

**WESTFIELD PUBLIC SCHOOLS**  
**Westfield, New Jersey 07090**

**ADMINISTRATION**  
**1523**  
**COMPREHENSIVE EQUITY PLAN**

**M**

**Page 1 of 2**

### **1523 COMPREHENSIVE EQUITY PLAN**

The Board of Education will identify and correct discriminatory and inequitable policies, patterns, programs, and practices affecting its facilities, programs, students and staff. The school district shall submit a Comprehensive Equity Plan based on an assessment of the district's needs for achieving equity in educational programs that includes a cohesive set of policies, programs, and practices that ensure high expectations and positive achievement patterns and equal access to education opportunity for all learners, including pupils and teachers.

The Board's obligation to be accountable for the requirements in N.J.A.C. 6A:7 is not precluded or alleviated by any rule or regulation of any organization, club, athletic association, or other league or group.

The Comprehensive Equity Plan shall include the following:

1. An assessment of the school district's needs for achieving equity in educational programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, Child Study Team referrals, preschool through grade twelve promotion/retention data, preschool through grade twelve completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within a certain group
2. A description of how other Federal, State, and district policies, programs, and practices are aligned to the Comprehensive Equity Plan;
3. Progress targets for closing the achievement gap;
4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the standards adopted by the State of New Jersey;; differentiated instruction and formative assessments aligned to the standards adopted by the State of New Jersey; and high expectations for teaching and learning; and
5. Annual targets addressing district needs in equity in school and classroom practices that are aligned to professional development targets.

A Comprehensive Equity Plan shall be written every three years and the Board of Education shall initiate the Comprehensive Equity Plan within sixty days of its approval and shall implement the plan in accordance with the timelines approved by the New Jersey Department of Education.

Specific statements of Board policy and procedure regarding matters of equity are contained in the following policies and/or regulations:

- 1510 Americans with Disabilities Act
- 1530 Equal Employment Opportunities
- 1550 Equal Employment/Anti-Discrimination Practices
- 2260 Affirmative Action Program for School and Classroom Practices
- 3362 Sexual Harassment - Teaching Staff Member
- 4352 Sexual Harassment - Support Staff Member
- 5700 Pupil Rights
- 5750 Equal Educational Opportunity
- 5751 Sexual Harassment of Pupils
- 5752 Marital Status and Pregnancy
- 5755 Equity in Educational Programs and Services
- 5770 Pupil Right of Privacy
- 5841 Secret Societies
- 5842 Equal Access to Pupil Organizations

In the event the Board of Education does not implement the Comprehensive Equity Plan within one hundred eighty days of its approval date, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner of Education or his/her designee shall be imposed, and may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.

N.J.A.C. 6A:7-1.9

Approved: March 7, 2000  
Revised: November 20, 2007  
Revised: October 2, 2012  
Revised: June 21, 2016  
First Reading: March 26, 2019  
Second Reading: April 30, 2019

## **1550 EQUAL EMPLOYMENT/ANTI-DISCRIMINATION PRACTICES**

The Board of Education shall, in accordance with State statutes and administrative code and Federal law and regulations, strive to overcome the effects of any previous patterns of discrimination in district employment practices and shall systematically monitor district procedures to ensure continuing compliance with anti-discrimination laws and regulations.

The Board will ensure all persons regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status shall have equal and bias-free access to all categories of employment in the public educational system of New Jersey, pursuant to N.J.A.C. 6A:7-1.1.

The Board will not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to pupils or employees. In addition, the Board will encourage minority business, women's business enterprises, and labor surplus area firms to submit bids to be considered for the awarding of contracts.

The Board shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

The Board shall ensure equal pay for equal work among members of the school district's staff, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

N.J.S.A. 10:5-4

N.J.A.C. 6A:7-1.1 et seq.; 6A:7-1.8

Approved: March 29, 2011

Revised: June 21, 2016

First Reading: March 26, 2019

Second Reading: April 30, 2019

**R 1550 EQUAL EMPLOYMENT/ANTI-DISCRIMINATION**

**A. Purpose and Application**

1. The purpose of this procedure is to give any school district employee the opportunity to appeal an alleged violation of the school district's Affirmative Action Program for employment and contract practices, as set forth in Policy 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
3. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
4. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
5. All participants in the procedure will respect the confidentiality that this school district accords to information about individual staff members.

**B. Definitions**

1. "Board of Education" means the Board of Education of the Westfield School District.
2. "Complaint" means an alleged violation of the district's Affirmative Action Plan or Policy.
3. "Complainant" means a staff member who alleges a violation of the school district's Affirmative Action Plan or Policy 1550.

**ADMINISTRATION**  
**R 1550**  
**Equal Employment/**  
**Anti-Discrimination**

**M**

**Page 2 of 4**

4. “Day” means a business day or calendar day as identified.
5. “School district” or district means the Westfield School District.
6. “Violation” means the failure of a school district official or employee to take the positive steps outlined in Policy 1550 or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of district employment or contract practices and/or to correct the results of past discrimination.

**C. Procedure**

1. A Complainant who believes he/she has been harmed or adversely affected by a failure to enforce the district’s Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
  - a. In the event the Complainant believes their immediate supervisor may be conflicted or if the immediate supervisor is not available, the Complainant may proceed directly to the school district’s Affirmative Action Officer as outlined in C.2. below.
  - b. In the event the Complainant believes the school district’s Affirmative Action Officer may be conflicted, the Complainant may submit a written complaint to the Superintendent of Schools who will designate a supervisor or administrative staff member to conduct the investigation in accordance with the procedures outlined in this Regulation. The Superintendent will ensure the supervisor or administrative staff member is provided affirmative action training in accordance with State mandates and guidelines.
2. If the matter is not resolved to the satisfaction of the Complainant within ten business days, the Complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - a. The Complainant’s name and address;
  - b. The specific failure to act that the Complainant complains of;
  - c. The school officer or employee, if any, responsible for the alleged violation of the Affirmative Action Plan;
  - d. The results of discussions conducted in accordance with paragraph C.1.; and
  - e. The reasons why those results are not satisfactory.

**ADMINISTRATION**  
**R 1550**  
**Equal Employment/**  
**Anti-Discrimination**

**M**

**Page 3 of 4**

3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven business days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three business days after it has been received by the Complainant. The appeal will include the original complaint, the response to the Complaint, and the Complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.
5. Upon request, the Complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven business days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Superintendent will render a written decision in the matter no later than seven business days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The Complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three business days after receipt of the Superintendent's decision. The appeal will include:
  - a. The original complaint;
  - b. The response to the complaint;
  - c. The Superintendent's decision;
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
  - e. The Complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.

**ADMINISTRATION**  
**R 1550**  
**Equal Employment/**  
**Anti-Discrimination**

**M**

**Page 4 of 4**

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the Complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The Complainant will be informed of his/her right to appeal the Board's decision to the:
  - a. Commissioner of Education  
New Jersey State Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500 or
  - b. New Jersey Division on Civil Rights  
Central Regional Office  
140 East Front Street – 6<sup>th</sup> Floor  
Trenton, New Jersey 08625-0090

**D. Record**

1. The records of any complaint processed in accordance with this procedure shall be kept in a file maintained by the Affirmative Action Officer.
2. A copy of the decision rendered at its highest level of appeal will be kept in the complainant's personnel file.

In Effect: March 29, 2011  
Revised: June 21, 2016

## **2610 EDUCATIONAL PROGRAM EVALUATION**

The Board of Education directs the Superintendent to develop and implement a systematic plan for the continuous evaluation of the educational program against the educational goals established by this Board. The Superintendent shall employ such tests and methods that will ensure decision making is data driven and a variety of sources of data are used to analyze and monitor student achievement and progress, as well as evaluate school programs.

The Superintendent shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board that evaluate the progress of pupils and the effectiveness of the program. The Superintendent shall use multiple (more than two) sources of data to monitor student achievement and the progress of students. The Superintendent shall also use multiple (more than two) sources of data to evaluate the effectiveness of programs, initiatives, and strategies. The Board will annually make available to the public the collective progress of pupils toward the goals of the district and state.

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

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

N.J.S.A. 18A:7A-11  
N.J.A.C. 6A:8-4.1 et seq.

Approved: March 20, 2001  
Citation Revision: October 1, 2007  
Reviewed: September 17, 2014  
Revised: June 21, 2016  
First Reading: March 26, 2019  
Second Reading: April 30, 2019



## **2622 STATE STANDARDIZED PUPIL ASSESSMENTS**

The Commissioner of Education, in accordance with N.J.S.A. 18A:7C-1 et seq. and 18A:7E-2 and 3, may implement assessments of pupil achievement in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board of Education the results of such assessments.

The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate pupil achievement of the standards adopted by the State of New Jersey. The Commissioner, with the approval of the State Board of Education, shall define the scope and level of pupil performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the standards adopted by the State of New Jersey at grade levels three through twelve. After consultation with the Commissioner, the State Board of Education shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the standards adopted by the State of New Jersey.

State assessments provide parents with important information about their child's progress; detailed diagnostic information about each individual pupil's performance that educators, parents, and pupils can utilize to enhance foundational knowledge and pupil achievement; and include item analysis which will clarify a pupil's level of knowledge and understanding of a particular subject or area of a subject. The data derived from State assessments will be utilized by teachers and administrators to pinpoint areas of difficulty and customize instruction accordingly. Such data can be accessed and utilized as a pupil progresses to successive school levels.

Pursuant to N.J.A.C. 6A:8-4.1(b) and (c), all pupils at grade levels three through twelve, and at any other grade(s) designated by the Commissioner pursuant to N.J.A.C. 6A:8-4.1(a), shall take all appropriate Statewide assessments as scheduled. There is no provision for a pupil to opt-out of Statewide assessments. If a pupil is absent on a testing date, the pupil will be expected to take the missed test on another school day. Parents and pupils will be informed of all scheduled testing dates, including make-up testing dates for pupils who missed the initial testing date.

### **Statewide Assessment System**

The Superintendent shall develop and annually present to the Board annually for its approval an assessment program that complies with the rules of the State Board of Education.

The Board of Education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight; the high school assessments; and the alternative assessment for pupils with disabilities; and provide notification to each pupil entering grades three through twelve of the Statewide assessment schedule.

The Department of Education shall implement the elementary component of the Statewide assessment of the Standards adopted by the State of New Jersey consisting of continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade four.

The Department of Education shall implement the middle school component of the Statewide assessment of the Standards adopted by the State of New Jersey consisting of the following: continued administration of mathematics and English language arts in grades six, seven, and eight; and of science in grade eight.

The Department of Education shall implement a high school assessment program component of the Standards adopted by the State of New Jersey that assesses, at a minimum, English language arts, mathematics, and science.

The Board shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department of Education for English Language Learners (ELLs) and pupils with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the IEP or 504 Team in accordance with N.J.A.C. 6A:8-4.1(d)1. The Board may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English. The Board of Education shall have the option for a first-year ELL of substituting a Department of Education-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment, when the pupil has entered the United States after July 1 of the calendar year prior to the test administration.

The Board of Education shall ensure pupils with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.

At specific times prescribed by the Commissioner of Education, the Board of Education shall administer the alternative assessment for pupils with disabilities to pupils with severe disabilities who cannot participate in other assessments due to the severity of their disabilities. The Department of Education shall implement the alternative assessment for pupils with disabilities according to the schedules in N.J.A.C. 6A:8-4.1(c)1, 2, and 3. The alternative assessment for pupils with disabilities measures the progress of pupils who have been determined eligible for the alternative assessment for pupils with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.

The Boards of Education shall implement alternative ways for pupils to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(f).

### Test Administration Procedures and Security Measures

The Board of Education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district. All Statewide assessments shall be administered in accordance with the Department of Education's required test administration procedures and security measures. Any breach of such procedures or measures shall be immediately reported to the Superintendent or designee.

### Documentation of Pupil Achievement

The Department of Education shall provide the Superintendent with documentation of pupil performance after each test administration in accordance with the provisions of N.J.A.C. 6A:8-4.2(a). The Board shall maintain an accurate record of each pupil's performance on statewide assessments in accordance with N.J.A.C. 6A:8-4.2. Information regarding individual pupil test scores shall only be released in accordance with Federal and State law.

The Board of Education shall transmit within ten business days any official records, including transcripts, of pupils who transfer to other school districts or institutions.

The Board of Education shall maintain an accurate record of each pupil's performance on Statewide assessments.

The Board of Education shall maintain for every pupil a ninth grade through graduation transcript that contains the following, as available:

1. Results of all applicable State assessments, including assessments that satisfy graduation requirements set forth in N.J.A.C. 6A:8-5.1(a)6;
2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(h);
3. Evidence of instructional experience and performance in the Standards adopted by the State of New Jersey;
4. Evidence of technological literacy;
5. Evidence of career education instructional experiences and career development activities;
6. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for pupils enrolled in Department of Education-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and
7. Any other information deemed appropriate by the Board of Education.

### Accountability

The Superintendent shall report preliminary and final results of annual assessments to the Board of Education as required by the New Jersey Department of Education. The Board of Education will provide parents, pupils, and citizens with results of annual assessments according to N.J.A.C. 6A:8-4.2. The Board shall provide appropriate instruction to improve skills and knowledge for pupils performing below the established levels of pupil proficiency in any content area either on Statewide or local assessments. All pupils shall be expected to demonstrate the knowledge and skills of the Standards adopted by the State of New Jersey as measured by the Statewide assessment system.

### Annual Review and Evaluation of School Districts

The Department of Education shall review the performance of schools and school districts in accordance with the provisions of N.J.A.C. 6A:8-4.4.

### Public Reporting

In accordance with the requirements of N.J.A.C. 6A:8-4.5, the Department of Education shall report annually to the State Board of Education and the public on the progress of all pupils and pupil subgroups in meeting the standards adopted by the State of New Jersey as measured by the statewide assessment system by publishing and distributing the Department of Education's annual New Jersey School Performance Report in accordance with N.J.S.A. 18A:7E-2 through 5. After each test administration, the Department of Education shall report to the Board on the performance of all pupils and of pupil subgroups. The Department of Education shall report performance on the alternate assessments with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating pupils. In public reporting of school and district performance data, the Department of Education shall not compromise the confidentiality of individual pupils.

### Parental Notification

Parents shall be informed of the district assessment program and of any special tests that are to be administered to their children.

N.J.S.A. 18A: 7C-1

N.J.A.C. 6A:8-4.1 et seq.; 6A:8-5.1;

6A:14-1.1 et seq.; 6A:14-3.7; 6A:14-4.10;

Approved: November 20, 2007

Revised: August 26, 2014

Reviewed: February 5, 2015

Revised: June 21, 2016

First Reading: March 26, 2019

Second Reading: April 30, 2019

**3240 PROFESSIONAL DEVELOPMENT FOR**  
**TEACHERS AND SCHOOL LEADERS**

The Board of Education encourages all teaching staff members to pursue a program of continuing professional development by course work or matriculation in institutions of higher learning, participation in workshops and conferences, membership in professional organizations, and/or independent scholarship.

The Superintendent shall plan and present to the Board a program of in-service training that is consistent with the assessed needs and goals of the district. The in-service training program will be developed in consultation with appropriate teaching staff members and shall include the demonstrable results by which the effectiveness of the program will be evaluated.

Teaching staff members may be permitted to: visit other schools and classrooms; attend local, regional, or national conferences; participate in committees, workshops, and panels, both within and outside the district. Requests for participation in such professional development activities must be submitted in writing to the Superintendent or designee for approval. In addition, the Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars and any additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

A teaching staff member who has been granted time off and/or approved to be reimbursed for a professional development activity shall submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary within 10 working days, a brief written report that includes the primary purpose of the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district.

All active teachers, defined as staff whose positions require possession of the instructional or educational services certificates in accordance with N.J.A.C. 6A:9C-8 through 11 and 13 and all active school leaders serving on a permanent or interim basis whose positions require possession of the Chief School Administrator, Principal, or Supervisor endorsement in accordance with N.J.A.C. 6A:9B-12 shall comply with the professional development requirements as outlined in N.J.A.C. 6A:9C-4.1 et seq.

To meet the professional development requirement, each teacher shall be guided by an individual Professional Development Plan (PDP), which shall include at least twenty hours per year of qualifying activities as outlined in N.J.A.C. 6A:9C-4.4. The PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-

**TEACHING STAFF MEMBERS**  
**3240**  
**Professional Development for**  
**Teachers and School Leaders**  
**M**

*Regulations Follow*

**Page 2 of 2**

3.3. The PDP shall be updated annually, in accordance with N.J.A.C. 9C-4.4(c) and modified during the year as outlined in N.J.A.C. 9C-4.4(d).

District and school-level professional development planning and implementation shall be in accordance with the requirements of N.J.A.C. 6A:9C-4.2.

Implementation of the professional development requirement for school leaders shall be in accordance with N.J.A.C. 6A:9C-4.3.

The Board of Education shall comply with the monitoring and assistance requirements as outlined in N.J.A.C. 6A:9C-4.4.

The Board shall monitor and enforce the professional development requirements for teachers and school leaders set forth in N.J.A.C. 6A:9C-3.14.1 et seq. and shall actively assist and support the provision of opportunities and resources, and the efforts by teachers and school leaders to meet the professional development requirements.

N.J.S.A. 18A:31-2; 18A:6-111  
N.J.A.C. 6A:9-3.3; 6A:13-2.1; 6A:9B-13; 6A:9C-3.3;  
6A:9C-4.1 et seq.

Approved: December 3, 2002  
Revised: November 13, 2012  
Revised: April 5, 2016  
Revised: February 7, 2017  
First Reading: March 26, 2019  
Second Reading: April 30, 2019

**R 3240 PROFESSIONAL DEVELOPMENT FOR**  
**TEACHERS AND SCHOOL LEADERS**

- A. Professional Development – N.J.A.C. 6A:9C-2.1 and 6A:9C-3.2
1. Professional development shall align with the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3, the standards for professional learning in N.J.A.C. 6A:9C-3.3, student learning and educator development needs, and school, school district, and/or State improvement goals.
  2. Professional development shall encompass a broad range of professional learning that contributes to improved practice, including, but not limited to, participation in the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:
    - a. Evaluating student learning needs through ongoing reviews of data on student performance; and
    - b. Defining a clear set of educator learning goals based on the rigorous analysis of data on student performance.
  3. Professional development shall incorporate coherent, sustained, and evidenced-based strategies that improve educator effectiveness and student achievement, such as job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.
  4. Professional development may be supported by external expert assistance or additional activities that:
    - a. Address defined student and educator learning goals;
    - b. Advance ongoing school-based professional development; and
    - c. Include, but are not limited to, courses, workshops, institutes, networks, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service agencies, technical assistance providers, networks of content specialists, and other education organizations and associations.

**B. Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)**

1. Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:
  - a. Learning communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;
  - b. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;
  - c. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;
  - d. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
  - e. Learning designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;
  - f. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and
  - g. Outcomes: Aligns its outcomes with educator performance and student curriculum standards.

**C. School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)**

1. The Principal shall oversee the development and implementation of a plan for school-level professional development and shall ensure:
  - a. The school-level professional development plan includes a description of school-level and team-based professional development aligned with identified school goals, and includes teacher and student learning needs; and
  - b. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements pursuant to N.J.A.C. 6A:9C-4.4(a).
2. The school-level plan shall become part of the district's professional development overseen and reviewed by the Superintendent of Schools or designee.



- D. Requirements for District-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)
1. The school district plan shall provide information on school-level and district-wide professional development learning opportunities, the resources being allocated toward their support, a justification for the expenditures, and include any professional development required by statute or regulation.
  2. The Superintendent of Schools or designee shall oversee the development and implementation of the school district plan to address the school district's professional development needs and shall review on an annual basis the school district plan to assess its effectiveness and revise it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders.
  3. When overseeing and reviewing the school district plan, the Superintendent or designee shall:
    - a. Review school-level professional development plans;
    - b. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;
    - c. Plan, support, and implement professional learning activities that address the standards adopted by the State of New Jersey and that align with the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3;
    - d. Develop and update, as necessary, the district mentoring plan for non-tenured teachers including novice professional teachers who hold a CE or CEAS, in accordance with N.J.A.C. 6A:9C-5.3;
    - e. Present the plan to the Board of Education to review for fiscal impact; and
    - f. Certify annually to the Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan as set forth in N.J.A.C. 6A:9C-4.2 and that it includes requirements of the district mentoring plan pursuant to N.J.A.C. 6A:9C-5.3.
- E. Requirements for and Implementation of Teachers' Individual Professional Development Plans (N.J.A.C. 6A:9C-4.4)
1. Each teacher shall be guided by an individualized Professional Development Plan (PDP), pursuant to N.J.S.A. 18A:6-128.a, which shall include at least twenty hours per year of qualifying experiences. The twenty-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

## **TEACHING STAFF MEMBERS**

**R3240**

### **Professional Development for Teachers and School Leaders**

**M**

**Page 4 of 8**

2. The content of each individual PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3.
3. Each teacher's individual PDP shall be updated annually no later than October 31; except, if the teacher is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.
4. The individual PDP shall be modified during the year, as necessary, and shall specify at least:
  - a. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and
  - b. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.
5. Progress on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.
6. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her designated supervisor, and shall be reviewed as part of each annual summary conference.

.
7. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in N.J.A.C. 6A:9C-4.
8. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner of Education.
9. The teacher's designated supervisor shall:
  - a. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and

## **TEACHING STAFF MEMBERS**

**R3240**

### **Professional Development for Teachers and School Leaders**

**M**

**Page 5 of 8**

- b. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3 and N.J.A.C. 6A:9C-4.4. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.
  - 10. If a teacher leaves the employ of one New Jersey school district and is hired by another, the previous employing school district shall share with the new employing school district the teacher's individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created in accordance with N.J.A.C. 6A:9C-4.4.
- F. Requirements for and Implementation of School Leaders' Professional Development Plans (N.J.A.C. 6A:9C-4.3)
- 1. Each school leader shall create, implement, and complete an individual PDP that:
    - a. Aligns with the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.4 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3;
    - b. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the school leader;
    - c. Identifies professional learning goals that address specific individual, school, or school district goals;
    - d. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school and/or school district plan for professional development; and
    - e. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2 and other statutory requirements related to student safety, bullying and harassment, and well-being.
  - 2. Each school leader's individual PDP shall be developed by October 31; except if the school leader is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

## **TEACHING STAFF MEMBERS**

**R3240**

### **Professional Development for Teachers and School Leaders**

**M**

**Page 6 of 8**

3. The Superintendent of Schools shall develop an individual PDP for review by the Board of Education. In developing the individual PDP, the following process shall be followed:
  - a. The Board shall review the Superintendent's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development.
  - b. The Superintendent shall submit annually to the Board evidence of progress toward completion of the individual PDP. The Superintendent also shall submit every three to five years, depending on the length of his or her contract with the Board, summative evidence of plan completion.
  - c. The Superintendent may appeal to the Executive County Superintendent if he or she disagrees with the Board regarding PDP contents or progress toward completion. The Executive County Superintendent shall have final decision-making authority on all such matters.
4. Each leader whose position require a Principal or supervisor endorsement, or whose position require a Chief School Administrator endorsement but who does not serve as a Chief School Administrator or Superintendent of a school district, shall develop in collaboration with his or her designated supervisor an individual PDP and shall provide evidence to his or her designated supervisor of progress toward fulfillment of his or her plan. Each Superintendent or designee shall:
  - a. Review each Principal's, supervisor's, or other school leader's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure it aligns to school and school district goals and the school district's plan for professional development;
  - b. Meet with the Principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and
  - c. Review the individual PDP's status as part of the Principal's, supervisor's, or other school leader's annual performance evaluation.

## **TEACHING STAFF MEMBERS**

**R3240**

### **Professional Development for Teachers and School Leaders**

**M**

**Page 7 of 8**

5. The school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall:
    - a. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the Board shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
    - b. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.
  6. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall ensure a revised individual PDP appropriate to the new assignment is developed in collaboration with the school leader.
- G. Assistance (N.J.A.C. 6A:9C-4.1)
1. The Board of Education shall ensure all teachers and school leaders receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective professional development plans.
- H. Procedures for Professional Development
1. Teaching staff members and school leaders may be excused from the performance of their duties, without loss of compensation, for participation in relevant professional development programs, provided such participation:
    - a. Meets the requirements of Policy 3240 and this regulation; and
    - b. Has received final advance approval in accordance with paragraph H. 5. below.
  2. The use of school district funds for travel expenditures for professional development activities shall be in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars pertaining to travel, meals, events, and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

## **TEACHING STAFF MEMBERS**

**R3240**

### **Professional Development for Teachers and School Leaders**

**M**

**Page 8 of 8**

3. A written request for permission to participate in a professional development activity must be submitted to the Superintendent of Schools or designee forty-five working days prior to the meeting when possible.
4. The request will be evaluated considering:
  - a. The member's participation in other professional meetings;
  - b. Other requests for participation in the same meeting;
  - c. The value to the school and/or district of the member's participation;
  - d. The requirements as outlined in N.J.A.C. 6A:23A-7 et seq.; and
  - e. Remaining available budgetary allocations for professional development activities.
5. The Superintendent or designee will grant or deny permission to attend the activity pending Board approval. The Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars pertaining to travel, meals, events and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.
6. Each teaching staff member and school leader excused from his/her duties to attend a professional development program or activity shall prepare and submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary, within 10 working days, after the program or activity, an original, written summary report of the meeting that includes:
  - a. The primary purpose of the travel;
  - b. The key issues addressed at the event; and
  - c. The relevance to improving instruction or the operations of the school district.
7. Any vouchers and claims for payment to be reimbursed pursuant to Policy No. 3240 shall be submitted to the Business Office along with supporting receipts and other appropriate documentation, no later than 30 working days after the program or activity.

In Effect: April 5, 2016

Revised: February 7, 2017

**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. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any 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 in accordance with the provisions of N.J.S.A. 18A:38-1.3.

#### **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 12<sup>th</sup> 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)

The school district will permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. An F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year.

### 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:38-3.1

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

6A:22-1.1 et seq.

8 CFR 214.3

Approved: September 25, 2001

Revised: February 19, 2013

Revised: February 6, 2018

First Reading: March 26, 2019

Second Reading: April 30, 2019

**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. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

**C. Eligibility to Attend School – Other 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. The school district will permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. An F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year.
- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident 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.



**Reporting Violence and Vandalism,  
Harassment, Intimidation, Bullying,  
Alcohol and Other Drug Offenses**

**M**

Page 1 of 3

**8461 REPORTING VIOLENCE AND VANDALISM,**  
**HARASSMENT, INTIMIDATION, BULLYING,**  
**ALCOHOL AND OTHER DRUG OFFENSES**

The Board of Education shall observe "School Violence Awareness Week" during the week beginning with the third Monday in October of each year by organizing activities to prevent school violence. Activities shall include, but are not limited to, age-appropriate opportunities for pupil discussion on conflict resolution, issues of pupil diversity, and tolerance. The Board shall invite law enforcement personnel to join members of the teaching staff in the discussions and provide programs for school employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence. The Board of Education shall disseminate to pupils' parents an informational pamphlet prepared by the New Jersey Department of Education (NJDOE) on how a parent can limit a child's exposure to violence on television, cell phones, computers, and other electronic devices, on an annual basis pursuant to N.J.S.A. 18A:40-44.

In accordance with N.J.A.C. 6A:16-5.3 any school employee who observes or has direct knowledge from a participant or victim of an act of violence; including harassment, intimidation, and bullying; or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a pupil for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form adopted by the Board to include all of the incident detail and offender and victim information that are reported on the system adopted by the State of New Jersey.

A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Policy 5512.

The Building Principal, for each incident of violence, including harassment, intimidation and bullying, vandalism, and alcohol and other drug offense, shall review the incident report for accuracy; forward a copy of the incident report to the Superintendent; and notify the Superintendent of the action taken regarding the incident. The Board shall not discharge or subject to any manner of discrimination any school employee who files a report pursuant to N.J.A.C. 6A:16-5.3.

The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and bullying, and vandalism, pursuant to N.J.S.A. 18A:17-46. Personally

**OPERATIONS**  
**8461**  
**Reporting Violence and Vandalism,**  
**Harassment, Intimidation, Bullying,**  
**Alcohol and Other Drug Offenses**

**M**

**Page 2 of 3**

identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the Superintendent shall report to the Board at a public meeting all acts of violence, including harassment, intimidation, and bullying, vandalism and alcohol and other drug offenses that occurred during the previous reporting period, according to the provisions of N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any pupil engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the New Jersey Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by Federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L. 2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The Commissioner shall promulgate guidelines for a program to grade schools for the purposes of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within ten days of the receipt of a grade by the school and district.

Whenever it is alleged a school employee has knowingly falsified reported information on acts of violence or vandalism, or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, the Board shall make a determination regarding whether the employee committed the act. The Board shall provide written notice of the allegations to the employee and the employee shall be entitled to a hearing before the Board in accordance with the provisions of N.J.A.C. 6A:16-5.3(f). Upon a determination by the Board that an employee has knowingly falsified reported information, the Board may take appropriate action.

**OPERATIONS**  
**8461**  
**Reporting Violence and Vandalism,**  
**Harassment, Intimidation, Bullying,**  
**Alcohol and Other Drug Offenses**

**M**

**Page 3 of 3**

The Board of Education shall submit and implement corrective action plans for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner of Education.

The Board shall provide ongoing staff training, in cooperation with the New Jersey Department of Education, in fulfilling the reporting requirements of N.J.S.A. 18A:17-46.

N.J.S.A. 18A:17-46; 18A:36-5.1; 18A:40-44

N.J.A.C. 6A:16-5.2; 6A:16-5.3

Approved: November 20, 2007

Revised: October 2, 2012

First Reading: March 26, 2019

Second Reading: April 30, 2019

**R 8461 REPORTING VIOLENCE AND VANDALISM,**  
**HARASSMENT, INTIMIDATION, BULYING,**  
**ALCOHOL AND OTHER DRUG OFFENSES**

Any school employee who observes or has direct knowledge from a participant or victim of an act of violence; including harassment, intimidation, and bullying; vandalism; or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a pupil for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form to include all of the incident detail and offender and victim information that are reported on the reporting system adopted by the State of New Jersey. A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Policy 5512.

- A. Reporting Violence; Including Harassment, Intimidation, and Bullying; Vandalism; and Alcohol and Other Drug Offenses
1. For each incident report of violence; including harassment, intimidation, and bullying; vandalism, and alcohol or other drug offenses, the Principal shall:
    - a. Review the incident report for accuracy in indicating the incident type, offender information, victim information, pupil demographics, and incident location;
    - b. Forward a copy of the incident report to the Superintendent; and
    - c. Notify the Superintendent of the action taken regarding the incident.
  2. The Board shall not discharge or subject to any manner of discrimination any school employee who files a report pursuant to N.J.A.C. 6A:16-5.3.
  3. The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:17-46.

**OPERATIONS**  
**R 8461**  
**Reporting Violence and Vandalism,**  
**Harassment, Intimidation, Bullying,**  
**Alcohol and Other Drug Offenses**

**M**

**Page 2 of 4**

- a. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

**B. Reporting Requirements**

The Superintendent shall:

1. Submit a report to the New Jersey Department of Education in accordance with the provisions of N.J.S.A. 18A:17-46 of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses in the school district utilizing the reporting system adopted by the State of New Jersey;
  - a. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46;
  - b. Prior to submission, the Superintendent shall verify the accuracy of the reported information;
  - c. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner of Education pursuant to N.J.S.A. 18A:17-46.
2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in N.J.A.C. 6A:16-5.3.

**C. Hearing Requirements**

The Superintendent shall report to the Board all acts of violence, including, harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46.

**OPERATIONS**  
**R 8461**  
**Reporting Violence and Vandalism,**  
**Harassment, Intimidation, Bullying,**  
**Alcohol and Other Drug Offenses**

**M**

**Page 3 of 4**

- D. Knowingly Falsifying the Annual Report on Violence and Vandalism Required Under N.J.S.A. 18A:17-46
1. Whenever it is alleged a school employee has knowingly falsified reported information on acts of violence or vandalism, or any incident in the annual report on violence and vandalism, the Board shall make a determination regarding whether the employee committed the act.
  2. Any employee alleged to have knowingly falsified reported information shall be notified in writing of such allegation and shall be entitled to a hearing before the Board.
  3. Upon a determination by the Board that an employee has knowingly falsified reported information, the Board shall take appropriate disciplinary action.

The Board of Education shall submit and implement corrective action plans for high incidences of violence, vandalism, or alcohol or other drug offenses upon notification by the Commissioner of Education.

In Effect: October 2, 2012  
Revised:

## **9410 Blue Devil TV**

Local cable television serves both the Town of Westfield and its public schools. Its purpose is to provide timely information about community activities, broadcast Board of Education meetings, communicate emergency conditions and offer Westfield High School pupils a medium for displaying their projects. This policy governs the broadcasts of all Board of Education programs including pupil projects on Blue Devil TV.

Blue Devil TV will provide programming created by and pertaining to the pupils and staff of the Westfield Public Schools. Blue Devil TV will also provide an opportunity for pupils in Television Production classes to produce and exhibit their work. The WHS-TV Media Coordinator along with the Office of School Community Relations and school principals will endeavor to provide coverage of school activities, such as concerts, sports activities and special events.

Blue Devil TV will also provide coverage of Board of Education activities such as regular Board meetings, budget presentations and curriculum activities.

### **Productions**

All productions will be reviewed by the Blue Devil TV Media Coordinator. No project may broadcast materials that:

1. Are grossly prejudicial to a disability, ethnic, national, religious, or racial group or to either gender;
2. Libel any person or persons;
3. Infringe rights of privacy protected by law or regulation;
4. Seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other;
5. Advocate the use or advertise the availability of any substance or material that constitutes a direct and substantial danger to the health of pupils;
6. Contain obscenity or material otherwise deemed to be harmful to impressionable pupils;
7. Incite violence, advocate the use of force, or urge the violation of law or school regulations;
8. Solicit funds for non-school organizations when such solicitations have not been approved by the Board;
9. Promote, favor or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or question submitted at any school election.

All decisions about scheduling will rest with the Blue Devil TV Media Coordinator or designee.

### **Other Programs**

1. Commercial programming shall not be permitted.
2. Broadcasting copyrighted material without the receipt of a written release from the copyright holder is prohibited.
3. Blue Devil TV programming shall be commercial free.

### **Political Activities**

Blue Devil TV will not provide a political forum to any candidate for public office. Candidates' Night for Board of Education candidates will be broadcast, as well as information about public referenda. In no case will Blue Devil TV broadcast contain the endorsement of any political candidate or referendum questions. Broadcasts under this section shall use appropriate research and newsgathering techniques; there shall be no slanting or editorializing of the information presented

Issues on which opposing points of view have been responsibly promoted may be introduced on WHS TV provided that all proponents are given an equal opportunity to present their views.

### **Records of Broadcast**

The official records of the Board of Education meetings are the approved written minutes on file in the Board Secretary's office. Video records may be held up to one year and will be made available to the public upon request, and broadcast whenever possible over Blue Devil TV. Since these videos are primarily recorded by pupils in training, there is no guarantee that the video record will be complete or available for review.

Approved: January 24, 2006  
Revised: October 23, 2007  
First Reading: March 26, 2019  
Second Reading: April 30, 2019