

POLICY GUIDE

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Athletic Competition
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[See POLICY ALERT Nos. 102, 120, 139, 157, 164, 168, 196, 198 and 208]

2431 ATHLETIC COMPETITION

The Board of Education recognizes the value of a program of athletic competition for both boys and girls as an integral part of the total school experience. Game activities and practice sessions provide opportunities to learn the values of competition and good sportsmanship. Programs of athletic competition, both intrascholastic and interscholastic, offer students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that offered by the class or school or school district alone, and an opportunity for career and educational development.

For purpose of this Policy, programs of athletic competition include all activities relating to competitive sports contests, games, events, or sports exhibitions involving individual students or teams of students when such events occur within or between schools within this district or with any schools outside this district. The programs of athletic competition shall include, but are not limited to, high school interscholastic athletic programs, middle school interscholastic athletic programs where school teams or squads play teams or squads from other school districts, and/or intramural athletic programs within a school or among schools in the district and any cheerleading program or activity in the school district.

Eligibility Standards

A student who wishes to participate in a program of athletic competition must submit, on a form provided by the district, the signed consent of his/her parent(s) or legal guardian(s). The consent of the parent(s) or legal guardian(s) of a student who wishes to participate in a program of athletic competition **will** ~~must~~ include an acknowledgment of the physical hazards that may be encountered in the activity.



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Student participation in a program of athletic competition shall be governed by the following eligibility standards:

1. A student in grades 6 through 8 is eligible for participation in school district sponsored programs of athletic competition if he/she passed all courses required for promotion or graduation in the preceding semester as documented by the home school instructor or the school district.
2. A student in any grade must maintain a satisfactory record of attendance to be eligible for participation in school district sponsored programs of athletic competition. An attendance record is unsatisfactory if the number of unexcused absences exceed 10 school days in the semester prior to the student commencing participation in school district sponsored programs of athletic competition.

A student who is absent, either excused or unexcused, for a school day may not participate in school district sponsored programs of athletic competition the afternoon or evening of that school day. The same requirement shall stand for a home-schooled student.

A student who is serving an in-school or out-of-school suspension may not participate in school district sponsored programs of athletic competition while serving the suspension.

A student in grades 6 through 8 is eligible for participation if she/she is a resident in the district community.

3. A student in any grade who fails to observe school rules for student conduct may forfeit his/her eligibility for participation in school district sponsored programs of athletic competition.

Notice of the school district's eligibility requirements shall be available to students.



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Health Requirements Required Examinations – Interscholastic or Intramural Team or Squad

~~Good physical condition, freedom from injury, and full recovery from illness are prerequisites to participation in school district sponsored programs of athletic competition. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.~~

Students enrolled in grades six to twelve must receive a medical examination, **in accordance with the provisions of N.J.S.A. 18A:40-41.7**, prior to participation **on a in school-sponsored interscholastic or intramural programs of athletic team or squad competition** and any cheerleading program or activity.

~~A medical examination is the assessment of an individual's health status. The examination shall be conducted within 365 days prior to the first day of official tryout or practice session in an athletic season with examinations being conducted at the medical home of the student. The "medical home" is defined as a health care provider and that provider's practice site chosen by the student's parent(s) or legal guardian(s) for the provision of health care. If a student does not have a medical home, the school district shall provide the this examination at the school physician's office or other comparably equipped facility. The parent(s) or legal guardian(s) may choose either the school physician or their own private physician to provide this medical examination. The medical examination required prior to participation shall be in accordance with the requirements as outlined in N.J.A.C. 6A:16-2.2(h)1 and Regulation 2431.2 and shall be documented using the Preparticipation Physical Evaluation form required by the Department of Education.~~

~~The findings of this examination shall be documented on a form that is approved by the Commissioner of Education and shall include: immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.16; medical history including allergies, past serious illnesses, injuries, operations, medications, and current health problems; health screenings including height, weight, hearing, blood pressure, and vision; and physical examinations. A physical examination is the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse.~~



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~~The medical examination shall also include a health history questionnaire completed and signed by the parent or legal guardian. A health history is a record of a person's past health events provided by the individual, a parent or legal guardian, or health care provider.~~

~~The report of health findings of the medical examination for participation shall be documented on the Athletic Preparticipation Physical Examination Form approved by the Commissioner of Education to determine whether the student had or currently has any of the health conditions outlined in N.J.A.C. 6A:16-2.2(h)1.ii.(1) since their last physical. The medical examination shall be conducted in accordance with N.J.A.C. 6A:16-2.2 and Regulation 2431.2.~~

~~The medical report shall include, at a minimum, normalities as outlined in N.J.A.C. 6A:16-2.2(h)1.ii.(2). The medical report shall be provided to the school physician if the school physician did not conduct the medical examination. The medical report shall indicate whether the student is allowed or disallowed to participate in a program of athletic competition and must be completed and signed by the original examining physician, advanced practice nurse, or physician's assistant. A form that is incomplete shall be returned to the student's medical home for completion. A student that does not have a completed Athletic Preparticipation Physical Examination Form shall not be permitted to participate.~~

~~If the student's medical examination was completed more than sixty days prior to the first practice session, the student must provide a health history update of medical problems experienced since the last medical examination in accordance with N.J.A.C. 6A:16-2.2(h)1.iii. This health history update must be completed and signed by the parent(s) or legal guardian(s).~~

~~The school district will provide written notification to the parent(s) or legal guardian(s), signed by the school physician, stating approval of the student's participation, based solely on the medical report, or the written reasons for the school physician's disapproval of the student's participation. The school physician's signature on the notification indicates the medical report complies with the requirements of N.J.A.C. 6A:16-2.2(h)iv.~~

Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq. The health findings of this medical examination shall be maintained as part of the student's health record.



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Emergency Procedures

Athletic coaches shall be trained in first aid to include sports-related concussion and head injuries, the use of a defibrillator, the identification of student athletes who are injured or disabled in the course of any athletic program or activity, and any other first aid procedures or other health related trainings required by law or the Superintendent.

The Superintendent shall prepare and present to the Board for its approval procedures for the emergency treatment of injuries and disabilities that occur in the course of any athletic program or activity. Emergency procedures shall be reviewed not less than once in each school year and shall be disseminated to appropriate staff members.

Interscholastic Standards

The Board shall approve annually a program of interscholastic athletics and shall require that all facilities utilized in that program, whether or not the property of this Board, properly safeguard both players and spectators and are kept free from hazardous conditions.

The Board adopts the Constitution, Bylaws, Rules, and Regulations of the New Jersey State Interscholastic Athletic Association as Board policy and shall review such rules on a regular basis to ascertain they continue to be in conformity with the objectives of this Board.

N.J.S.A. 2C:21-11

N.J.S.A. 18A:11-3 et seq.

N.J.A.C. 6A:7-1.7; 6A:16-1.4; 6A:16-2.1 et seq.

Adopted:



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Medical Examination **Prior to Determine Fitness**
for Participation in Athletics **on a School-**
Sponsored Interscholastic or
Intramural Team or Squad

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[See POLICY ALERT Nos. 157, 198 and 208]

R 2431.2 MEDICAL EXAMINATION PRIOR TO DETERMINE FITNESS
FOR PARTICIPATION IN ATHLETICS ON A SCHOOL-
SPONSORED INTERSCHOLASTIC OR
INTRAMURAL TEAM OR SQUAD

- A. Students are required to receive medical examinations in accordance with the provisions of N.J.S.A. 18A:40-4 and N.J.A.C. 6A:16-2.2(f). Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility.

The school district shall ensure students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and prior to participation on a school-sponsored interscholastic or intramural team or squad for students in grades six through twelve.

1. Required Medical Examination
 - a. The examination shall be conducted within 365 days prior to the first day of official practice in an athletic season and shall be conducted by a licensed physician, advanced practice nurse (APN), or physician assistant (PA).
 - b. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at, <http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf>, in accordance with N.J.S.A. 18A:40-41.7.



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Medical Examination **Prior to Determine Fitness**
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- (1) Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41.d.
 - (a) If the PPE form is submitted without the signed certification statement and the school district has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.
 - (2) The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.
 - (3) An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.
- c. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire



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shall include information listed below as required by N.J.S.A. 18A:40-41.7.b. The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:

- (1) Been advised by a licensed physician, APN, or PA not to participate in a sport;
- (2) Sustained a concussion, been unconscious, or lost memory from a blow to the head;
- (3) Broken a bone or sprained, strained, or dislocated any muscles or joints;
- (4) Fainted or blacked out;
- (5) Experienced chest pains, shortness of breath, or heart racing;
- (6) Had a recent history of fatigue and unusual tiredness;
- (7) Been hospitalized, visited an emergency room, or had a significant medical illness;
- (8) Started or stopped taking any over the counter or prescribed medications; or
- (9) Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.



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Medical Examination **Prior** to ~~Determine Fitness~~
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- d. The school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.
- e. The Board of Education will not permit a student enrolled in grades six to twelve to participate on a school-sponsored interscholastic or intramural team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.
- f. The school district shall distribute to a student-athlete and his or her parent the sudden cardiac arrest pamphlet developed by the Commissioner of Education, in consultation with the Commissioner of Health, the American Heart Association, and the American Academy of Pediatrics, pursuant to N.J.S.A. 18A:40-41.
 - (1) A student-athlete and his or her parent annually shall sign the Commissioner-developed form that they received and reviewed the pamphlet, and shall return it to the student's school pursuant to N.J.S.A. 18A:40-41.d.
 - (2) The Commissioner shall update the pamphlet, as necessary, pursuant to N.J.S.A. 18A:40-41.b.
 - (3) The Commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools, pursuant to N.J.S.A. 18A:40-41.b.

Adopted:



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Eligibility of Resident/Nonresident Students

Mar 16

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[See POLICY ALERT Nos. 96, 109, 128, 143, 160, 171, 173, 189 and 208]

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The _____ Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education.

Eligibility to Attend School

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 ~~et seq.~~

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2 ~~et seq.~~ A student is only eligible to attend school in the district pursuant to **N.J.A.C. 6A:22-3.2** ~~this provision~~ if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the **Board of Education** ~~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



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personal obligations for the student 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, **or a mortgage or tax bill if an owner**. Pursuant to N.J.S.A. 18A:38-1.(c), any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school **in this school district** free of charge pursuant to N.J.S.A. 18A:38-1.(b) if the student is kept in the home of a person domiciled in the **school** district, **who is not other than** the parent or guardian; ~~where~~ **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** ~~upon~~ the parent or guardian's returns from active military duty.

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

A student is eligible to attend **this** school ~~in the~~ district free of charge:

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



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3. If the student ~~had~~ previously resided in the **school** district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the **school** district, pursuant to N.J.S.A. 18A:38-3.(b). The **school** district shall not be obligated for transportation costs; and
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year in pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

A student's eligibility to attend this school shall not be affected by tThe physical condition of an applicant's housing; **or his or her 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 student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.



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Proof of Eligibility

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

The ~~district~~ **Board of Education** shall not **condition enrollment on the receipt of require or request** any information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school **as outlined in N.J.A.C. 6A:22-3.4(d)**. **The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant.** ~~However, these protected documents or information, or pertinent parts thereof, may be voluntarily disclosed by the person(s) seeking enrollment in the district.~~ ~~However, T~~the **district Board of Education** may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment. **However, in the case of a dispute between the school district and the parent or guardian of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.**

Registration Forms and Procedures for Initial Assessment ~~and Enrollment~~

Registration, ~~and~~ initial determinations of eligibility, ~~and enrollment~~ will be in accordance with N.J.A.C. 6A:22-4.1 ~~et seq.~~. The ~~district~~ **Board of Education** shall use **Commissioner-provided** 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 ~~shall will~~ be ~~available and~~ clearly identified to applicants; ~~and available~~ to assist persons who **experience** ~~are experiencing~~ difficulties with the ~~registration/enrollment~~ process.



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Initial ~~determinations~~ of eligibility **determinations** shall be made upon presentation of an **enrollment** application, ~~for enrollment~~ and enrollment shall take place immediately in all cases except in cases those of clear, uncontested denials. **Enrollment shall take place immediately when** Where an applicant has provided incomplete, unclear, or questionable information, ~~enrollment shall take place immediately~~, but the applicant **shall be notified that the student will be removed from the school district** ~~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.

When a student ~~Where an applicant~~ appears ineligible based on the information provided in the initial application, **the school district shall issue** 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 **an intent to appeal to the Commissioner of Education. An applicant whose student is** ~~A student~~ enrolled pursuant to this provision shall be notified that **the student** ~~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.

When ~~Where~~ enrollment is denied and no intent to appeal is indicated, applicants shall be advised ~~that~~ they shall comply with compulsory education laws. **When the student is between the ages of six and sixteen, applicants also shall** ~~In this case, the parent(s) or guardian(s) shall, where the student is between the ages of six and sixteen,~~ be asked to complete a written statement **indicating** that the student will be attending school in another **school** district, ~~attending or~~ a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the **absence of event** this written statement, ~~is not provided, the district level administrator designated by the Superintendent~~ **designated staff shall report to** ~~shall notify~~ the school district of actual domicile or residence, or the Department of Children and Families, ~~to report~~ a potential instance of "neglect" **for the purposes of ensuring compliance with compulsory education law,** ~~pursuant to N.J.S.A. 9:6-1.~~ **Staff shall provide the school district or the Department of Children and Families** with the student's name, the name(s) of the parent/guardian/resident, **and** the student's address to the extent known. **Staff** ~~and~~ shall **also** indicate ~~that~~ admission to the **school** 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.



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Eligibility of Resident/Nonresident Students

Enrollment or attendance ~~at in~~ 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~~ **student's** birth certificate or other proof of a student's identity ~~as~~ required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the **school district** shall not be denied based upon absence of student medical information;. **However, although** actual attendance at school may be deferred **until the student complies with student as necessitated by compliance with rules regarding immunization rules set forth in of students, N.J.A.C. 8:57-4.1 et seq.**

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

Notice of Ineligibility

When a student is found ~~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 student's initial application initially submitted is found to be deficient upon subsequent review or investigation, the school district notice shall immediately shall provide be provided to the applicant notice that is consistent with sample form(s) to be provided by the 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. ~~The Notices of Ineligibility shall be provided and shall include information as outlined required in accordance with N.J.A.C. 6A:22-4.2 et seq..~~



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Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22-4.3 et seq. and this ~~P~~policy shall preclude the Board of Education from **identifying** ~~seeking to identify~~, through further investigation or periodic requests for ~~current~~ revalidation of ~~previously determined~~ eligibility status, students enrolled in the **school** district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.

When a student, **who is** enrolled and attending school ~~in the district~~ based on an initial **eligibility** determination of ~~eligibility~~, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal ~~of the student~~ in accordance with **the provisions of** N.J.A.C. 6A:22-4.3(b). No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) ~~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 student or resident keeping an "affidavit student", ~~as the case may be~~, does not respond to the Superintendent's notice within the designated time frame **to the Superintendent's notice** or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility ~~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 H~~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 student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

Appeal to the Commissioner

An applicant may appeal ~~The district's determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools by the parent, guardian, adult student or resident keeping an "affidavit student", as the case may be.~~ **Appeals** Such appeals shall be initiated by petition which shall be filed ~~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 student" eligibility determinations **shall** ~~must~~ be filed by the resident keeping the student.



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Eligibility of Resident/Nonresident Students

Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a **an ineligibility** determination ~~of ineligibility~~, the Board of Education may assess tuition for ~~any period of a student's ineligible attendance~~, for **up to one year of a student's ineligible attendance**, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. **If the responsible party does not pay the tuition assessment**, ~~t~~The Board of Education ~~district~~ may petition the Commissioner **pursuant to N.J.A.C. 6A:3** for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10, through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

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

Nonresident Students

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

A nonresident **student child** 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 30 days prior to the anticipated date of residency. If any such student does not become a resident of the **school** district within 30 days after admission to school, tuition will be charged for attendance



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commencing the beginning of the 31st day and until such time as the student becomes a resident or withdraws from school.

Students whose parent(s) or guardian(s) have moved away from the school district on or after April 30 will be permitted to finish the school year in this **school** district without payment of tuition.

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.

Adopted:



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[See POLICY ALERT Nos. 109, 128, 160, 173, 189 and 208]

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

A. Definitions

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.(b) and N.J.A.C. **6A:22-3.2(a)** ~~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, **Controversies and Disputes.**
3. **"Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.**
43. "Commissioner" means the Commissioner of Education or his/her designee.
54. "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** ~~subject to a rebuttable presumption~~ that the child **does not actually live** ~~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 – Students Domiciled in the District

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



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



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with the parent or guardian previously indicated, the student **shall** ~~will~~ attend school in the **school** district of **domicile** of ~~where~~ the parent or guardian with whom the student **actually lives** ~~is actually living~~ as of the last school day prior to October 16 is domiciled.

(b) **When** ~~Where~~ the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.

(3) **When** ~~Where~~ a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's **right entitlement** 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** The district shall ~~not~~ be required to provide transportation for a student residing outside the **school** district for all or part of the school year; ~~other than that~~ **unless transportation is** based upon the home of the parent or guardian domiciled within the **school** district **or otherwise** ~~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 student is domiciled in the **school** district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a **domicile** ~~permanent home~~ within the **school** district. ~~A home is permanent when the student intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.~~



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- c. A student is domiciled in the **school** district when the student has come from outside the State and is living with a person domiciled in the **school** district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-30(e) **2A:34-54 ("home state" definition)** and **2A:34-65.a(1)** N.J.S.A. ~~2A:34-31~~. However, ~~a any such~~ student 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 student is domiciled in the **school** district when his or her parent or guardian resides within the **school** district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
 - e. A student is domiciled in the **school** district if the Department of Children and Families is acting as the student's guardian and has placed the student in the **school** district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the **school** district of domicile for school attendance purposes shall be ~~that of~~ the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the **dwelling's or** unit's property tax is paid ~~by the owner of a multi-unit dwelling~~.
- a. ~~When Where~~ property tax is paid in equal amounts to two or more municipalities, and ~~where~~ there is no established assignment for students residing in the affected dwellings, the **school** district of domicile for school attendance purposes **shall will** be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
 - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend **the** school ~~in the~~ district prior to ~~the provision's initial promulgation on~~ December 17, 2001.



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3c. ~~When Where~~ a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 ~~is intended to foreclose a~~ **shall exclude a** student's **right** ~~entitlement~~ to attend ~~the~~ school in the district of domicile **although** ~~notwithstanding that~~ the student is qualified to attend **a different** 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).

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

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

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

a. A student is not eligible to attend **this school** ~~in this~~ district pursuant to this provision unless:



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Eligibility of Resident/Nonresident Students

- (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and
 - (2) The person keeping the student has filed, if so required by the **Board of Education** ~~district~~:
 - (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 student **pertaining 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, **or a mortgage or tax bill if an owner.**
- b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained, ~~where~~ **when** evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
 - c. A student shall not be deemed ineligible under this provision **when** ~~where~~ evidence is presented that the student has no home or possibility of school attendance other than with a **school** district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.



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Eligibility of Resident/Nonresident Students

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



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Eligibility of Resident/Nonresident Students

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



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Eligibility of Resident/Nonresident Students

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



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



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

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



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



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(2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.

(3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

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

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

D. Housing and Immigration Status

1. A student's eligibility to attend school shall not be affected by ~~t~~The physical condition of an applicant's housing; or ~~his or her an~~ applicant's compliance with local housing ordinances or terms of lease shall not affect eligibility to attend school.

2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.



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Eligibility of Resident/Nonresident Students

- a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the **school** district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa²).
- 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 students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.(a).
- F. Proof of Eligibility
 - 1. The ~~district~~ **Board of Education** shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the **school** district:
 - a. Property tax bills;; deeds;; contracts of sale;; leases;; mortgages;; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 - b. Voter registrations;; licenses;; permits;; financial account information;; utility bills;; delivery receipts;; and other evidence of personal attachment to a particular location;
 - c. Court orders;; State agency agreements; and other evidence of court or agency placements or directives;
 - d. Receipts;; bills;; cancelled checks;; insurance claims or payments;; and other evidence of expenditures demonstrating personal attachment to a particular location, ~~or, where applicable,~~ to support of the student;



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- 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 student," adult student, person(s) with whom a family is living, or others, as appropriate;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
2. The **Board of Education** ~~district~~ may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by **an applicant** ~~a person seeking to enroll a student~~.
3. The **Board of Education** ~~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 **Board of Education** ~~district~~ shall not ~~require or request, as a condition of enrollment on the receipt of in school, any~~ information or documents protected from disclosure by law, or pertaining to criteria ~~that which~~ are not a legitimate ~~bases~~ **basis** for determining eligibility to attend school. ~~They~~ These include, but are not limited to:
- a. Income tax returns;



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- b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
 - 5. **The Board of Education may consider, in a manner consistent with Federal law, documents or information 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 **Board of Education** 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 student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.**
- G. **Registration Forms and Procedures for Initial Assessment and Enrollment**
- 1. The **Board of Education** district shall use **Commissioner-provided** 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;



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- c. Summarize, **for the applicant's reference**, 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 statement(s) to be filed;
 - d. Clearly state the purpose, ~~in relation to such criteria~~, for which **the** requested information is being sought **in relation to the criteria**; and
 - e. **Notify applicants that an** ~~Provide notice to applicants that~~ any initial **eligibility** determination of ~~eligibility~~ is subject to a more thorough review and **evaluation** ~~re-evaluation~~, and that ~~there is a potential for an~~ assessment of tuition **is possible** ~~in the event that if~~ an initially admitted applicant is later found ineligible.
2. **The Board of Education** ~~The district shall~~ **make available** ~~ensure~~ that sufficient numbers of registration forms, and ~~sufficient numbers of trained registration staff, are available~~ to ensure prompt **eligibility** determinations of ~~eligibility~~ and enrollment. **Enrollment** ~~Applications for enrollment~~ may be taken by appointment, but ~~such~~ appointments **shall** ~~must~~ be promptly scheduled and **shall** ~~may~~ not unduly defer a student's attendance at school.
- a. If the **school** district uses separate forms for "affidavit student" applications; rather than a single form for all types of ~~application for enrollment~~, **affidavit student** ~~such~~ forms shall comply in all respects with the provisions of G.1. above. **When affidavit student** ~~Where such forms are~~ used, the **school** district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, **even if** ~~whether or not they are~~ specifically requested.



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- (1) The **Board of Education or its agents** ~~district~~ shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian; since such student may qualify as an "affidavit student".
 - (2) **The Board of Education or its agents** ~~nor shall the not district~~ demand or suggest that "affidavit student" ~~proofs be produced by an applicant seeking to enroll a student of whom the applicant has guardianship or custody~~ **produce affidavit student proofs.**
- b. A district-level ~~school~~ administrator designated by the Superintendent shall be ~~available, and~~ clearly identified to applicants **and available**; to assist persons who ~~are experiencing~~ **experience** difficulties with the enrollment process.
3. Initial **eligibility** determinations ~~of eligibility~~ shall be made upon presentation of an **enrollment** application, ~~for enrollment~~, and enrollment shall take place immediately ~~in all cases except in cases~~ **those** of clear, uncontested denials.
 - a. **Enrollment shall take place immediately when** ~~Where an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district 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.~~



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- b. ~~Where an applicant~~ **When a student** appears ineligible based on information provided in the initial application, **the school district shall issue** 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 **school** district's determination and intent to appeal to the Commissioner.
- (1) An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. **When** ~~Where~~ enrollment is denied and no intent to appeal is indicated, applicants shall be advised ~~that~~ they shall comply with compulsory education laws. **When and shall, where** the student is between the ages of six and sixteen, **applicants also shall** be asked to complete a written statement indicating the student will be attending school in another **school** district, ~~attending or~~ 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 **that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to** ~~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" **for purposes of ensuring compliance with compulsory education laws, pursuant to N.J.S.A. 9:6-1 ("willfully failing to provide regular school education as required by law").** **Staff** ~~The administrator designated by the Superintendent shall provide the~~ school district or the Department of Children and Families, ~~as the ease may be,~~ with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. **Staff and shall also** indicate ~~that~~ admission to the **school** 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.



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5. **Enrollment or attendance in the school district** ~~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~~ **when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.**
6. **The Board of Education** ~~The Superintendent or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process;~~ **identifies information suggesting an applicant may be homeless** so that, where appropriate, procedures may **be implemented** ~~ensue~~ 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 ~~the~~ **a** certified copy of **the student's** birth certificate or other proof of ~~a student's~~ **his or her** identity **as** required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the **school** district shall not be denied based upon absence of student medical information. **However, although** actual attendance at school may be deferred **until the student complies with student immunization rules set forth in** ~~as necessitated by compliance with rules regarding immunization of students,~~ N.J.A.C. 8:57-4.1 ~~et seq.~~
9. **When e**Enrollment in the **school** district, attendance at school, or **the receipt of** educational services ~~where attendance in the regular education program appears inappropriate,~~ **the student** shall not be denied based upon **the** absence of a student's prior educational record. However, the applicant shall be advised ~~that the student's~~ initial educational placement ~~of the student~~ may be subject to revision upon **the school district's** receipt of records or further assessment of the student ~~by the district.~~



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H. Notice of Ineligibility

1. **When a student is found** ~~If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22 or the student's initial application initially submitted is found to be deficient upon subsequent review or investigation, the school district notice shall immediately provide notice be provided 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. provided by the Commissioner.~~
- a. Notices shall be in writing;; in English and in the native language of the applicant;; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made;;
 - (1) **The description shall be** sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal;; **and**
 - (2) **The description** ~~Such description~~ shall identify the specific **subsection** ~~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 **still must** ~~shall~~ be provided ~~in order to attain~~ **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;



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- d. A clear statement ~~of that~~ the student's **right** ~~is entitled to~~ attend school for the twenty-one day period during which an appeal can be made to the Commissioner;. **It also shall state** ~~but that, if missing information is not provided or an appeal is not filed,~~ the student will not be permitted to attend school beyond the **twenty-first** ~~21st~~ day following the **notice** ~~date of the notice if missing information is not provided or an appeal is not filed;~~
- e. A clear statement ~~that of~~ the student's **right** ~~is entitled to~~ continue attending school **while an appeal to the Commissioner is pending** ~~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 student's **right entitlement** to attend the ~~schools of the~~ **school** district, or the applicant **withdraws** ~~abandons~~ the appeal ~~through withdrawal, fails~~ ~~failure to prosecute or~~ **abandons the appeal by** any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
 - (1) If removal is based on the student's **move** ~~having moved~~ from the **school** district, the notice of ineligibility shall also provide information as to whether district ~~P~~policy permits continued attendance, with or without tuition, for students who move from the **school** district during ~~the course of~~ the school year.



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- h. The name of a contact person in the **school** district who can ~~provide assistance~~ **assist** in explaining the **notice's** contents of the notice; and
- i. ~~When Notice that, where no appeal is filed, notice that~~ the parent or guardian shall still comply with compulsory education laws;. ~~In and that, in the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, attending a nonpublic school, or receiving instruction elsewhere than at a school, the school district staff 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 student'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~~ **For** purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25)-, **staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.**

I. Removal of Currently Enrolled Students

- 1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from **identifying** ~~seeking to identify~~, through further investigation or periodic requests for ~~current~~ revalidation of ~~previously determined~~ eligibility status, students enrolled in the **school** district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.



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2. When a student, **who is** enrolled and attending school ~~in the district~~ based on an initial **eligibility** determination ~~of eligibility~~, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board **of Education** for **the student's** removal ~~of the student~~.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, ~~such~~ **the** notice shall also provide for a hearing before the Board **of Education** prior to a final decision on removal.
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," ~~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 student, or resident keeping an "affidavit student," ~~as the case may be~~, does not respond to the Superintendent's notice within the designated time frame **to the Superintendent's notice** or appear for **the** hearing, the Board **of Education** shall make a prompt determination of the student's eligibility ~~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 **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** ~~which~~ shall make a recommendation to the full Board for action. **However, n**No student **shall** ~~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.



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J. Appeal to the Commissioner

1. **An applicant may appeal** ~~A district determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed by the parent, guardian, adult student or resident keeping an "affidavit student," 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.~~
 - a. Pursuant to N.J.S.A. 18A:38-1**.b(1)(b)1**, appeals of "affidavit student" **ineligibility** ~~eligibility~~ determinations shall be filed by the resident keeping the student.

K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or **school** district resident keeping an "affidavit" student² following notice of a **an ineligibility** ~~eligibility~~ determination of ~~ineligibility~~, the Board **of Education** may assess tuition for **up to one year** ~~any period~~ of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
 - a. If the responsible party does not pay the tuition assessment, the Board **of Education** may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board **of Education** pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.



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2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or **school** district resident keeping an “affidavit” student², ~~where~~ **and** the petitioner does not sustain the burden of demonstrating **the student’s right entitlement** to attend the schools of the district, or **the petitioner withdraws** ~~abandons~~ the appeal, through withdrawal, failure **fails** to prosecute, or **abandons the appeal by** any means other than settlement agreeing to waive or reduce tuition, the Commissioner may ~~assess order assessment of~~ tuition for any **for the period of a student’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-, and for up to one year of a student’s ineligible attendance in a school district prior to the appeal’s filing and including the twenty-one day period to file an appeal.**
 - a. Upon the Commissioner’s finding that an appeal has been abandoned, the Board of **Education** may remove the student from school and seek tuition for **up to one year the period 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.** However, ~~If~~ the record of the appeal includes a calculation reflecting the **tuition** rate(s) of ~~tuition~~ for the year(s) at issue, the per diem **tuition** rate of ~~tuition~~ for the current year; and the date on which the student’s ~~ineligibility~~ **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 but~~ 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** ~~pursuant to~~ N.J.S.A. 2A:58-10.



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3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, **up to one year**, by applicable grade/program category and consistent with the provisions of N.J.A.C. ~~6A:23-3.1~~ **6A:23A-17.1**. The individual student's record of daily attendance shall not ~~impact on such~~ **affect the** calculation.
4. Nothing in N.J.A.C. 6A:22 **shall** precludes an equitable determination, by the Board of Education 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 student's ineligible attendance in the school district **when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.**

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[See POLICY ALERT Nos. 96, 106, 139, 141, 147, 157, 170, 178, 204 and 208]

5310 HEALTH SERVICES

The Board of Education shall develop and adopt the following written policies, procedures, and mechanisms in accordance with N.J.A.C. 6A:16-2.1(a) for the provision of health, safety, and medical emergency services, and shall ensure staff are informed as appropriate:

1. The review of immunization records for completeness pursuant to N.J.A.C. 8:57-4.1 through 4.20 (Policy and Regulation 5320);
2. The administration of medication to students in the school setting in accordance with N.J.A.C. 6A:16-2.1(a)2. (Policy and Regulation 5330);
3. The review of Do Not Resuscitate (DNR) orders received from the student's parent or medical home (Policy 5332);
4. The provision of health services in emergency situations, including:
 - a. The emergency administration of epinephrine via Epi-pen auto-injector pursuant to N.J.S.A. 18A:40-12.5 (Policy and Regulation 5330);
 - b. The emergency administration of glucagon pursuant to N.J.S.A. 18A:40-12.14 (Policy and Regulation 5338);
 - c. The care of any student who becomes injured or ill while at school or participating in school-sponsored functions (Policy and Regulation 8441);
 - d. The transportation and supervision of any student determined to be in need of immediate ~~medical~~ care (Policy and Regulation 8441); ~~and~~
 - e. The notification to parents of any student determined to be in need of immediate medical care (Policy and Regulation 8441); ~~and~~



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- f. **The establishment and implementation of an emergency action plan for responding to a sudden cardiac event, including the use of an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41b (Policy and Regulation 5300).**
5. The treatment of asthma in the school setting in accordance with the provisions of N.J.A.C. 6A:16-2.1(a)5 (Policy 5335);
 6. ~~The A~~administration of student medical examinations, pursuant to N.J.S.A. 18A:40-4, N.J.S.A. 18A:35-4.8, and N.J.A.C. 6A:16-2.2 (Policy and Regulation 5310);
 7. Utilization of sanitation and hygiene when handling blood and bodily fluids pursuant to N.J.A.C. 12:100-4.2, Safety and Health Standards for Public Employees, and in compliance with 29 CFR 1910.1030, Public Employees Occupational Safety and Health Program (PEOSH) Bloodborne Pathogens Standards (Policy and Regulation 7420);
 8. Provision of nursing services to nonpublic schools located in the school district as required by N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5 (Policy and Regulation 5306);
 9. Self-administration of medication by a student for asthma or other potentially life-threatening allergic reaction pursuant to N.J.S.A. 18A:40-12.3, 12.5, and 12.6, and the self-management and care of a student's diabetes as needed pursuant to N.J.S.A. 18A:40-12.15 (Policy and Regulation 5330);
 10. Development of an individual healthcare plan and individualized emergency healthcare plan for students with chronic medical conditions, including **life-threatening allergies, diabetes, and asthma**, and ~~diabetes, asthma, and life-threatening allergies~~, requiring special health services in accordance with N.J.S.A. 18A:40-12.11.c, 12.12, 12.13, and 12.15; and N.J.A.C. 6A:16-2.3(b)3xii (Policies and Regulations 5331 and 5338 **and Policy 5335**); and
 11. Management of food allergies in the school setting and the emergency administration of epinephrine to students for anaphylaxis pursuant to N.J.S.A. 18A:40-12.6a through 12.6d (Policy and Regulation 5331).



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The Board of Education shall annually adopt the school district's nursing services plan at a regular meeting.

The Board of Education shall comply with the following required health services as outlined in N.J.A.C. 6A:16-2.2:

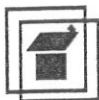
1. Immunization records shall be reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.24.
2. A Building Principal or designee shall not knowingly admit or retain in the school building any student whose parent has not submitted acceptable evidence of the child's immunization, according to the schedule specified in N.J.A.C. 8:57-4, Immunization of Pupils in School.
3. The school district shall perform tuberculosis tests on students using methods required by and when specifically directed to do so by the New Jersey Department of Health based upon the incidence of tuberculosis or reactor rates in specific communities or population groups pursuant to N.J.S.A. 18A:40-16.
4. The school district shall immediately report by telephone to the health officer of the jurisdiction in which the school is located any communicable diseases identified as reportable pursuant to N.J.A.C. 8:57-1, whether confirmed or presumed.
5. Each school in the district shall have and maintain for the care of students at least one nebulizer in the office of the school nurse or a similar accessible location, pursuant to N.J.S.A. 18A:40-12.7.
6. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility pursuant to N.J.S.A. 18A:40-4.
7. The findings of ~~the medical~~ **required** examinations as ~~required~~ under **8.b., c., d., and e.** below shall include the following components:



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- a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;
 - b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;
 - c. Health screenings including height, weight, hearing, blood pressure, and vision; and
 - d. Physical examinations.
8. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and 6. above and:
- a. Prior to participation on a school-sponsored interscholastic ~~athletic team~~ or intramural ~~athletic team~~ or squad for students enrolled in any grades six to twelve in accordance with N.J.A.C. 6A:16-2.2(h)1;
 - b. Upon enrollment in school in accordance with N.J.A.C. 6A:16-2.2(h)2;
 - c. When applying for working papers in accordance with N.J.A.C. 6A:16-2.2(h)3;
 - d. For the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4 in accordance with N.J.A.C. 6A:16-2.2(h)4; and
 - e. When a student is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 in accordance with N.J.A.C. 6A:16-2.2(h)5.
9. **Each school shall have available and maintain an AED, pursuant to N.J.S.A. 18A:40-41a.a(1) and (3), and in accordance with N.J.A.C. 6A:16-2.2(i).**



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109. The Board of Education shall make accessible information regarding the New Jersey FamilyCare Program to students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.
1110. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.
1211. The Board of Education shall ensure that students receive health screenings as outlined in N.J.A.C. 6A:16-2.2(kl).
1312. The school nurse or designee shall screen to ensure hearing aids worn by students who are deaf and/or hard of hearing are functioning properly. The school nurse or designee will ensure any FM hearing aid systems in classrooms or any school equipment in the school building used to assist students hear are functioning properly.

N.J.S.A. 18A:40-4 et seq.

N.J.A.C. 6A:16-1.3; **6A:16-2.1**; 6A:16-2.2 et seq.

Adopted:



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[See POLICY ALERT Nos. 106, 139, 147, 157, 170, 178, 204 and 208]

R 5310 HEALTH SERVICES

A. Definitions – N.J.A.C. 6A:16-1.3

1. Advanced practice nurse (APN) – means a person who holds a current license as nurse practitioner/clinical nurse specialist from the State Board of Nursing.
2. Certified sSchool nNurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Certificate, school nurse or school nurse/non-instructional endorsement from the Department of Education pursuant to N.J.A.C. 6A:9B-12.3 and 12.4 N.J.A.C. 6A:9-13.3 and 13.4.
3. ~~Medical Examination~~ – means the assessment of an individual's health status.
34. Medical hHome – means a health care provider, including New Jersey FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the provider's practice site chosen by the student's parent for the provision of health care.
45. Non-certified nNurse – means a person who holds a current license as a professional nurse from the State Board of Nursing and is employed by a district Board of Education or nonpublic school, and who is not certified as a school nurse by the Department of Education.
5. Parent – means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.



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6. **Physician assistant (PA)** – means a health care professional licensed to practice medicine with physician supervision.
76. **Physical examination** – means the examination of the body by a professional licensed to practice medicine or osteopathy, or an advanced practice nurse, or **physician assistant**. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.
87. **School physician** – means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Examiners who works under a contract or as an employee of the school district. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

B. Medical Examinations – General Conditions

1. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility pursuant to N.J.S.A. 18A:40-4.
2. The findings of required examinations under D through G below shall include the following components:
 - a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;
 - b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;
 - c. Health screenings including height, weight, hearing, blood pressure, and vision; and
 - d. Physical examinations.
3. Each school shall have available and maintain an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41a.a(1) and (3), that is:



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- a. **In an unlocked location on school property, with an appropriate identifying sign;**
 - b. **Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school district or nonpublic school are participating; and**
 - c. **Within a reasonable proximity of the school athletic field or gymnasium, as applicable.**
 4. The Board of Education shall make accessible information regarding the New Jersey FamilyCare Program for students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.
 5. Pursuant to N.J.S.A. 18A:40-4.4, a student who presents a statement signed by his/her parent that required examinations interfere with the free exercise of his/her religious beliefs shall be examined only to the extent necessary to determine whether the student is ill or infected with a communicable disease or under the influence of alcohol or drugs or is disabled or is fit to participate in any health, safety, or physical education course required by law.
 6. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.
- C. Medical Examinations - Prior to Participation on a School-Sponsored Interscholastic or Intramural ~~Athletic~~ Team or Squad for Students Enrolled in Any Grades Six to Twelve
1. The school district shall ensure that students receive medical examinations prior to participation on a school-sponsored interscholastic or intramural ~~athletic~~ team or squad for students enrolled in any grades six to twelve. **The examination shall be conducted within 365 days prior to the first day of official practice session in an athletic season and shall be conducted by a licensed physician, APN, or PA.**



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1. ~~The examination shall be conducted within 365 days prior to the first practice session.~~
2. ~~The medical examination shall include a health history questionnaire completed and signed by the parent.~~
 - a. ~~The report of health findings of the medical examination for participation shall be documented on the Athletic Preparticipation Physical Examination Form approved by the Commissioner of Education to determine whether the student had or currently has any of the following since their last physical:~~
 - (1) ~~Injuries;~~
 - (2) ~~Chronic or ongoing illness;~~
 - (3) ~~Need for prescribed medication;~~
 - (4) ~~Allergies;~~
 - (5) ~~Head related conditions;~~
 - (6) ~~Heart related conditions;~~
 - (7) ~~Eye, ear, nose, mouth, or throat conditions;~~
 - (8) ~~Neuromuscular/orthopedic conditions; or~~
 - (9) ~~General or exercise related conditions.~~
 - b. ~~The medical report shall include a determination concerning the student's participation that includes, at a minimum, the following normalities:~~
 - (1) ~~Measurement of weight, height, and blood pressure;~~
 - (2) ~~Examination of the skin to determine the presence of infection, scars from previous surgery or trauma, jaundice, a rash, and purpura;~~



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- (3) — Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
- (4) — Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
- (5) — Examination of the nose to assess the presence of deformity which may affect endurance;
- (6) — Assessment of the neck, back, and spine to determine range of motion, the presence of pain associated with such motion, and abnormal curvature of the spine;
- (7) — Examination of chest contour;
- (8) — Auscultation and percussion of the lungs;
- (9) — Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
- (10) — Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
- (11) — Examination of upper and lower extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
- (12) — Examination of the testes to determine the presence and descent of testes, abnormal masses, or configurations, or hernia;
- (13) — Assessment of physiological maturation; and
- (14) — Neurological examination to assess balance and coordination.



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- e. ~~The medical report shall indicate if a student is allowed or disallowed to participate in the required sports categories and shall be completed and signed by the original examining physician, advanced practice nurse, or physician's assistant.~~
 - d. ~~An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.~~
2. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at <http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf> in accordance with N.J.S.A. 18A:40-41.7.
- a. Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41d.
 - (1) If the PPE form is submitted without the signed certification statement and the school district has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.



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- b. The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.
 - c. An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.
3. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b. The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:
- a. Been advised by a licensed physician, APN, or PA not to participate in a sport;
 - b. Sustained a concussion, been unconscious, or lost memory from a blow to the head;
 - c. Broken a bone or sprained, strained, or dislocated any muscles or joints;
 - d. Fainted or blacked out;
 - e. Experienced chest pains, shortness of breath, or heart racing;
 - f. Had a recent history of fatigue and unusual tiredness;



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c. **The Commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools, pursuant to N.J.S.A. 18A:40-41.b.**

3. ~~Each student whose medical examination was completed more than sixty days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination. This shall be completed and signed by the parent. The health history update shall include the following information:~~

a. ~~Hospitalization/operations;~~

b. ~~Illnesses;~~

c. ~~Injuries;~~

d. ~~Care administered by a physician of medicine or osteopathy, advanced practice nurse, or physician's assistant; and~~

e. ~~Medications.~~

4. ~~Each school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.~~

5. ~~A student who does not have a completed Athletic Preparticipation Physical Examination Form shall not be permitted to participate.~~

D. Medical Examinations - Upon Enrollment in School

1. The school district shall ensure that students receive medical examinations upon enrollment in school. **The school district requires a parent to provide within thirty days of enrollment entry-examination documentation for each student** ~~parent shall be required to provide examination documentation of each student within thirty days of enrollment in the school.~~



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2. When a student transfers to another school, the sending school district shall ensure the entry-examination documentation is forwarded to the receiving school district pursuant to N.J.A.C. 6A:16-2.4(d).
 3. Students transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period to obtain entry-examination documentation.
 4. The school district shall notify parents through its website or other means about the importance of obtaining subsequent medical examinations of the student at least once during each developmental stage: at early childhood (pre-school through grade three), pre-adolescence (grades four through six), and adolescence (grades seven through twelve).
- E. Medical Examinations - When Students Apply for Working Papers
1. Pursuant to N.J.S.A. 34:2-21.7 and ~~21.3~~, **34:2-21.8(3)** the school district may provide for the administration of a medical examination for a student pursuing a certificate of employment.
 2. The school district shall not be held responsible for the costs for examinations at the student's medical home or other medical provider(s).
- F. Medical Examinations - For the Purposes of the Comprehensive Child Study Team Evaluation Pursuant to N.J.A.C. 6A:14-3.4
1. The school district shall ensure that students receive medical examinations for the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4.
- G. Medical Examinations - When a Student is Suspected of Being Under the Influence of Alcohol or Controlled Dangerous Substances pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3
1. If a student who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the student's vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.



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2. No school staff shall interfere with a student receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings

The Board of Education shall ensure that students receive health screenings in accordance with N.J.A.C. 6A:16-2.2(~~1k~~).

1. Screening for height, weight, and blood pressure shall be conducted annually for each student in Kindergarten through grade twelve.
2. Screening for visual acuity shall be conducted biennially for students in Kindergarten through grade ten.
3. Screening for auditory acuity shall be conducted annually for students in Kindergarten through grade three and in grades seven and eleven pursuant to N.J.S.A. 18A:40-4.
4. Screening for scoliosis shall be conducted biennially for students between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.
5. Screenings shall be conducted by a school physician, school nurse, or other school personnel properly trained.
6. The school district shall **notify** ~~provide for the notification of~~ the parent of any student suspected of deviation from the recommended standard.

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Administration of Medical Marijuana

Mar 16

M

[See **POLICY ALERT No. 208**]

5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

The Board of Education, in accordance with the requirements of N.J.S.A. 18A:40-12.22, must adopt a Policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event. The parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and Policy and Regulation 5330.01.

A student enrolled in the school district must be authorized to engage in the medical use of marijuana and the primary caregiver, who may be the parent, must be authorized to administer medical marijuana to a qualifying student patient in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The student and the primary caregiver must complete the registration process to obtain a Registry Identification Card from the New Jersey Department of Health in accordance with the requirements of N.J.S.A. 24:6I-4.

The parent of the student authorized to engage in the medical use of marijuana must submit a written request with supporting documentation to the Principal requesting approval to have a primary caregiver assist in the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event. The Principal, in consultation with the school nurse, the school physician, and the Superintendent of Schools, will review each request and upon approval will inform the parent in writing of the approval with details for the administration of medical marijuana to the qualifying student patient. The medical use of marijuana by a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event will only be authorized after the written approval from the Principal is provided to the parent.

Medical marijuana may only be administered to the qualifying student patient while the student is on school grounds, aboard a school bus, or attending a school-sponsored event by the primary caregiver in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The prescribed medical marijuana must be in the possession of the primary caregiver at all times, except



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during the administration process. The primary caregiver shall comply with the requirements of the Principal's written approval for the administration of medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

All health records related to the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event shall be maintained in accordance with the requirements of N.J.A.C. 6A:16-2.4 and N.J.A.C. 6A:32-7.4.

No person shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22. No custodial parent, guardian, or person who has legal custody of a qualifying student patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for assisting the minor in the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22.

N.J.S.A. 18A:40-12.22;

N.J.S.A. 24:6I-1 et seq.

N.J.A.C. 6A:16-2.4; 6A:32-7.4

Adopted:



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M

[See POLICY ALERT No. 208]

R 5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

A custodial parent, guardian, or person having legal custody of a student requesting the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of this Policy:

1. "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient's debilitating medical condition.
2. "Certification" means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to apply for registration for the medical use of marijuana.
3. "Marijuana" has the meaning given in Section 2 of the "New Jersey Controlled Dangerous Substances Act," N.J.S.A. 24:21-2.
4. "Medical use of marijuana" means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying student patient as authorized by the New Jersey Compassionate Medical Marijuana Act (Act).
5. "Parent" means the custodial parent, guardian, or person who has legal custody of a qualifying student patient who may also be the primary caregiver registered and provided a Registry Identification Card by the New Jersey Department of Health to administer medical marijuana to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-4.



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6. "Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient's debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.
7. "Primary caregiver" or "caregiver" means a resident of the State who:
 - a. Is at least eighteen years old;
 - b. Has agreed to assist with a registered qualifying student patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient's physician;
 - c. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;
 - d. Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and
 - e. Has been designated as primary caregiver on the qualifying student patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.
8. "Qualifying student patient" means a resident of the State who is a student enrolled and attending school in this school district who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.



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9. "Qualifying patient" means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.
10. "Registry Identification Card" means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.

B. Registration – Qualifying Student Patient and Primary Caregiver

1. A qualifying student patient must be authorized to engage in the medical use of marijuana and the primary caregiver must be authorized to assist the qualifying student patient with the medical use of marijuana pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying student patient and their primary caregiver must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the New Jersey Department of Health.
3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.
4. The qualifying student patient's primary caregiver shall be responsible to immediately inform the Principal of any change in the status of any primary caregiver's Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

C. Submission for Authorization for Administration of Medical Marijuana

1. A parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with a copy of



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a current New Jersey Department of Health Registry Identification Cards for the qualifying student patient and the primary caregiver and a copy of the physician's order or prescription indicating dosage information and the method of administration for the medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal may request the parent provide additional documentation from the physician that the medical marijuana must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical marijuana cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.

- a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.
2. The Principal shall review the submitted Registry Identification Cards and supporting documentation with the school physician, the school nurse, and the Superintendent of Schools.
3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or primary caregiver, if the parent is not the primary caregiver, in writing with the following information:
 - a. The location (school, office, etc.) where the primary caregiver shall report to administer the medical marijuana;
 - b. The school staff member(s) who the primary caregiver must see to coordinate the administration of medical marijuana;
 - c. The time the primary caregiver shall report to administer the medical marijuana;



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- d. The specific location where the medical marijuana shall be administered to the student; and
 - e. A copy of Policy and Regulation 5330.01 – Administration of Medical Marijuana.
- 4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the Registry Identification Cards or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
 - 5. The administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.

D. Administration of Medical Marijuana

- 1. The medical marijuana shall only be administered by the primary caregiver and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.
- 2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical marijuana cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
- 3. The prescribed medical marijuana must always be in the possession of the primary caregiver and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
- 4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical marijuana to the qualifying student patient.



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- a. The Principal will designate a private area, if possible, for the primary caregiver to administer the medical marijuana to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.
5. The primary caregiver shall report to the approved location prior to the scheduled time for the administration of medical marijuana to the qualifying student patient. The primary caregiver must show the Registry Identification Card and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the primary caregiver to the qualifying student patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.
8. The primary caregiver shall assist in the administration of medical marijuana to the qualifying student patient in accordance with the method and dosage prescribed by the physician and included in the parent's request to the Principal.
9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
10. The primary caregiver will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
 - a. The qualifying student patient and/or primary caregiver may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.



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11. The primary caregiver shall be responsible for the security of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical marijuana in their possession except during the administration process by the primary caregiver.

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Reporting Potentially Missing or Abused Children

Mar 16

M

[See **POLICY MEMO No. 56**]

[See **POLICY ALERT Nos. 94, 97, 100, 106, 133, 169, 180, 203 and 208**]

8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

The Board of Education recognizes early detection of missing, abused, or neglected children is important in protecting the health, safety, and welfare of all children. In recognition of the importance of early detection of missing, abused, or neglected children, the Board of Education adopts this Policy pursuant to the requirements of N.J.S.A. 18A:36-24 and 18A:36-25. The Board provides this Policy for its employees, volunteers, or interns to provide for the early detection of missing, abused, or neglected children through notification of, reporting to, and cooperation with the appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. 18A:36-24 and 18A:36-25 et seq., N.J.A.C. 6A:16-11.1, and N.J.S.A. 9:6-8.10.

Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to **any other telephone number designated by the appropriate child welfare authorities**. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification. Notice to the Principal or other designated school official(s) need not be given when the person believes that such notice would likely endanger the reporter or student involved or when the person believes that such disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.

The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities. Notification to appropriate law enforcement authorities shall be made for all



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reports by employees, volunteers, or interns working in the school district. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

School district officials will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children in accordance with the provisions of N.J.A.C. 6A:16-11.1(a)5.

The district designates the Supervisor of Pupil Services as the school district's liaison to designated child welfare authorities to act as the primary contact person between the school district and child welfare authorities with regard to general information sharing and the development of mutual training and other cooperative efforts. The district designates the Superintendent or designee as the school district's liaison to law enforcement authorities to act as the primary contact person between the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the Memorandum of Understanding, pursuant to N.J.A.C. 6A:16-6.2(b)13.

An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights, including those rights defined in N.J.A.C. 6A:16-11.1(a)9.

The Superintendent or designee shall provide training to school district employees, volunteers, or interns on the district's policy and procedures for reporting allegations of missing, abused, or neglected child situations. All new school district employees, volunteers, or interns working in the district shall receive the required information and training as part of their orientation.

There shall be no reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potentially missing-, abused-, or neglected-child situation pursuant to N.J.S.A. 9:6-8.13.



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Any employee, volunteer, or intern with reasonable cause to suspect or believe **that** a student has attempted or ~~contemplated~~ **completed** suicide, shall report **the** such information to the Department of **Human Services, Division of Mental Health and Addiction Services** ~~Children and Families, Division of Child Protection and Permanency~~, in a form and manner prescribed by the Division of **Mental Health and Addiction Services** ~~Child Protection and Permanency~~ pursuant to N.J.S.A. 30:9A-24.a.

N.J.S.A. 18A:36-24; 18A:36-25 et seq.

N.J.A.C. 6A:16-11.1

Adopted:



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[See POLICY ALERT Nos. 97, 100, 133, 169, 180, 203 and 208]

R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

A. Definitions

1. An "abused child" as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent, guardian, or other person having his/her custody and control:
 - a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 - b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 - c. Commits or allows to be committed an act of sexual abuse against the child;
 - d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent, guardian, or other person having his/her custody and control, to exercise a minimum degree of care: (1) in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;



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- e. Or a child who has been willfully abandoned by his/her parent, guardian, or other person having his/her custody and control; or
- f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and: (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being; or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused under N.J.S.A. 9:6-8.9 if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

- 2. An "Intern" means a post-secondary student or graduate student in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

- 1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
 - a. There is evidence of physical injury to a student not likely to have been caused by an accident, regardless of the student's explanation of the injury;
 - b. A student complains of having been injured or having been sexually molested, with or without external signs of physical injury;
 - c. A student appears to be malnourished;
 - d. A student's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;



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- e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
- f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;
- g. A student is afraid to go home after school or arrives to school unreasonably early;
- h. A parent or the caretaker of a child admits having abused the child;
- i. The removal from school by the parent, guardian, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
- j. School district personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.

C. Notification Requirements for School District Employees, Volunteers, or Interns

- 1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.
 - a. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification.
 - b. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification.



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- (1) Notice to the Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.
 2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to **any other telephone number designated by the appropriate child welfare authorities**. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.
- D. School District's Notification to Law Enforcement
1. The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
 - a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.
 - b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.
 - (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.



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2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.
- E. School District Cooperation with Designated Law Enforcement Authorities
1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.
 - a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Principal or other designated school official(s).
 - (1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school district, whom he or she feels will be supportive, and who will be allowed to accompany the student during the interview.
 - b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.
 - c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.



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- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.
 - (1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.
- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.
 - (1) Such removal shall take place only after the Principal or other designated school official(s) has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.
- f. The district will cooperate in the transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.



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- F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect
1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing-, abused-, or neglected-child situation shall be entitled to due process rights.
 2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect pursuant to N.J.A.C. 6A:16-11.1-(a)2 shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer, or intern and the student.
 3. All references to a notification to the designated child welfare authorities of a potential missing-, abused-, or neglected-child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted:



9130 PUBLIC COMPLAINTS AND GRIEVANCES

Any person or group having a legitimate interest in the schools of this district may present a request, suggestion, or complaint concerning district personnel, the educational program, instructional or resource materials, or the operations of the district. The Board directs the establishment of procedures for the hearing and settlement of requests and complaints that provide a means for resolving them fairly and impartially, permit appropriate redress, and protect district personnel from unnecessary harassment.

When a Board member is confronted with an issue, he/she will withhold comment, commitment and/or opinion and refer the complaint or inquiry to the Superintendent, who shall review the complaint according to established procedures ~~and in accordance with the New Jersey School Ethics Law.~~

Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall communications and complaints be referred to the Board for resolution.

Any misunderstandings or disputes between the public and school district staff should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint about a school program, personnel, instructional or resource materials should be addressed to the Building Principal, who will then communicate the complaint to the Superintendent.

The Superintendent shall establish procedures for the hearing of requests and complaints regarding district personnel, the educational program, instructional and resource materials, and the operation of the school district. Procedures will be governed by the following guidelines:

1. The matter will be resolved initially, wherever possible, by informal discussions between or among the interested parties.
2. A matter that cannot be resolved informally may be appealed at successive levels of authority, up to and including the Board of Education.
3. The complaint and its immediate resolution will be reduced to writing at the first and at each successive level of appeal.
4. A reasonable period of time, not to exceed three working days, will be permitted for the filing of an appeal in writing at each successive level. A



PUBLIC COMPLAINTS AND GRIEVANCES

decision at each level of appeal must be rendered in writing no later than ten working days after the appeal is filed, except that the Board shall have thirty calendar days to make an appropriate response.

5. In the case of complaints about instructional or resource materials, the initial complaint must set forth in writing the author, title, and publisher of the materials as well as those specific portions of the material or the work to which objection is taken; the complainant's familiarity with the work; the reasons for the objection; and the use of the work in the schools. The Superintendent shall appoint a committee of professional staff members and community representatives to review the challenged material against the standards for the selection of resource materials established by Board policy. The committee will report its findings to the Board. No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board of Education, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.
6. A complainant shall be notified that a decision of the Board may be appealed to the Commissioner of Education.

Adopted:

