.

A pupil is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1(b) if the pupil is kept in the home of a person domiciled in the 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 pupil is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1(d) if the pupil's parent or guardian temporarily resides within the school district and elects to have the pupil attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the district, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a pupil attending the school district of temporary residence. When one of a pupil'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 pupil is eligible to attend this school district free of charge:

1. If the pupil'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 pupil 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 pupil 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 pupil 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 pupil 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 pupil 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 pupil remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the pupil, provided the pupil 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 pupils 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.

The physical condition of an applicant's housing, an applicant's compliance with local housing ordinances, or terms of lease shall not affect eligibility to attend school.

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

Proof of Eligibility

The district shall accept a combination of forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4.

The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form, or subset of documents without regard to other evidence presented.

The district 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 district 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 district 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 pupil in regard to the pupil'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 pupil's eligibility for enrollment in the school district.

Registration Form 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 district 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 are experiencing difficulties with the 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 pupil 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 pupil 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 pupil is enrolled pursuant to this provision shall be notified that the pupil will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one-day period established by N.J.S.A. 18A:38-1.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the pupil is between the ages of six and sixteen, applicants also shall, be asked to complete a written statement indicating the pupil 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 the 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 pupil's name, the name(s) of the parent/guardian/resident, and the pupil's address to the extent known. Staff shall also indicate admission to the 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 district shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the pupil's birth certificate or other proof of a pupil'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 pupil medical information. However actual attendance at school may be deferred until the pupil complies with pupil 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 pupil shall not be denied based upon the absence of a pupil's prior educational record. However, the applicant shall be advised the pupil's initial education placement may be subject to revision upon the school district's receipt of records or further assessment of the pupil.

Notice of Ineligibility

When a pupil is found ineligible to attend the schools district pursuant to N.J.A.C. 6A:22 or the pupil'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 Pupils

Nothing in N.J.A.C. 6A:22-4.3 et seq. and this Policy shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, pupils 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 pupil 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 pupil's removal in accordance with N.J.A.C. 6A:22-4.3(b). No pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an "affidavit pupil" (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 pupil or resident keeping an "affidavit pupil", 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 pupil'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 pupil may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

Appeal to the Commissioner

An applicant may appeal to the Commissioner of Education the school district's determination that a pupil 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 pupil" eligibility determinations shall be filed by the resident keeping the pupil.

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 (1) year of a pupil'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 pupil'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 pupil from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.

Nonresident Pupils

The admission of a nonresident pupil to school free of charge must be approved by the Board. No pupil otherwise eligible shall be denied admission on the basis of the pupil'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 pupil shall be contingent upon the pupil's maintenance of good standards of citizenship and discipline.

Children Who Anticipate Moving to or from the District

A nonresident pupil otherwise eligible for attendance whose parent(s) or guardian(s) anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled without payment of tuition for a period of time not greater than four weeks prior to the anticipated date of residency. If any such pupil does not become a resident of the district within four weeks after admission to school, tuition will be charged for attendance commencing the beginning of the fifth week and until such time as the pupil becomes a resident or withdraws from school.

If a parent moves from Westfield and wishes his/her child to remain in the Westfield schools, there will be a period of one month during which no tuition will be charged. If the child remains beyond that one-month period, and the parent is living outside of Westfield, tuition will be charged at the regular rate for the remainder of the school year. With approval of the Superintendent, pupils whose families move from Westfield during the 12th grade may be permitted to complete their senior year at Westfield High School without a tuition charge.

Children of District Employees

Children of district employees who do not reside in Westfield may not be admitted to school in this district unless otherwise specified in their collective bargaining agreement. The Board retains the right to assign nonresident children of employees eligible to attend school in the district to a building and/or classes in such a manner that the assignment will not require hiring additional staff and that the educational program of such children can be provided within district facilities.

Foreign Exchange Students (J-1 Visas)

To receive a J-1 student visa from United States Department of State, a foreign exchange student must demonstrate acceptance to a designated exchange visitor program as evidenced by presentation of Form IAP-66, sufficient funds, or adequate arrangements, to cover expenses; sufficient knowledge of English to undertake the proposed program; compliance with the requirements of Section 212(j)INA.

Foreign exchange students who hold J-1 visas and who are domiciled within a Westfield residence may be admitted to school in this district without the payment of tuition provided the resident with whom they are domiciled will execute an affidavit stating:

1. He/she does not receive remuneration for the care of the pupil; and
2. That the resident will assume all personal obligations for the pupil.

Foreign Students (F-2 visas - dependents of F-1 students)

To receive a F-2 visa from the United States Department of State, a student must be a dependent of F-1 status visa holders.

Foreign students who hold F-2 visas and who are domiciled within a Westfield residence may be admitted to school in this district without the payment of tuition provided the resident with whom they are domiciled will execute an affidavit stating:

1. He/she does not receive remuneration for the care of the pupil; and
2. That the resident will assume all personal obligations for the pupil.

Foreign Students (F-1 visas)

To receive a F-1 student visa from United States Department of State, a foreign exchange student must demonstrate that he/she has a residence abroad and intends to return; has been accepted to pursue a full course of study at an educational institution approved by the United State Department of Homeland Security as evidenced by presentation of a SEVIS (Student and Exchange Visitor Information System) generated Form 1-20A-B as may be required to be provided by the school and issued in the name of the student; has sufficient academic preparation to pursue the intended course of study and has sufficient knowledge of English to pursue the intended study.

Foreign exchange students who hold F-1 visas shall not be admitted to an elementary school (K-8) and/or an adult education program in this district.

Foreign exchange students who hold F-1 visas may be permitted to attend a secondary school (Grades 9-12) for a maximum of 12 months, provided the student reimburses the school district for the full, unsubsidized per pupil cost of education for the intended period of study.

The cost of education to be reimbursed to the Board may be calculated by dividing the sum of all public expenditures of the school or district by the number of students or by using the rate certified by the Board.

Other Nonresident Children

Other nonresident children, otherwise eligible for attendance, may be admitted to school in this district with payment of tuition if their admission is warranted by the inaccessibility of school in their home district, the singular availability of an appropriate educational program in this district, the avoidance of transfer and readmission of a child whose legal custody is shared by a parent(s) or guardian(s) residing in this district, or other good cause.

N.J.S.A. 18A:38-1 et seq.; 18A:38-3; 18A:39-3.1

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

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Second Reading:

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

A. Definitions

1. "Affidavit pupil" means a pupil 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 pupil who seeks to enroll a pupil in a school district; or an unaccompanied homeless youth or adult pupil 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 – Pupils Domiciled in the District

1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the pupil is domiciled within the district:
 - a. A pupil is domiciled in the school district when he or she is living with a parent or whose domicile is located within the school district.
 - (1) When a pupil'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 pupil's domicile is the school district of the parent or guardian with whom the pupil lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.

- (2) When a pupil's physical custody is shared on an equal-time, alternating week/month or other similar basis so the pupil 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 pupil's domicile is the present domicile of the parent or guardian with whom the pupil resided on the last school day prior to October 16 preceding the application date.
 - (a) When a pupil resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the pupil's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the pupil 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 pupil's likely residence as of that date, or if on that date the pupil is not residing with the parent or guardian previously indicated, the pupil shall attend school in the school district where the parent or guardian with whom the pupil actually lives as of the last school day prior to October 16.
 - (b) When the domicile of the pupil with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such pupil's out-of-district placement.
 - (3) When a pupil 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 pupil'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 pupil 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 pupil is domiciled in the 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 pupil is domiciled in the school district when the pupil 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 pupil 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 pupil 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 pupil is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
 - e. A pupil is domiciled in the school district if the Department of Children and Families is acting as the pupil's guardian and has placed the pupil in the school district.
- 2. When a pupil'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 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 pupils 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 pupils who were permitted to attend the school district prior to December 17, 2001.
 - c. When a pupil's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a pupil's right to attend the school district of domicile although the pupil 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 permitted to

remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

C. Eligibility to Attend School – Other Pupils Eligible to Attend School

1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil is kept in the home of a person other than the pupil's parent or guardian, and the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child.
 - a. A pupil is not eligible to attend this school district pursuant to this provision unless:
 - (1) The pupil'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 pupil due to family or economic hardship and that the pupil is not residing with the other person solely for the purpose of receiving a free public education; and
 - (2) The person keeping the pupil 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 and intends to do so for a longer time than the school term, and will assume all personal obligations for the pupil 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 pupil 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 pupil to obtain the sworn statement(s).

- c. A pupil shall not be deemed ineligible under this provision when evidence is presented that the pupil has no home or possibility of school attendance other than with a school district resident who is not the pupil's parent or guardian but is acting as the sole caretaker and supporter of the pupil.
 - d. A pupil 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 pupil's welfare, provided the resident keeping the pupil receives no payment or other remuneration for regular maintenance of the pupil.
 - 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 person's offense.
2. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil is kept in the home of a person domiciled in the school district, who is not the parent or guardian and 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 school year during which the parent or guardian returns from active military duty.
3. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil's parent or guardian temporarily resides within the school district and elects to have the pupil 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 pupil attending the school district of temporary residence;
 - b. When one of a pupil'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 pupil 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 pupil's attending school district.

4. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil'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 pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil 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 pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil 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 pupil out of the school district. A school district admitting a pupil pursuant to N.J.S.A. 18A:38-3. b shall not be obligated for transportation costs.
7. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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 pupil resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a pupil who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A pupil 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 pupil to continue attendance and shall provide transportation services to and from the pupil'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 pupil'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 pupil 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 pupil 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 pupil 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 pupil's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
- (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 pupil 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 pupils 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 pupil transportation.
- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
 - (1) Eligible costs shall include transportation for pupils 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 pupil(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 pupil(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a pupil 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 pupil'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 pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil 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.

However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to pupils 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. In order for the district to accept F-1 Visa pupils into the district, they must provide payment of tuition and a signed tuition contract. After receipt of tuition payment and a signed tuition contract, the district will provide the I-20 Form.
- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22 shall be construed to limit the discretion of the Board to admit nonresident pupils, or the ability of a nonresident pupil to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3. a.
- F. Proof of Eligibility
1. The district shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a pupil'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 pupil;

- 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 pupil," adult pupil, person(s) with whom a family is living, or others as appropriate;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
2. The district may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by an applicant.
3. The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form, or a subset of documents without regard to other evidence presented.
4. The district shall not condition enrollment on the receipt information or document 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 district 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 district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

6. In the case of a dispute between the school district and the parents or guardians of a pupil in regard to a pupil'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 pupil's eligibility for enrollment in the school district.

G. Registration Forms and Procedures for Initial Assessment

1. The district shall use registration Commissioner-provided forms provided 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 statements 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 district shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a pupil's attendance at school.
 - a. If the school district uses separate forms for affidavit pupil applications rather than a single form for all types of enrollment, affidavit pupil forms shall comply in all respects with the provisions of G.1. above. When affidavit pupil forms are used, the school district shall provide them to any person attempting to register a pupil of whom he or she is not the parent or guardian, even if not specifically requested.
 - (1) The district shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a pupil living with a person other than the parent or guardian since such pupil may qualify as an affidavit pupil

- (2) The district shall not demand or suggest that an applicant seeking to enroll a pupil of whom the applicant has guardianship or custody produce affidavit pupil proofs.
 - b. A district level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons experiencing difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application and enrollment shall take place immediately in all cases except those 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 pupil 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 pupil 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 an intent to appeal to the Commissioner.
 - (1) An applicant whose pupil is enrolled pursuant to this provision shall be notified that the pupil will be removed, without a hearing before the Board if no appeal is filed within the twenty-one-day period established by N.J.S.A. 18A:38-1.
4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the pupil is between the ages of six and sixteen, the applicants also shall be asked to complete a written statement indicating the pupil 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 pupil 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 pupil's name, the name(s) of the parent/guardian/resident, and the pupil'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 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 pupil'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 pupil medical information. However, actual attendance at school may be deferred until the pupil complies with pupil immunization rules set forth in N.J.A.C. 8:57-4.1.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the pupil shall not be denied based upon absence of a pupil's prior educational record. However, the applicant shall be advised the pupil's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the pupil.

H. Notice of Ineligibility

1. When a pupil is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the pupil'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.
2. 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.
3. 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 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 date 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 pupil's right to attend school for the twenty-one-day period during which an appeal can be made to the Commissioner. It shall also state the pupil 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 pupil'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 pupil'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 pupil's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for pupils 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 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 pupil will be attending school in another school district or nonpublic 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 pupil’s name, the names(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 Pupils

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, pupils 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 pupil 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 pupil’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 pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an affidavit pupil, 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 pupil or resident keeping an affidavit pupil, 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 pupil’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 pupil 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

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

K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed by the parent, guardian, adult pupil, or school district resident keeping an "affidavit: pupil following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a pupil'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 pupil, or school district resident keeping an "affidavit" pupil and the petitioner does not sustain the burden of demonstrating the pupil's right to attend the schools district, or 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 pupil'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 pupil 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 rates for the year(s) at issue, the per diem tuition rate for the current year and the date on which the pupil'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 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 pupil basis for the period of a pupil'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 pupil'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 pupil'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.

Health Services to Non-Public Schools

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Regulations follow

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5306 HEALTH SERVICES TO NON-PUBLIC SCHOOLS

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled full-time in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

The Board shall provide for the extension of emergency care provided to public school pupils and to full-time nonpublic school pupils who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-2.1(a)4. The Board may provide additional services to those required under N.J.A.C. 6A:16-2.5(a) and under conditions as outlined in N.J.A.C. 6A:16-2.5(c).

The nursing services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, third-party contractor, or an independent contractor. The nursing services provided to nonpublic school pupils shall not include instructional services.

A nonpublic school may decline nursing services required or permitted under N.J.A.C. 6A:16-2.5 by submitting to the Board of Education notification signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

The Board shall consider the provision of health services to nonpublic schools based upon the considerations outlined in N.J.A.C. 6A:16-2.5(h)1 through 3. The Superintendent or designee shall confer annually with the administrator of the nonpublic school to advise the nonpublic school of the amount of funds allocated by the Department of Education to the non-public school; to agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.; to inform the nonpublic school the County Office of Education shall provide assistance in the event an agreement cannot be reached regarding the health services and additional medical services to be provided to the nonpublic school; to assure the nonpublic school receiving services receives a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and to assure that a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.

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The Board providing health services to a nonpublic school(s) shall submit information to the Executive County Superintendent on or before October 1 annually that includes: a written statement verifying the required annual conference was held with the nonpublic school; a copy of the contract with another agency to provide the services, if applicable; a copy of the Board meeting minutes approving the contract; and a description of the type and number of services that were provided during the previous school year on a Commissioner of Education approved form. A copy of the information submitted to the Executive County Superintendent shall also be provided to the Chief School Administrator of each nonpublic school within the school district boundaries.

N.J.S.A. 18A:40-23 et seq.

N.J.A.C. 6A:16-2.5 et seq.

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R 5306 HEALTH SERVICES TO NON-PUBLIC SCHOOLS

- A. A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled in a nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.
1. The school district shall provide services to students who are enrolled full-time;
 2. Services shall be made available only to pupils of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year;
 3. The provision of nursing services shall include:
 - a. Assistance with medical examinations including dental screening;
 - b. Screening of hearing;
 - c. Maintenance of pupil health records and notification of local or county health officials of any pupil who has not been properly immunized; and
 - d. Scoliosis examinations of pupils between the ages of ten and eighteen.
- B. The Board of Education shall provide for the extension of emergency care provided to public school pupils and to full-time non-public school pupils who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16- 2.1(a)4.
- C. The Board of Education may provide additional services to those required under A. above under the following conditions:
1. Additional medical services may be provided only when all basic nursing services required under A. and B. above have been or will be provided;
 2. Additional medical services may include the necessary equipment, materials, and services for immunizing from diseases for pupils who are enrolled full-time in the nonpublic school as required by N.J.A.C. 8:57;

3. Equipment comparable to that used in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under N.J.A.C 6A:16-2.5. However, such equipment shall remain the property of the district Board of Education; and
 4. Costs of supplies comparable to that used in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided the costs are directly related to the required basic nursing services and the permitted additional medical services.
- D. Nursing services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, a third-party contractor, or an independent contractor.
- E. The nursing services provided to nonpublic school pupils shall not include instructional services.
- F. A nonpublic school may decline nursing services required or permitted under N.J.A.C. 6A:16-2.5 by submitting to the Board of Education notification signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29.
- G. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.
- H. The Board of Education shall consider the provision of health services based upon the following:
1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;
 2. The provision of services shall be only to a pupil of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year; and
 3. The funds expended by the Board of Education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.
- I. The Superintendent or designee shall confer annually with the administrator of the nonpublic school for the following purposes:

1. To advise the nonpublic school of the amount of funds allocated to it by the Department of Education or otherwise made available by the school district for the provision of health services for full-time pupils enrolled in the nonpublic schools;
 2. To agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;
 3. To assure that in the event the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide assistance;
 4. To assure that each nonpublic school that receives nursing services has a copy of N.J.S.A. 18A:40-23 through 31 and N.J.A.C. 6A:16-2; and
 5. To assure that a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.
- J. For the purposes of monitoring and recordkeeping, the Board of Education providing health services to nonpublic schools shall submit to the Executive County Superintendent on or before October 1 annually the following information and shall provide a copy to the Chief School Administrator of each nonpublic schools within school district boundaries:
1. A written statement verifying that the required conference was held with the nonpublic school;
 2. A copy of the contract with another agency to provide services, if applicable, and approved minutes of the Board of Education meeting approving the contract that describes the methods by which the health services will be provided to nonpublic school pupils for the ensuing year, including a rationale for the distribution of funds; and
 3. A description of the type and number of services that were provided during the previous school year on a Commissioner of Education approved form.

5320 IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires the immunization of pupils against certain diseases in accordance with state statute and rules of the New Jersey State Department of Health.

A pupil shall not knowingly be admitted or retained in school if the parent(s) or legal guardian (s) has not submitted acceptable evidence of the pupil's immunization, according to schedules specified in N.J.A.C. 8:57-4 – Immunization of Pupils in School.

Medical or religious exemptions to immunizations shall be in accordance with the requirements as outlined in N.J.A.C. 8:57-4.3 and 4.4. A child may be admitted to school on a provisional basis in accordance with the requirements as outlined in N.J.A.C. 8:57-4.5.

No immunization program, other than that expressly required by the rules of the New Jersey State Department of Health or by order of the New Jersey State Commissioner of Health, may be conducted in district schools without the express approval of the Board.

N.J.S.A. 18A:40-20

N.J.S.A. 26:4-6

N.J.A.C. 8:57-4.1 et seq.

Approved: November 13, 2001

First Reading: January 4, 2018

Second Reading:

R 5320 IMMUNIZATION

A. Immunizations on Admission

1. No principal shall knowingly admit or retain any pupil who has not submitted acceptable evidence of immunization according to the schedule set forth at Section E, unless the pupil is provisionally admitted as provided in A.2 or exempted as provided at Section B., N.J.A.C. 8:57-4.3, and N.J.A.C. 8:57-4.4
2. A pupil may be admitted to pre-school or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each of the required age appropriate vaccine(s) or antigen(s) have been administered and that the pupil is in the process of receiving the remaining immunizations.
 - a. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).
 - b. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).
 - c. Provisional status shall only be granted one time to pupils entering or transferring into schools in New Jersey. If a pupil on provisional status transfers information on their status will be sent by the original school to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.
 - d. Pupils transferring into this district from another state or country shall be allowed a thirty-day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty-day grace period does not apply to pupils transferring from within the State of New Jersey.

- e. The Principal, or designee, shall ensure the provisionally admitted pupil is receiving required immunizations on schedule. If the pupil has not completed the immunizations at the end of the provisional period, the Principal shall exclude the pupil from school until appropriate documentation of completion has been presented.
- f. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health or his/her designee.

B. Exemptions from Immunization

- 1. A pupil shall not be required to have any specific immunization(s) that are medically contraindicated.
 - a. A written statement from any physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time, and the reasons for the medical contraindication, based on valid reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines, will exempt a pupil from the specific immunization requirements of law for the period of time specified in the physician's statement.
 - b. The physician's statement or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) shall be maintained by the school as part of the immunization record of the pupil and shall be reviewed annually.
 - c. When the pupil's medical condition permits immunization, this exemption shall thereupon terminate, and the pupil will be required to obtain the immunizations from which he or she has been exempted.
- 2. A pupil shall be exempted from mandatory immunization if the parent or legal guardian submits a signed statement that explains how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.
 - a. The written statement signed by the parent or legal guardian will be kept by the school as part of the pupil's immunization record.

3. Pupils exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health or his/her designee.

C. Documentation of Immunization

1. Any of the following documents will be accepted as evidence of a pupil's immunization history, provided that the document lists the type of immunization and the specific date (month, day and year) when each immunization was administered.
 - a. An official school record from any school or preschool indicating compliance with immunization requirements;
 - b. A record from any public health department indicating compliance with immunization requirements;
 - c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements; or
 - d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.
2. All immunization records submitted by a parent or legal guardian in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of this regulation.
3. Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.

D. Immunization Records

1. Each school shall maintain an official State of New Jersey Immunization Record for every pupil which shall include the date of each individual immunization.

- a. When a child withdraws, is promoted, or transfers to another school, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school by the original school or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.
 - b. The immunization record shall be kept separate and apart from the pupil's other medical records for the purpose of immunization record audit.
 - c. Each pupil's immunization record or a copy thereof shall be retained by the high school for a minimum of four years after the pupil has left the school and shall be retained by the elementary school for a minimum of one year after the pupil has left the school.
 - d. Each pupil's immunization record, or a copy thereof, shall be retained by the high school for a minimum of four years after the pupil graduates.
 - e. When a pupil graduates from high school, the record or a certified copy thereof shall be sent to an institution of higher education or may be given to the parent or legal guardian on request.
 - f. Any computer-generated document or list developed to record immunization information will be considered a supplement to, not a replacement of, the official New Jersey Immunization Record.
2. A report of the immunization status of the pupils in each school shall be sent each year to the State Department of Health by the Principal or other person in charge of a school. The form for the report will be provided by the State Department of Health. The report shall be submitted no later than February 1 of the respective academic year. A copy of this report shall be sent to the Westfield Board of Health in whose jurisdiction the school is located. Failure by the district to submit such a report by February 1 may result in a referral to the New Jersey Department of Education and the local health department.
3. The Principal in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health or the Westfield Board of Health, within twenty-four hours of notification.

E. Immunization Requirements

The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:

Diphtheria, Tetanus, acellular Pertussis (DTaP) Vaccine

1. Any child entering pre-school, pre-Kindergarten, or Kindergarten, age 1-6 years, must have 4 doses with 1 dose given on or after the 4th birthday, or any total of 5 doses.
2. Pupils after the seventh birthday, age 7-9 years, should receive 3 doses of adult type Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.
3. DTP/Hib vaccine and DTaP are also valid DTP doses.
4. Laboratory evidence of immunity is also acceptable.

Tetanus, diphtheria, acellular pertussis (Tdap) Vaccine

1. Pupils entering Grade 6 who are 11 years of age or older, must have one dose of this vaccine. This also includes children of comparable age level such as those in a Special Education program with an unassigned grade. Sixth grade pupils less than 11 years of age must receive Tdap once age 11 is reached.
2. A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.

Poliomyelitis Vaccine

1. Any child in pre-school must receive 3 doses.
2. Any child in kindergarten must receive 3 doses, with one dose given on or after the 4th birthday, or any total of 4 doses.
3. Pupils after the seventh birthday or older should receive any 3 doses.
4. Only the following conditions would satisfy the polio vaccination requirements for school attendance in NJ: Oral Poliovirus Vaccine (OPV) doses given before April 1, 2016 or Inactivated Polio Vaccine (IPV) doses.
5. Laboratory evidence of polio immunity is no longer acceptable. However, previous serologic testing, which was obtained when testing for type 2 poliovirus was still available in the U.S., will still be accepted as evidence of polio immunity if the test documents a separate positive result for each of the three poliovirus serotypes.

Measles Vaccine

1. If a child is born on or after 1-1-90, 2 doses of a live Measles-containing vaccine is required.
2. Any child over 15 months of age entering pre-school or pre-Kindergarten needs a minimum of 1 dose of measles vaccine.
3. Any child entering Kindergarten needs 2 doses of measles vaccine.
4. Laboratory evidence of immunity is also acceptable.

Rubella Vaccine

1. All children must receive 1 dose of live Rubella-containing vaccine.
2. Any child over 15 months of age entering pre-school or pre-Kindergarten needs 1 dose of Rubella vaccine.
3. Laboratory evidence of immunity is also acceptable.

Mumps Vaccine

1. All children must receive 1 dose of live Mumps-containing vaccine.
2. Any child over 15 months of age entering pre-school or pre-Kindergarten needs 1 dose of Mumps vaccine.
3. Laboratory evidence of immunity is also acceptable.

Varicella Vaccine

1. One dose of Varicella vaccine is required on or after the first birthday.
2. All children 19 months of age and older enrolled into a pre-school center or entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level Special Education program with an unassigned grade, need 1 dose of varicella vaccine.
3. Laboratory evidence of immunity is acceptable.
4. A physician's statement or a parental statement of previous varicella disease is also acceptable as evidence of immunity.

Haemophilus Influenzae B (Hib)

1. This vaccine is mandated only for children, age 12 -59 months, enrolled in pre-school, or pre-Kindergarten. A minimum of 1 dose of Hib vaccine is needed after the first birthday.
2. DTP/Hib and Hib/Hep B are also valid Hib doses.

Hepatitis B

1. The Hepatitis B vaccine is required for all children from Kindergarten to Grade 12 in 3 doses.
2. If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B, then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation.
3. Laboratory evidence of immunity is also acceptable.

Pneumococcal Vaccine

1. Children, 12 -59 months of age, enrolled in pre-school must have a minimum of one dose of Pneumococcal vaccine on or after the first birthday.

Meningococcal Vaccine

1. All children entering Grade 6 or of comparable age level in Special Ed programs with an unassigned grade must receive one dose.
2. The vaccine is to be given to pupils entering Grade 6 who are 11 years of age or older. Sixth grade pupils who are less than 11 years must receive meningococcal vaccine once age 11 is reached.

Influenza Vaccine

1. One dose of Influenza vaccine is given annually to children age 6-59 months of age.
2. For children enrolled in pre-school or pre-Kindergarten, 1 dose is to be given between September 1 and December 31 of each year.

Provisional Admission

Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Pupils must be actively in the process of completing the series. If a pupil is less than 5 years of age, they have 17 months to complete the immunization requirements.

If a pupil is 5 years of age and older, they have 12 months to complete the immunization requirements.

Grace periods

4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility.

30-day grace period: Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

F. Emergency Powers of the Commissioner of Health

1. If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists, as determined by the State Commissioner of Health or designee, all pupils with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these pupils become immunized or produce serologic evidence of immunity to the specific disease the pupil may immediately be readmitted to school.
2. If a threatened outbreak, or outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.
 - a. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in N.J.A.C. 8:57-4.22(c).
3. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

In Effect: November 13, 2001

Revised:

5830 PUPIL FUND RAISING

The Board of Education will limit the solicitation of funds by and from the pupils of this district in order to protect pupils from unnecessary pressures and the instructional program from disruption.

"Pupil fund raising" means the solicitation and collection of money or items by pupils, on or off school premises, for any purpose associated directly or indirectly with the school district or under circumstances in which the solicitors are identified as pupils of this district.

Pupils may solicit and collect money or items on behalf of approved school organizations, provided the fund raising has been approved by the Principal or designee.

No fund raising activity involving door to door solicitation shall be permitted.

Pupils may solicit and collect money or items on behalf of non-school organizations on school premises, provided the fund raising has been approved by the Principal or designee.

No pupil will be permitted to solicit and collect money or items on school premises or at a school-sponsored event for the pupil's own benefit.

The Board shall not be responsible for the protection or the accounting of funds collected by or for the benefit of non-school organizations. Funds raised by approved school organizations shall be deposited in the proper district accounts.

Fund raising activities by students should be limited to non-instructional time. Activities that are an integral part of the curriculum, such as book fairs, may be permitted during instructional time if the principal determines that they have significant educational benefits.

First Reading: September 21, 2004
Approved: October 19, 2004
First Reading: January 4, 2018
Second Reading:

7100 LONG RANGE FACILITIES PLANNING

The Board of Education recognizes that sound planning based on accurate information is essential to the provision of suitable educational facilities. In order to ensure that future district construction is planned on the basis of need, the Board, in accordance with N.J.S.A. 18A:7G-4 and N.J.A.C. 6A:26-2.1 et seq., will maintain and submit a Long-Range Facilities Plan (LRFP) to the New Jersey Department of Education. Except as provided in N.J.A.C. 6A:26-3.14, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.

Long-range facilities planning by the school district shall be in accordance with the provisions of N.J.A.C. 6A:26-2 et seq.

N.J.S.A. 18A:7G-1 et seq.; 18A:33-1 et seq.

N.J.A.C. 6A:26-2.1 et seq.

Approved: June 28, 2000
Citation Revision: October 1, 2007
First Reading: January 4, 2018
Second Reading:

R 7100 LONG RANGE FACILITIES PLANNING

- A. Responsibilities of the School District - N.J.A.C. 6A:26-2.1
1. The school district shall amend its Long Range Facilities Plan (LRFP) at least once every five years following the approval of the 2005 LRFP on software made available by the New Jersey Department of Education (NJDOE) and in accordance with the instructions for completing the software.
 2. The LRFP shall detail the school district's school facilities, other facilities, temporary facilities, and the school district's plan for meeting school facilities needs during the ensuing five years as per State code.

In Effect: June 28, 2000
Revised:

7102 SITE SELECTION and ACQUISITION

The Board of Education may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

- A. In selecting new sites for district facilities, the Board will consider:
 - 1. Location in relationship to hazards and nuisances.
 - 2. Size and appropriateness for proposed purpose.
 - 3. Fairness of price.
 - 4. A pupil distribution map showing the distribution of residences.
 - 5. Any existing buildings on the property.
 - 6. Statements from architects and engineers that the land to be acquired is suitable for the proposed use including environmental suitability.
 - 7. Recommendations of the County Superintendent and/or the New Jersey Department of Education - Bureau of Facilities Planning.
 - 8. Recommendations of the local planning board and appropriate state agencies e.g. CAFRA, Pinelands, etc.
- B. The Superintendent, professional architects and engineers shall ensure that sites are developed in such a way as to enhance the educational program most effectively at the least cost.
- C. The Board shall seek and acquire the review by the New Jersey Department of Education prior to acquiring any site for Board of Education purposes.

N.J.A.C. 6A:26-3.12; 6A:26-7.1; 6A:26-7.2; 6A:26-7.3

Approved: June 27, 2000
First Reading: January 4, 2018
Second Reading

7130 SCHOOL CLOSING

The Board of Education recognizes its responsibility to provide a thorough and efficient program of free public education and appropriate facilities to house that program. The Board further recognizes that declining enrollments, diminished resources, district reorganization, and/or other good cause may require that the use of one or more district facilities for educational purposes be abandoned.

To receive approval for the closing of a school the Board shall provide the Division of Administration and Finance (Division) and the Executive County Superintendent with the following assurances:

1. The proposed closing is consistent with the district's approved LRFP because:
 - a. The school district has demonstrated that sufficient school building capacity exists to house students for the five years following the closing; or
 - b. The school district has demonstrated through a feasibility study that the benefits of undertaking new construction outweigh those of rehabilitating the school proposed for closure.
2. The use of temporary facilities in the remaining schools does not result or increase from an overall facilities shortage caused by the school closing; and
3. The re-assignment of students to other schools in the district does not produce, sustain nor contribute to unlawful segregation, separation, or isolation of student populations on the basis of race or national origin.

A request for approval from the Division for the school closing shall include the recommendation of the Executive County Superintendent. A letter of approval from the Division based on the information in N.J.A.C. 6A:26-7.5(a) and as listed above shall be required before the school's closing.

The Division shall notify the school district in writing of its determination with respect to the requested school closing, with a copy provided to the Executive County Superintendent.

N.J.S.A. 18A:20-36; 18A:33-1
N.J.A.C. 6A:26-7.5

Approved: June 27, 2000
First Reading: January 4, 2018
Second Reading:

9220 GENERAL FUNDRAISING

The Board of Education gratefully acknowledges the willingness of its community members to participate in fund raising activities for the good of the children of Westfield. While the Board welcomes the contributions of its community members, it is important that such private gifts never impact on providing all Westfield pupils with equal educational opportunity. In the spirit of working in partnership with the parents, staff and community members who contribute time and money to the school district, the following guidelines should be followed to ensure that fund raising activities are consistent with the educational goals of the district.

1. School-related organizations, such as PTA's, PTO's, PTSO's, pupil clubs, booster groups and faculty groups, should consult with the school principal prior to their fund raising efforts. Principals should provide these organizations with guidance about the types of fundraising efforts that are appropriate and the types of donations that can best be used by the school and the district.
2. Any person or organization that proposes to make a major gift to the district, such as a major capital improvement or funding an athletic team, must obtain the Superintendent's approval before initiating fund raising.
3. Fundraising in the Westfield Schools to support any non-school organization requires the approval of the Superintendent or designee. Collection of items, such as books, clothing, health items, educational materials or food for the needy, requires the approval of the Principal or designee.
4. Contributions shall be presented by the Superintendent for consideration and approval by the Board of Education. The Board may choose not to accept gifts that:
 - a. are inconsistent with the educational goals of the district;
 - b. cannot effectively be used in the district;
 - c. may involve cost to the district for installation or maintenance; or
 - d. may tend to cause unacceptable educational inequality among schools.

Approved: December 6, 2004
First Reading: January 4, 2018
Second Reading: