

BUILDINGS & GROUNDS COMMITTEE

#1B&G

RESOLUTION NO. 26214

ACCEPTANCE OF MASTER PLAN

BE IT RESOLVED, that the Master Plan dated April 28, 2014 as submitted by SSP Architectural Group be accepted.

DATED: April 28, 2014

Motion by: Mr. Joseph Surace

Seconded by: Mr. Peter Suh

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON			X	
MR. YUSANG PARK	X			

AWARD BID FOR THE FORT LEE HIGH SCHOOL ALTERATIONS AND RENOVATIONS

Report Results of Bids received on April 24, 2014.

WHEREAS, bids were received on April 24, 2014 for the Fort Lee High School Alterations and Renovations Project. (See Attached) and,

WHEREAS, Vanas Construction submitted the lowest bid,

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the SSP Architectural Group, the Fort Lee Board of Education awards a bid as per the following:

SCHOOL	VENDOR	TOTAL
Fort Lee High School – Alterations and Renovations	Vanas Construction Co., Inc.	\$1,092,000.

DATED: April 28, 2014
Attachment

Motion by: Mr. Joseph Surace

Seconded by: Mr. Peter Suh

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON			X	
MR. YUSANG PARK	X			

BID TABULATION	
SSP ARCHITECTURAL GROUP	
1011 Route 22, Suite 203 Bridgewater, New Jersey 08807 Phone: 908-725-7800	908-725-7800 908-725-7957
	Comm # 8137
PROJECT: Fort Lee Board of Education	
Alterations and Renovations at Fort Lee HS	
April 24, 2014, 11:00am	
BIDDERS	Base Bid A-1
	Single Overall Lump Sum Bid
Apex Enterprises of Union, Inc. 2254 Corlies Avenue, Rt 33 Neptune City, N.J. 07753	\$1,293,000
Askari Construction Inc. 416 Woodbury Drive Wyckoff, N.J. 07481	\$1,186,786
Bismark Construction Corp. 207-209 Berkeley Avenue Newark, N.J. 07107	\$1,318,000
Louis Gargiulo Co., Inc 44-46 State Street Jersey City, N.J. 07304	No Bid
K & D Contractors, LLC 351 Monroe Avenue Kenilworth, N.J. 07033	\$1,118,250
Kappa Construction 3 Matilda Drive Ocean, NJ 07712	\$1,214,000
Mark Construction 81 Lester St, Suite 2 Wallington, N.J. 07057	\$1,294,321
Molba Construction 392 Liberty Street Little Ferry, N.J. 07643	\$1,309,000
Practical LLC 40 Constitution Way, Ste 109 Jersey City, N.J. 07305	\$1,735,000
Preziosi Construction Crop 23 Canterbury Lane Short Hills, N.J. 07078	No Bid
Salazar & Associates, Inc. 625 Rahway Ave Suite 1A Union, N.J. 07083	\$1,496,000
SMAC Corp 27 East 33rd Street Paterson, N.J. 07514	\$1,231,200
Vanas Construction Co., Inc. 249 Leonia Avenue Bogota, N.J. 07603	\$1,092,000

2B&G

CURRICULUM & INSTRUCTION COMMITTEE

#1CUR

RESOLUTION NO. 26216

APPROVAL OF CLASS TRIPS AT NO COST TO THE DISTRICT

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Board of Education approves the **class trips** listed on the attached summary.

DATED: April 28, 2014
Attachment

*Please note that Mr. Joseph Surace abstained.

Motion by: Mrs. Esther Han Silver

Seconded by: Mrs. Holly Morell

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE				X
MR. JEFF WEINBERG			X	
MS. HELEN YOON			X	
MR. YUSANG PARK	X			

**CLASS TRIPS
BOARD AGENDA OF 4/28/14**

Teacher Name	District Location	Grade/Dept	Destination/Purpose	City/State	Trip Date	Number of Pupils	Cost to District	Total Cost To Pupil	Notes
Kim, Belmonte, Hong, West	#2	Grade 3	Montclair Museum	Montclair, NJ	6/17/14	55	\$0.00	\$23.06	
Kim, Belmonte, Hong, Hanson	#2	Grade 3	American Museum of Natural History	NY, NY	5/30/14	63	\$0.00	\$29.54	
TOTAL							\$0.00		

**APPROVAL OF PROPOSAL FROM BLOOMFIELD COLLEGE
FOR TICKET PROGRAM**

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Board of Education approves the **proposal from Bloomfield College for the TICKET (Total Immersion Course for Korean English Teachers) Program.**

DATED: April 28, 2014
Attachment

*Please note that Mr. Yusang Park abstained.

Motion by: Mrs. Esther Han Silver

Seconded by: Mrs. Holly Morell

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON			X	
MR. YUSANG PARK				X



March 28, 2014

Paul Saxton
Superintendent
Fort Lee Public Schools
2175 Lemoine Avenue
Fort Lee, NJ 07024

Re: Total Immersion Courses for Korean English Teachers (TICKET) Program

The TICKET program is designed to provide Korean English teachers with a total immersion experience in American English language and culture, moving them toward communicative competence and professional confidence in English teaching. Through the courses on language acquisition, English phonetics and phonology, lesson planning, and developing learning materials, the participating teachers strengthen their linguistic understanding and teaching skills.

To reinforce their understanding of American primary education and teaching methodology, Korean teachers are placed in American public or private primary schools for teaching practicums. This unique immersion experience allows the international teachers to observe the ideas and methods studied in the classroom and establish pedagogical interchange in a functional setting, while the students and cooperating teachers get global perspectives and inspiration by interacting and co-teaching with Korean teachers. Also, professional development certificates will be awarded to the cooperating teachers of host schools.

Proposal for Teaching Practicum in Fort Lee Public Schools

We would like to propose educational cooperation with your schools in regard to teaching practicum for Korean English teachers.

- Date: May 27, 2014 – May 30, 2014
- Time: 8:30 am – 3:30 pm
- Practicum Schools: Fort Lee Elementary Schools
- The number of participating Korean English teachers: 4 – 5
- Donations: \$100 per participating Korean teacher in your schools

We look forward to our collaboration with Fort Lee Public Schools for global expansion of primary education.

Sincerely,

Peter K. Jeong

Vice President for Global Programs and Professional Studies
Bloomfield College

2CUR

FINANCE COMMITTEE

#1F

RESOLUTION NO. 26218

**ADOPTION OF FINAL BUDGET
FOR THE 2014-2015 SCHOOL YEAR**

BE IT RESOLVED, that the Fort Lee Public School District Board of Education adopt the final budget for the 2014-2015 school year as follows:

	<u>Budget</u>	<u>Local Tax Levy</u>
General Fund	\$60,497,317	\$55,438,424
Special Revenue Fund	1,537,151	-0-
Debt Service Fund	1,345,575	1,268,945
TOTAL BASE BUDGET	\$63,380,043	\$56,707,369

BE IT FURTHER RESOLVED, that banked CAP in the amount of \$844,544 be utilized to accommodate increased costs for Special Education Related Services, Extraordinary Services, Modular Classrooms and purchase of Math Curriculum textbooks, all of which are required for the 2014-2015 school year, and cannot be deferred or incrementally completed over a longer period of time, and

BE IT FURTHER RESOLVED, that \$1,504,000 be withdrawn from Capital Reserve for the purpose of capital equipment and school building alterations, and

BE IT FURTHER RESOLVED, that CAP adjustment of \$206,162 be utilized for health benefit premium increases that totaled \$502,941.

DATED: April 28, 2014

Motion by: Mr. Joseph Surace

Seconded by: Mr. Peter Suh

Motion Passed

Motion Failed

<u>ROLL CALL</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

**AUTHORIZATION TO SUBMIT AN AMENDMENT OF THE IDEA GRANT
FOR 2013-2014**

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Fort Lee Board of Education authorizes the submission of an amendment of the **IDEA – Basic and Preschool Grant for the 2013-2014 school year** as per attached.

DATED: April 28, 2014
Attachment

Motion by: Mr. Joseph Surace

Seconded by: Mr. Peter Suh

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			



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The information has been saved.

Created By: Balletto, Ms. Cheryl on 8/6/2013 3:36:10 PM
 Last Modified By: Flores, Ana Maria on 4/23/2014 4:15:12 PM
GENERAL

You are here: > Grant Budget Forms

BUDGET SUMMARY

Instructions:

- In order to populate the most current budget information, click the SAVE button

Function/ Object	Expenditure Category	Basic				Preschool		
		Public Amount	CEIS	Nonpublic Amount	Total Amount	Public Amount	Nonpublic Amount	Total Amount
100	Instruction							
100-100	Instructional - Salaries	93867	93867	0	93867	0	0	0
100-300	Instruction Purchased Services	0	0	0	0	0	0	0
100-500	Other Purchased Services	718367	0	0	718367	24960	0	24960
100-600	Instructional Supplies	34788	34788	0	34788	0	409	409
100-800	Instruction Other Objects	0	0	0	0	0	0	0
200	Support Services							
200-100	Non-Instructional - Salaries	0	0	0	0	0	0	0
200-200	Employee Benefits	7182	7182	0	7182	0	0	0
200-300	Professional and Technical Services	35000	35000	27400	62400	0	0	0
200-400	Purchased Property Services	0	0	0	0	0	0	0
200-500	Other Purchased Services	0	0	0	0	0	0	0
200-600	Non-Instructional Supplies	0	0	0	0	0	0	0
200-800	Other Objects	0	0	0	0	0	0	0
200-860	Indirect Cost	0	0	0	0	0	0	0
400	Facilities Acquisition and Construction Services							
400-720	Building/Renovation	0	0	0	0	0	0	0
400-731	Instructional Equipment	0	0	0	0	0	0	0
400-732	Non-Instructional Equipment	0	0	0	0	0	0	0
520	Other							
520-930	Schoolwide	0	0	0	0	0	0	0
	Total Project Budgeted	889204	170837	27400	916604	24960	409	25369
	Allocation				916604			25369
	Difference between allocation and total budget				0			0
	Nonpublic Proportionate Share				27400			409

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AWARD BID FOR BAND UNIFORMS

WHEREAS, bids were received and opened at 10:00am on Tuesday, April 22, 2014 as follows:

- DeMoulin Brothers & Company – Total \$55,114.
- Fred J. Miller, Inc. – Total \$66,800.

NOW, THEREFORE, BE IT RESOLVED, that a contract be awarded to **DeMoulin Brothers & Company** in the total amount of \$55,114 as per specifications and bid submission.

DATED: April 28, 2014

Motion by: Mr. Joseph Surace

Seconded by: Mr. Peter Suh

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

PERSONNEL COMMITTEE

#1P

RESOLUTION NO. 26221

APPROVAL - STAFF TRIPS AND CONFERENCES TOTALING \$998.28

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Board of Education approves the **attendance of staff members at the conferences** listed on the attached summary.

DATED: April 28, 2014
Attachment

Motion by: Mrs. Holly Morell

Seconded by: Mrs. Esther Han Silver

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

**STAFF TRIPS AND CONFERENCES
BOARD AGENDA OF 4/28/14**

First	Last Name	District Location	Conference	City, State	Dates	Total Cost Not to Exceed
Marianne	Nugent	MS	Ramapo College, Gumpert Teachers' Workshop	Mahwah, NJ	5/13/14	\$0.00
Paul	Saxton	BOE	NJASA/NJAPSA Spring Conference	Atlantic City, NJ	5/21-23/14	\$998.28
Cean	Spahn	MS	NJ Center for the Book, Awards Ceremony - Literature	Hamilton Twshp, NJ	5/14/2014	\$0.00
TOTAL						\$998.28

RETIREMENT OF JOANNE TAUB
AS ELEMENTARY TEACHER AT SCHOOL NO. 4

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Fort Lee Board of Education accepts, with regret, the retirement of **Joanne Taub** as **Elementary Teacher** at **School No. 4** effective **July 1, 2014**.

WHEREAS, **Joanne Taub** has dedicated herself to the Fort Lee Board of Education for 10 years as an **Elementary Teacher**, displaying an unselfish commitment to our children, exemplifying the ideals of professionalism and the standard of excellence; and

WHEREAS, the Fort Lee Board of Education, together with its citizens, wishes to acknowledge exemplary service that **Joanne Taub** has provided our children.

NOW, THEREFORE, BE IT RESOLVED THAT the Fort Lee Board of Education does hereby extend its appreciation and gratitude to **Joanne Taub** in recognition of exemplary service to our school district.

DATED: April 28, 2014

Motion by: Mrs. Holly Morell

Seconded by: Mrs. Esther Han Silver

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

**RESIGNATION OF FRANKLIN FERRARA
AS CHEMISTRY TEACHER AT FORT LEE HIGH SCHOOL**

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Fort Lee Board of Education accepts the **resignation of Franklin Ferrara as Chemistry Teacher at Fort Lee High School**, effective June 30, 2014.

DATED: April 28, 2014

Motion by: Mrs. Holly Morell

Seconded by: Mrs. Esther Han Silver

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

REDUCTION IN FORCE

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Fort Lee Board of Education approves the **termination due to reduction in force** of the employees listed on the attached list, effective at the close of business of June 30, 2014.

DATED: April 28, 2014
Attachment

Motion by: Mrs. Holly Morell

Seconded by: Mrs. Esther Han Silver

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

**APPOINTMENT OF STAFF MEMBERS
FOR THE 2014-2015 SCHOOL YEAR**

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, where applicable, the Fort Lee Board of Education approves the **appointment of staff members for the 2014-2015 school year**, in the following categories as per the attached list.

Teaching Staff Members (salaries pending negotiations)

Custodial Staff Members (salaries pending negotiations)

Secretarial/Clerical Staff Members (salaries pending negotiations)

Principals

Assistant Principals

Director of Athletics, Physical Education and Health

Supervisors

DATED: April 28, 2014
Attachment

Motion by: Mrs. Holly Morell

Seconded by: Mrs. Esther Han Silver

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

#6P

RESOLUTION NO. Pulled

**WITHHOLDING OF EMPLOYMENT AND ADJUSTMENT INCREMENTS
FOR THE 2014-2015 SCHOOL YEAR**

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Fort Lee Board of Education authorizes the **employment and adjustment increments for the 2014-2015 school year be withheld**, for the staff member under Employee ID#4758.

DATED: April 28, 2014

**APPOINTMENT OF AIMEE BABBIN
AS CHEMISTRY TEACHER AT FORT LEE HIGH SCHOOL**

BE IT RESOLVED, that upon the recommendation of the Interim Superintendent of Schools, the Fort Lee Board of Education approves the appointment of **Aimee Babbin as Chemistry Teacher at Fort Lee High School** for the 2014-2015 school year, to be placed at **Step 1, Class MA, on the 2012-2013 Teachers' Guide, at an annual salary of \$57,500.00, prorated, pending negotiations**, effective September 1, 2014, due to the resignation of Franklin Ferrara.

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Interim Superintendent of Schools to make application for approval of the employment of **Aimee Babbin** to the Commissioner of Education on an emergent basis for a period of three months pursuant to N.J.S.A. 18A:6-7.1c pending completion of a Criminal History Records Check, subject to the submission of a sworn statement by **Aimee Babbin** in accord with N.J.S.A. 18A:6-7.1c(3).

NOW THEREFORE, BE IT RESOLVED, that this appointment is expressly contingent upon **Aimee Babbin** executing the Board's customary employment contract, containing a thirty (30) day termination clause.

DATED: April 28, 2014

Motion by: Mrs. Holly Morell

Seconded by: Mrs. Esther Han Silver

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

POLICY COMMITTEE

#1POL

RESOLUTION NO. 26227

FIRST READING OF REVISED POLICY 5111 AND REGULATION R5111
ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

BE IT RESOLVED, the Fort Lee Board of Education approves the **first reading of the following policies/regulations listed below and attached hereto**:

Policy No.	Topic
Revised Policies/Regulations	
P5511	ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS
R5511	ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

DATED: April 28, 2014
Attachment

Motion by: Mr. Peter Suh

Seconded by: Mrs. Holly Morell

Motion Passed

Motion Failed

ROLL CALL	AYES	NAYS	ABSENT	ABSTAINED
MRS. ESTHER HAN SILVER	X			
MRS. HOLLY MORELL	X			
MRS. CANDACE ROMBA			X	
MR. DAVID SARNOFF	X			
MR. PETER SUH	X			
MR. JOSEPH SURACE	X			
MR. JEFF WEINBERG			X	
MS. HELEN YOON	X			
MR. YUSANG PARK	X			

ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

M

The Fort Lee 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 et seq.

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 this provision 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 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, or a sworn landlord's statement if residing as a tenant without a written lease. Pursuant to N.J.S.A. 18A:38-1(c), any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A pupil is eligible to attend school 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, other than the parent or guardian, where 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 time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year upon the parent or guardian's return from active military duty.



ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

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

1. If the pupil's parent or guardian moves to another 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 in the home of a district resident by court order (as defined in N.J.A.C. 6A:22-3.2(e)) or by a society, agency, or institution pursuant to N.J.S.A. 18A:38-2;
3. If the pupil had previously resided in the 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 district, pursuant to N.J.S.A. 18A:38-3(b). The 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.

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.

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 forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22-3.4 et seq. The district shall consider the totality of information and documentation offered by



ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

an applicant, and shall not deny enrollment based on failure to provide a particular form of documentation, or a particular subset of documents, without regard to other evidence presented.

The district shall not require or request any information or document protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. However, these protected documents or information, or pertinent parts thereof, may be voluntarily disclosed by the person(s) seeking enrollment in the district. However, the district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

Initial Assessment and Enrollment

Registration, initial determinations of eligibility, and enrollment will be in accordance with N.J.A.C. 6A:22-4.1 et seq. The district shall use registration forms provided by the Commissioner of Education or locally developed forms that are consistent with the forms provided by the Commissioner. A district level school administrator designated by the Superintendent will be available and clearly identified to applicants, to assist persons who are experiencing difficulties with the registration/enrollment process.

Initial determinations of eligibility shall be made upon presentation of an application for enrollment and enrollment shall take place immediately in all cases except those of clear, uncontested denials. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant will be placed on notice that removal will result 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 et seq.

Where an applicant appears ineligible based on the information provided in the initial application, a preliminary written notice of ineligibility shall be provided, 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 intent to appeal to the Commissioner. A pupil enrolled pursuant to this provision shall be notified that he or she 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.

Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws. In this case, the parent(s) or guardian(s) shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement that the pupil will be attending school in another



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district, attending a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the event this written statement is not provided, the district level administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Department of Children and Families to report a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1, with the pupil's name, the name(s) of the parent/guardian/resident, the pupil's address to the extent known, and shall indicate that admission to the district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A:36-25.1 or **N.J.S.A. 6A:22-3 et seq.**

Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.1 et seq.

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

Notice of Ineligibility

If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22-1.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. 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. The Notice of Ineligibility shall be provided and shall include information as required in accordance with N.J.A.C. 6A:22-4.2 et seq.

Removal of Currently Enrolled Pupils

Nothing in N.J.A.C. 6A:22-4.3 et seq. and this policy shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who



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may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.

When a pupil, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil 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) as the case may be, 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", as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for the hearing, the Board shall make a prompt determination of the pupil's eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2 et seq. The hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. 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

The district's determination that a pupil is ineligible to attend the schools of the district may be appealed to the Commissioner 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 et seq. 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 must be filed by the resident keeping the pupil.

Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the Board may assess tuition for any period 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. The district may petition the Commissioner for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10, through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.



Nonresident Pupils

The admission of a nonresident child to school free of charge must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child'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.

Former Residents

Any pupil enrolled in the Fort Lee School District who ceases to be domiciled within the Borough of Fort Lee may, in the sole and absolute discretion of the Fort Lee Board of Education, continue to attend the Fort Lee Public Schools for the remainder of the school year in which domicile with the Fort Lee School District ceases to exist, upon payment of tuition computed on the basis of 1/180 of the total annual present pupil cost to the Fort Lee School District, multiplied by the number of days of attendance after domicile within the Borough of Fort Lee ceases to exist.

1. No pupil who ceases to be domiciled within the Borough of Fort Lee prior to March 1 in any calendar year shall be eligible to remain enrolled in the Fort Lee School District upon payment of tuition; and
2. No pupil who is not domiciled within the Borough of Fort Lee shall be permitted to remain enrolled in the Fort Lee Schools except as mandated by statute, code, and this policy.

Pupils whose parent(s) or legal guardian(s) have moved away from the school district on or after March 1, and twelfth grade pupils whose parent(s) or legal guardian(s) have moved away from the school district on or after March 1 will be permitted to finish the school year in this district with payment of tuition.

Future Residents

No pupil may attend Fort Lee Schools until his/her actual domicile has been established.

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



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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.

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

Adopted: 23 August 2010

Updated 4-28-14 for board review



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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:22-3.1(a)2.
2. "Appeal to the Commissioner" or "appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3.
3. "Commissioner" means the Commissioner of Education or his/her designee.
4. "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 subject to a rebuttable presumption that the child is actually living with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1(e).
5. "Parent" means the natural or adoptive parent, foster parent, and surrogate parent.

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 district when he or she is living with a parent or guardian whose permanent home is located within the district. A home is permanent when the parent or guardian intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.



- (1) Where a pupil's parents or guardians are domiciled within different districts, and where there is no court order or written agreement between the parents designating the district for school attendance, the pupil's domicile is the district of the parent or guardian with whom the pupil lives for the majority of the school year, regardless of which parent has legal custody.
- (2) Where a pupil's physical custody is shared on an equal-time, alternating week/month or other similar basis such that the pupil is not living with one parent or guardian for a majority of the school year, and where there is no court order or written agreement between the parents designating the district for school 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 date of the application.
 - (a) If 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. Where 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 will attend school in the district where the parent or guardian with whom the pupil is actually living as of the last school day prior to October 16 is domiciled.
 - (b) Where 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) Where 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 entitlement to attend school in the parent or guardian's district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
 - (4) The district shall not be required to provide transportation for a pupil residing outside the district for all or part of the school year, other than that based upon the home of the parent or guardian domiciled within the district to the extent required by law, as a result of being the district of domicile for school attendance purposes pursuant to the provisions of N.J.A.C. 6A:22.
- 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 permanent home within the district. A home is permanent when the pupil intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
- c. A pupil is domiciled in the district when the pupil has come from outside the State and is living with a person domiciled in the 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:34-30(e) and N.J.S.A. 2A:34-31. However, any such pupil may later be subject to removal proceedings if application for legal 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 district when his or her parent or guardian resides within the 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 district if the Department of Children and Families is acting as the pupil's guardian and has placed the pupil in the 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 district of domicile for school attendance purposes shall be that of the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the unit's property tax is paid by the owner of a multi-unit dwelling.
 - a. Where property tax is paid in equal amounts to two or more municipalities, and where there is no established assignment for pupils residing in the affected dwellings, the district of domicile for school attendance purposes will be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4. This provision shall not preclude the attendance of currently enrolled pupils who were permitted to attend school in the district prior to the provision's initial promulgation on December 17, 2001.
 3. Where a pupil's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 is intended to foreclose a pupil's entitlement to attend school in the district of domicile notwithstanding that the pupil is qualified to attend school in a different 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).
- 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 the 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, 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.
 - a. A pupil is not eligible to attend school in this 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 district:
 - (a) A sworn statement that he or she is domiciled within the 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 relative to school requirements; and
 - (b) A copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease.
- b. A pupil shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained, where 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 where evidence is presented that the pupil has no home or possibility of school attendance other than with a 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 section solely because a parent or guardian gives gifts or makes limited contributions, financial or otherwise, toward the welfare of the pupil, provided the resident keeping the pupil receives no payment or other remuneration from the parent or guardian 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, is not the primary financial supporter of that child, and who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons 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 the 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 district, other than the parent or guardian, where 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 upon the parent or guardian's return 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 the district pursuant to N.J.S.A. 18A:38-1(d) if the pupil's parent or guardian temporarily resides within the district and elects to have the pupil attend school in the district of temporary residence, notwithstanding the existence of a domicile elsewhere.
 - a. The parent or guardian, when required by the district, shall demonstrate that such temporary residence is not solely for purposes of a pupil's attending school within the district of temporary residence;
 - b. Where one of a pupil's parents or guardians temporarily resides in the 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 district unless the parent or guardian demonstrates, when required by the district, that such temporary



residence is not solely for purposes of a pupil's attending school within the 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 the district pursuant to N.J.S.A. 18A:38-1(f) if the pupil's parent or guardian moves to another 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 the district pursuant to N.J.S.A. 18A:38-2 if the pupil is placed in the home of a district resident by court order or by a society, agency, or institution as referenced in that statute. "Court order" as used in this paragraph does not encompass orders of residential custody, under which claims of entitlement to attend school in a 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 the district pursuant to N.J.S.A. 18A:38-3(b) if the pupil had previously resided in the 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 district. A 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 school in the district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the pupil resides on Federal property within the State.

D. Housing and Immigration Status



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1. The physical condition of an applicant's housing, or an applicant's compliance with local housing ordinances or terms of lease shall not affect eligibility to attend school.
 2. 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 district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6:22-3.2 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 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").
- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22 shall be construed to limit the discretion of the Board to admit nonresident pupils, or the ability of a nonresident pupil to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3(a).
- F. Proof of Eligibility
1. The district shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district:
 - a. Property tax bills, deeds, contracts of sale, leases, mortgages, signed letters from landlords and other evidence of property ownership, tenancy or residency;
 - b. Voter registrations, licenses, permits, financial account information, utility bills, delivery receipts, and other evidence of personal attachment to a particular location;
 - c. Court orders, State agency agreements and other evidence of court or agency placements or directives;



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- d. Receipts, bills, cancelled checks, insurance claims or payments, and other evidence of expenditures demonstrating personal attachment to a particular location, or, where applicable, to support of the pupil;
 - e. Medical reports, counselor or social worker assessments, employment documents, unemployment claims, benefit statements, and other evidence of circumstances demonstrating, where applicable, 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 a person seeking to enroll a pupil.
 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 of documentation, or a particular subset of documents, without regard to other evidence presented.
 4. The district shall not require or request, as a condition of enrollment in school, any information or document protected from disclosure by law, or pertaining to criteria which are not legitimate bases for determining eligibility to attend school. These 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); or N.J.A.C. 6A:22-3.



- c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
 - 5. Documents or information of the type referenced in 4. above, or pertinent parts thereof, may be considered by the district if voluntarily disclosed by the applicant seeking enrollment. However, the district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
- G. Initial Assessment and Enrollment
 - 1. The district shall use registration forms provided by the Commissioner, 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 the criteria for attendance set forth in N.J.S.A. 18A:38-1 for applicant reference, and specify the nature and form of any sworn statements to be filed;
 - d. Clearly state the purpose, in relation to such criteria, for which requested information is being sought; and
 - e. Provide notice to applicants that any initial determination of eligibility is subject to a more thorough review and re-evaluation, and that there is a potential for assessment of tuition in the event that an initially admitted applicant is later found ineligible.
 - 2. The district shall ensure that sufficient numbers of registration forms, and sufficient numbers of trained registration staff, are available to ensure prompt determinations of eligibility and enrollment. Applications for enrollment may be taken by appointment, but such appointments must be promptly scheduled and may not unduly defer a pupil's attendance at school.



- a. If the district uses separate forms for "affidavit pupil" applications, rather than a single form for all types of application for enrollment, such forms shall comply in all respects with the provisions of G.1. above. Where such forms are used, the district shall provide them to any person attempting to register a pupil of whom he or she is not the parent or guardian, whether or not they are specifically requested. 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" nor shall the district demand or suggest that "affidavit pupil" proofs be produced by an applicant seeking to enroll a pupil of whom the applicant has guardianship or custody.
 - b. A district level school administrator designated by the Superintendent shall be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the enrollment process.
3. Initial determinations of eligibility shall be made upon presentation of an application for enrollment, and enrollment shall take place immediately in all cases except those of clear, uncontested denials.
- a. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant shall be placed on notice that removal will result 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. Where an applicant appears ineligible based on information provided in the initial application, a preliminary written notice of ineligibility shall be provided, 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 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. Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws and shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement indicating the pupil will be attending school in another district, attending a 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 from the parent or guardian, the district level school administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Department of Children and Families to report a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1 ("willfully failing to provide regular school education as required by law"). The administrator designated by the Superintendent shall provide the district or the Department of Children and Families, as the case may be, with the pupil's name, the name(s) of the parent/guardian/resident, and the pupil's address to the extent known, and shall indicate that admission to the district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.
5. Where enrollment is denied and an intent to appeal is indicated, or where enrollment is provisional subject to further review or information, enrollment or attendance at school shall not be conditioned on advance payment of tuition in whole or part.
6. The Superintendent or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process, so that, where appropriate, procedures may ensue in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A: 36-25.1.
8. Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred



as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.1 et seq.

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

H. Notice of Ineligibility

1. If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22 or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) provided by the Commissioner. Notices shall be in writing, in English and in the native language of the applicant, issued by the Superintendent and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made, sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal. Such description shall identify the specific section 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 shall be provided in order to attain final eligibility status 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, along with an informational document provided by the Commissioner describing how to file an appeal;



- d. A clear statement that the pupil is entitled to attend school for the twenty-one day period during which an appeal can be made to the Commissioner, but that, if missing information is not provided or an appeal is not filed, the pupil will not be permitted to attend school beyond the 21st day following the date of the notice;
- e. A clear statement that the pupil is entitled to continue attending school during the pendency of an appeal to the Commissioner;
- 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 entitlement to attend the schools of the district, or the applicant abandons the appeal through withdrawal, failure to prosecute or 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 having moved from the 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 district during the course of the school year.
- h. The name of a contact person in the district who can provide assistance in explaining the contents of the notice; and
- i. Notice that, where no appeal is filed, the parent or guardian shall still comply with compulsory education laws, and that, in the absence of a written statement from the parent or guardian that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school, the district level administrator designated by the Superintendent 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 ("willfully failing to provide regular school education as required by law"). Such staff shall provide the pupil's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25).

I. Removal of Currently Enrolled Pupils

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.
2. When a pupil, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, such notice shall also provide for a hearing before the Board 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," as the case may be, 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," as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for hearing, the Board shall make a prompt determination of the pupil's eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of 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 a committee, at the discretion of the full Board, which shall make a recommendation to the full Board for action. No pupil may be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.
- J. Appeal to the Commissioner
1. A district determination that a pupil is ineligible to attend the schools of the district may be appealed to the Commissioner 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 et seq. 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.
- K. Assessment and Calculation of Tuition
1. If no appeal to the Commissioner is filed by the parent, guardian, adult pupil, or district resident keeping an "affidavit pupil" following notice of a determination of ineligibility, the Board may assess tuition for any period 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 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 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 district resident keeping an "affidavit pupil", where the petitioner does not sustain the burden of demonstrating entitlement to attend the schools of the district, or abandons the appeal through withdrawal, failure to prosecute or any means other than settlement agreeing to waive or reduce tuition, the Commissioner may order assessment of tuition for any



period of a pupil's ineligible attendance in a district, including the twenty-one day period for filing of an appeal and the period during which the hearing and decision on appeal were pending.

- a. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the pupil from school and seek tuition for the period of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a). However, if the record of the appeal includes a calculation reflecting the rate(s) of tuition for the year(s) at issue, the per diem rate of tuition for the current year, and the date on which the pupil's ineligibility began, the Commissioner may order payment of tuition as part of his or her decision. If the record does not include such a calculation, but the Board 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 on the judgment docket of the Superior Court, Law Division, pursuant to 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, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23-3.1. The individual pupil's record of daily attendance shall not impact on such calculation.
 4. Nothing in N.J.A.C. 6A:22 precludes an equitable determination, by the Board or the Commissioner, that, when the particular circumstances of a matter so warrant, tuition shall not be assessed for all or part of any period of a pupil's ineligible attendance in the district.

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