



LIVINGSTON BOARD OF EDUCATION VOTING MEETING AGENDA

Tuesday, July 28, 2020

Public Session - Virtual Meeting Via Zoom and Facebook Live – 6:30 p.m.

This is a public meeting of the Board of Education. The Livingston Board of Education will be video recording and posting its open public meetings on the district website. The Board reserves the right to edit the videotape prior to posting to protect the privacy of students and staff.

The Board's Bylaw #0168 allows videotaping and livestreaming of public meetings with prior approval from the Board Secretary. Any member of the public may record the proceedings of a public meeting of the Board in a manner that does not interrupt the proceedings, inhibit the conduct of the meeting, distract Board members or other observers present at the meeting, or violate the privacy of students and staff. The Board will permit the use of tape recorder(s), video camera(s) or live streaming only when notice of such intended use has been given to the Board Secretary five days in advance of the meeting. Any camera(s) must be operated in an inconspicuous location in the meeting room. The Board reserves the right to request a copy of the tape. The presiding officer shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.

While the Board of Education discourages the videotaping/livestreaming of students without written parental consent, public meetings are not subject to the same restrictions as other school events. Please be aware that you and your children may be videotaped or livestreamed as a result of your participation at this meeting.

In accordance with Policy #9131, the Livingston Board of Education members, district administration, and staff will treat students, parents/guardians and other members of the public with respect and expect the same consideration in return. The district is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school/district grounds.

I. OPEN SESSION

A. Call to Order – Ronnie Konner, President

B. Reading of Meeting Notice

Adequate notice of this meeting has been provided by amendment to notice approved at the Board's reorganization meeting on January 7, 2020 and posted at the Board of Education office and communicated to *The Star Ledger*, *West Essex Tribune*, *TAPinto Livingston* and the Livingston Township Clerk.

C. Pledge of Allegiance / Roll Call

D. Superintendent's Report

1. Community Survey Results
2. Reopening Planning Update

E. Board Reports

F. Public Input on Agenda Items ~ up to 15 minutes

An excerpt from Policy #0167 adopted on January 10, 2011 and reviewed on March 4, 2013 states that The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, place of residence, and group affiliation, if appropriate;
2. Each statement made by a participant shall be limited to three minutes' duration;
3. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
4. All statements shall be directed to the presiding officer; no participant may address or question Board members individually.

The portion of the meeting during which the participation of the public is invited shall be limited to fifteen minutes, or at the discretion of the presiding officer.

II. RECOMMENDATIONS FOR APPROVAL

1. PROGRAM/CURRICULUM

There is no motion.

2. STUDENT SERVICES

There is no motion.

3. BUSINESS

The Superintendent recommends the following:

3.1 Policies & Regulations

Resolved, that the Livingston Board of Education approves the following policies and regulations for first reading:

Administration

Policy #1649 - Federal Families First Coronavirus (COVID-19) Response Act (M) (new to district)

Students

Policy #5111 - Eligibility of Resident/Non-Resident Students (M) (revised)

Regulation #5111 - Eligibility of Resident/Non-Resident Students (M) (revised)

Resolved, that the Livingston Board of Education approves the following policies for second reading and adoption:

Policy #1110 - Organizational Chart

Policy #2431.3 - Heat Participation Policy for Student Athlete Safety (M) (new to district)

3.2 2020-2021 School Calendar

Resolved, that the Livingston Board of Education approves the revisions to the 2020-2021 school calendar as shown on **Attachment A**.

3.3 Purchase of Staff Computers

Resolved, that the Livingston Board of Education approves the purchase of 625 MacBook Air laptop computers and 60 iPads in the amount of \$620,987 through Apple Inc. This purchase is being made through the Educational Services Commission of New Jersey.

ROLL CALL VOTE

4. PERSONNEL

The Superintendent recommends the following:

4.1 Resignations

Resolved, that the Livingston Board of Education accepts the resignations of:

Name	Position	Reason	Location	Last Day of Employment
<i>Helene Fersko</i>	LDT-C	Retirement	MP Complex	August 31, 2020
<i>Kelsey Connelly</i>	Teacher of Biology	Resignation	LHS	NA

**as amended from a previous agenda*

4.2 Leaves of Absences

Resolved, that the Livingston Board of Education approves the leaves of absences of:

Name	Position	Location	LOA w/pay and benefits	LOA w/o pay, but with benefits (if applicable)	Extended LOA w/o pay or benefits	Return Date
<i>Vanessa Barboza*</i>	Secretary	LHS	4/23/2020-5/29/2020	6/1/2020-6/18/2020 & 6/19/2020 - 8/28/2020**	NA	8/31/2020
<i>Nikola Poposki</i>	TOSD	LHS	NA	9/1/2020-11/24/2020**	11/25/2020-11/30/2020	12/1/2020

**as amended from a previous agenda*

***designates time counted towards FMLA or NJFLA*

4.3 Appointments

Resolved, that the Livingston Board of Education approves the applications indicated below (*) for emergent hiring for the following appointments under the requirements of N.J.S.A. 18A:16-1 et. seq., N.J.S.A. 18A:39.17 et. seq.; N.J.S.A. 18A:6-4.13 et. seq. All appointments are contingent upon reference checks in accordance with P.L. 2018, c.5.

Name	Location	Title	Tenure Track/LOA or LT Replacement	Replacing	Guide	Step	Salary	Effective Date
<i>Teresa Rehman</i>	CO	Director of Technology & Innovation	First Year Tenure Track	E. Borino	NA	NA	\$150,000 (pro-rated)	9/1/2020
<i>Drew Krumholz</i>	LHS	Teacher of Spanish	First Year Tenure Track	C. Sanchez	BA	11**	\$73,093*	9/1/2020

<i>Carly Haggerty</i>	BHE	TOSD	First Year Tenure Track	D. Ayres	MA	8**	\$68,084*	9/1/2020
<i>Filona Leechow</i>	BHE	10-month Office Support	First Year Tenure Track	K. Ryder	OS-FT-10	1**	\$39,011*, plus \$800 for degree	9/1/2020
<i>Alicia (Ali) Kicklighter</i>	RHE	10-month Office Support	First Year Tenure Track	D. Pepe	OS-FT-10	5**	\$44,741*, plus \$1,200 for degree	9/1/2020

**all salaries after 7/1/2020 may be adjusted in accordance with contract negotiations*

***will remain at the same step in 2020-2021 in accordance with Article X, Section II.C. of the LEA contract*

Resolved, that the Livingston Board of Education approves the renewals, transfers and appointments of the ABA Discrete Trial TA's and Instructional Aides as listed on **Attachment B***.

**all salaries after 7/1/2020 may be adjusted in accordance with contract negotiations*

4.4 Substitutes

Resolved, that the Livingston Board of Education approves the appointment of the individuals listed on **Attachment C** as substitute custodians and maintenance, on an as-needed basis for the 2020-2021 school year.

Resolved, that the Livingston Board of Education approves the appointment of *Marlene Zulauf* as substitute secretary on an as-needed basis for the 2020-2021 school year at an hourly rate of \$17.50.

4.5 2019-2020 Re-Appointments

Resolved, that the Livingston Board of Education approves the reappointments of Lead Playground Aides for the 2020-2021 school year as shown on **Attachment D**.

Resolved, that the Livingston Board of Education approves the reappointments and transfer of Kindergarten Aides for the 2020-2021 school year as shown on **Attachment E**.

4.6 Summer Work

Resolved, that the Livingston Board of Education approves the individuals listed on **Attachment F** to write curriculum over the summer of 2020 at the approved rate*.

Resolved, that the Livingston Board of Education approves the individuals listed on **Attachment G** for Extended School Year (ESY) staffing at the listed hourly rates.

Resolved, that the Livingston Board of Education approves the individuals listed on **Attachment H** as Summer Drivers and Bus Aides at their hourly rate*.

**the rate may be adjusted in accordance with contract negotiations*

4.7 Job Descriptions

Resolved, that the Livingston Board of Education approves the following job descriptions:

- *Assistant Superintendent of Curriculum, Instruction & Innovation (with revisions)*
- *Director of Curriculum & Instruction, Professional Development & Community Engagement (with revisions)*

ROLL CALL VOTE

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G. Public Comment ~ up to 15 minutes

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H. Old Business

I. New Business

III. ADJOURNMENT

EXECUTIVE SESSION

1. Legal Matters
2. Negotiations
3. Personnel

Whereas, N.J.S.A. 10:4-1 et seq., also known as the "Sunshine Law," authorizes a public body to meet in executive or private session under certain limited circumstances, and

Whereas, said law requires the Board to adopt a resolution at a public hearing before it can meet in such an executive or private session, now, therefore, be it

Resolved, by the Livingston Board of Education that:

- (A) It does hereby determine that it is necessary to meet in executive session on July 28, 2020 to discuss the matters stipulated, in conformance with the subsections of said act which are indicated.
1. Matter rendered confidential by federal law, state statute or rule of court.
 2. Matter in which the release of information would impair a right to receive federal funds.
 3. Matter, the disclosure of which would constitute an unwarranted invasion of individual privacy unless the individual concerned shall request in writing that the same be disclosed publicly.
 4. Collective bargaining matter.
 5. Matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates, etc. where it would adversely affect the public interest if discussion were disclosed.
 6. Tactics and techniques utilized in protecting public property where disclosure could impair protection.
 7. Investigation of violations or possible violations of law.
 8. Pending or anticipated litigation or contract negotiation other than collective bargaining agreement.
 9. Personnel matters unless the individual employees or appointees affected requested that such matter be discussed at a public meeting.
 10. Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty.
- (B) The matters discussed will be made public when confidentiality is no longer required and formal action pursuant to said discussion shall take place only at a meeting to which the public has been invited.
- (C) No action will be taken.

PROPOSED FUTURE AGENDA ITEMS (dates subject to change)

August 5, 2020 (*voting*)

July 28, 2020

August 12, 2020 (*voting*)

- District Goals
- Enrollment Update
- Food Service Renewal
- Travel and Conferences Expenses
- Livingston Chinese School Contract
- Livingston Huaxia Chinese School Contract

September 9, 2020 (*workshop*)

September 21, 2020 (*voting*)

- District Nursing Services Plan

October 12, 2020 (*workshop*)

- Public Hearing for District and School HIB Self-Assessment Report
- NJSLA (as per Policy 2610)

October 19, 2020 (*voting*)

- Conference with the Livingston Education Association
- Summer Curriculum Writing Update

November 9, 2020 (*workshop*)

- Board Budget Goals
- Assessment Update

November 23, 2020 (*voting*)

- NJQSAC Statement of Assurance

December 7, 2020 (*voting*)

- Comprehensive Annual Financial Report
- Counseling Report – LHS Report on Graduates for Class of 2020 (as per Policy 2610)
- New Course Offerings
- Approval of Comprehensive Annual Financial Report (Corrective Action Plan)

January 4, 2021 (*Reorganization*)

FEDERAL FAMILIES FIRST CORONAVIRUS (COVID-19) RESPONSE ACT (M)
1649- FEDERAL FAMILIES FIRST CORONAVIRUS (COVID-19) RESPONSE
ACT (M)

The Federal Families First Coronavirus (COVID-19) Response Act (FFCRA) includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA). The EFMLEA expands the Federal Family and Medical Leave Act (FMLA) and the EPSLA provides employees with paid sick leave for specified reasons related to COVID-19.

The provisions of the FFCRA shall apply from April 1, 2020 through December 31, 2020.

A. Emergency Family and Medical Leave Expansion Act (EFMLEA)

1. Definitions - For the purposes of the EFMLEA:

- a. "Eligible employee" means an employee who has been employed for at least thirty calendar days by the employer with respect to whom leave is requested.
- b. "Employer" means any employer with fewer than five hundred employees.
- c. "Qualifying need related to a public health emergency" means with respect to leave, the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under eighteen years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- d. "Public Health Emergency" means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.
- e. "Child care provider" means a provider who receives compensation for providing child care services on a regular basis, including an 'eligible child care provider' (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).
- f. "School" means an 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

2. Relationship to Paid EFMLEA Leave



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The FFCRA includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) that amended the Federal Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq. to provide leave to an eligible employee because of a qualifying need related to a public health emergency with respect to COVID-19 - (U.S.C. 2612(a)(1)(F)).

a. Leave for Initial Ten Days

- (1) The first ten days of this FMLA leave for an eligible employee shall be unpaid.
- (2) If the first ten days of this FMLA leave are unpaid, an employee may elect to substitute any accrued vacation leave, personal leave, or emergency paid sick leave provided by the EPSLA for the initial ten days under the EFMLEA in accordance with 29 U.S.C. 2612(d)(2)(B).
- (3) An employee may not use sick leave under N.J.S.A. 18A:30-1 for a qualifying need related to a public health emergency. However, an employee receiving sick leave under the provisions of N.J.S.A. 18A:30-1 may only use sick leave because of personal disability due to illness or injury, or because the employee has been excluded from school by the school district's medical authorities on account of contagious disease or of being quarantined for such a disease in his or her immediate household.

b. Paid Leave for Subsequent Days

- (1) An employer shall provide paid leave for each day of leave under the EFMLEA that an employee takes after taking such leave for ten days.
- (2) The paid leave for an employee shall be calculated based on:
 - (a) An amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and



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- (b) The number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under A.2.(b)(4) below).
- (3) In no event shall such paid leave exceed \$200.00 per day and \$10,000.00 in the aggregate.
- (4) Varying Schedule Hours Calculation – In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under the EFMLEA, the employer shall use the following in place of such number:
 - (a) Subject to A.2.b.(4)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
 - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.
- c. Employee Notice to Employer
 - (1) In any case where the necessity for leave under the EFMLEA for the purpose of a qualifying need related to a public health emergency is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.
 - (a) A request for such leave that is foreseeable shall be submitted to the Manager of Human Resources prior to commencing the leave.
 - (b) A need for such leave that is not foreseeable shall be submitted to the Manager of Human Resources



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within one business day of the first day of the leave being taken by the employee.

- (c) The employee shall provide to the Manager of Human Resources the name of the employee's child, the name of the school, place of care, or child care provider that has closed or become unavailable, and a statement that no other suitable person is available to care for the child.

d. Restoration to Position

- (1) The employee shall be restored to the same or equivalent position held by the employee when the leave commenced pursuant to 29 CFR 825.214. The requirement to restore the employee to the same or equivalent position held when the leave commenced does not apply to an employer who employs fewer than twenty-five employees if all four of the following conditions are met:

- (a) The employee takes leave under the EFMLEA.
- (b) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer:
 - i. That affect employment; and
 - ii. Are caused by a public health emergency during the period of leave.
- (c) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced with equivalent employment benefits, pay, and other terms and conditions of employment.
- (d) If the reasonable efforts of the employer under A.2.d.(1)(c) above fail, the employer makes reasonable efforts during the period described in A.2.d.(2) below



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to contact the employee if an equivalent position described in A.2.d.(1)(c) above becomes available.

(2) Contact Period

- (a) The period described under A.2.d. above is the one-year period beginning on the earlier of:
 - i. The date on which the qualifying need related to a public health emergency concludes; or
 - ii. The date that is twelve weeks after the date on which the employee's leave under the EFMLEA commences.

B. Emergency Paid Sick Leave Act (EPSLA)

The FFCRA includes the EPSLA, which provides paid sick time to an employee to the extent the employee is unable to work or (telework) due to a need related to COVID-19. The paid sick time provided by the EPSLA and outlined in B.1. below cannot be taken with any other paid leave time provided by the employer.

1. Definitions

a. For purposes of the EPSLA and this Policy:

- (1) "Employee" means an individual who is employed by a private employer with fewer than five hundred employees and public employers with at least one employee.
- (2) "Employer" means a private person or entity that employs fewer than five hundred employees and public employers that employ at least one employee.
 - (a) "Covered employer" includes any person engaged in commerce or in any industry or activity affecting commerce that:
 - i. In the case of a private entity or individual, employs fewer than five hundred employees; and



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- ii. In the case of a public agency or any other entity that is not a private entity or individual, employs one or more employees.
- (b) “Covered employer” also includes:
 - i. Any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and
 - ii. Any successor in interest of an employer; and any “public agency”, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (c) “Covered employer” also includes any “public agency” as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (3) “Employ” and “State” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).
- (4) “Health care provider” and “son or daughter” have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).
- (5) “Paid sick time” means an increment of compensated leave that:
 - (a) Is provided by an employer for use during an absence from employment for a reason described in any paragraph of B.2.a. below; and
 - (b) Is calculated based on the employee’s required compensation under B.1.a.(6) below and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under (B.1.a.(7) below), except that in no event shall such paid sick time exceed:



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- i. \$511.00 per day and \$5,110.00 in the aggregate for a use described in B.2.a.(1), (2), or (3) below; and
 - ii. \$200.00 per day and \$2,000.00 in the aggregate for a use described in B.2.a.(4), (5), or (6) below.
- (6) “Required Compensation” subject to B.1.a.(5)(b) above, the employee’s “required compensation” shall be not less than the greater of the following:
 - (a) The employee’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).
 - (b) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).
 - (c) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

Subject to B.1.a.(5)(b)above, with respect to any paid sick time provided for any use described in B.2.a.(4), (5), or (6) below, the employee’s required compensation shall be two-thirds of the amount described in B.1.a.(6) above.
- (7) “Varying Schedule Hours Calculation” means in the case of a part-time employee described in B.3.b.(2)below whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under B.2.a. below, the employer shall use the following in place of such number:
 - (a) Subject to clause B.1.a.(7)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period



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ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.

- (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

2. Paid Sick Leave Requirement

- a. An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:
 - (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - (4) The employee is caring for an individual who is subject to an order as described in B.2.a.(1) above or has been advised as described in B.2.a.(2) above.
 - (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
 - (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. Duration of Paid Sick Time

- a. An employee shall be entitled to paid sick time for an amount of hours determined under B.3.b. below.



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- b. The amount of hours of paid sick time to which an employee is entitled shall be as follows:
 - (1) For full-time employees, eighty hours.
 - (2) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
 - c. Paid sick time under the EPSLA shall not carry over from one year to the next.
4. Employer's Termination of Paid Sick Time
- a. Paid sick time provided to an employee under the EPSLA shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time under B.2.a. above.
5. Prohibition
- a. An employer may not require, as a condition of providing paid sick time under the EPSLA, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.
6. Use of Paid Sick Time
- a. The paid sick time under B.2.a. above shall be available for immediate use by the employee for the purposes described in the EPSLA, regardless of how long the employee has been employed by an employer.
 - b. Sequencing Leave Time
 - (1) An employee may first use the paid sick time under B.2.a. above for the purposes described in the EPSLA.
 - (2) An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under B.2.a. above.



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7. Notice

- a. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in the EPSLA.
- b. Not later than seven days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of B.7.a. above.

8. Prohibited Acts

- a. It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who:
 - (1) Takes leave in accordance with the EPSLA; and
 - (2) Has filed any complaint or instituted or caused to be instituted any proceeding under or related to the EPSLA (including a proceeding that seeks enforcement of the EPSLA), or has testified or is about to testify in any such proceeding.

9. Enforcement

- a. Unpaid Sick Leave - An employer who violates B.2. through B.6. of this Policy shall:
 - (1) Be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and
 - (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.
- b. Unlawful Termination - An employer who willfully violates B.8. above shall:



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- (1) Be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and
- (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.

10. Rules of Construction

a. Nothing in the EPSLA shall be construed:

- (1) To in any way diminish the rights or benefits that an employee is entitled to under any:
 - (a) Other Federal, State, or local law;
 - (b) Collective bargaining agreement; or
 - (c) Existing employer policy; or
- (2) To require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under the EPSLA that has not been used by such employee.

11. Guidelines

- a. Not later than fifteen days after the date of the enactment of the EPSLA, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under the EPSLA.

12. Reasonable Notice

- a. After the first workday (or portion thereof) an employee receives paid sick time under the EPSLA, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.



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- b. The request for such leave shall be submitted to the Manager of Human Resources, who may request documentation from the employee in support of the emergency paid sick leave.
- c. The documentation shall include a signed statement containing the following information: the employee's name; the date(s) for which leave is requested; the COVID-19 qualifying reason for leave; and a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.
- d. An employee requesting to take emergency paid sick leave under the EPSLA or the EFMLEA to care for his or her child must provide the following information: the name of the child being care for; the name of the school; place of care; or child care provider that closed or became unavailable due to COVID-19 reasons; and a statement representing that no other suitable person is available to care for the child during the period of requested leave.

13. Regulatory Authorities

- a. The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of Title 5, United States Code:
 - (1) To exempt small businesses with fewer than fifty employees from the requirements of B.2.a.5. when the imposition of such requirements would jeopardize the viability of the business as a going concern; and
 - (2) As necessary, to carry out the purposes of the EPSLA, including to ensure consistency between the EPSLA and Division C and Division G of the FFCRA.

H.R. 6201: Families First Coronavirus (COVID-19) Response Act
N.J.S.A. 18A:30-1

Adopted:



ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

The Livingston Board of Education will admit to its schools, free of charge, persons who are eligible to be admitted pursuant to N.J.S.A. 18A:38-3, or such younger or older student as is otherwise entitled by law to a free public education.

Eligibility to Attend School

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

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A.18A: 38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board will also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to 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 that 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 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, and will assume all personal obligations for the student relative to school requirements, and a copy of his or her lease if a tenant, or 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, 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.

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A student is eligible to attend school free of charge in this school district pursuant to N.J.S.A 18A:38-1 if the student is kept in the home of a person domiciled in the district, other than the parent or guardian, where the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian return 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 if the student's parent or guardian temporarily resides within the district and elects to have the student attend school in the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. Where required by the district, the parent or guardian shall demonstrate that such temporary residence is not solely for purposes of a student attending school within the district of temporary residence. Where one of a student's parents or guardians temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

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

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

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

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

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

Proof of Eligibility

The district will accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22.3.4 et seq. The district will consider the totality of information and documentation offered by an applicant, and will 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 will not condition enrollment on the receipt of information or document protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d) The district will not require or request, directly or indirectly, such disclosure as an actual or implied condition of enrollment.

~~However, in~~ 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 (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in

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accordance with the provisions of N.J.S.A. 18A:38-1.3. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The district shall use Commissioner-provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. The School Business Administrator/Board Secretary will be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the registration/enrollment process.

Initial eligibility determinations will be made upon presentation of an enrollment application and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

Eligibility of Resident/Nonresident Students

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment must 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 application whose student is enrolled pursuant to this provision will 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.

When 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 be asked to complete a written statement indicating that the student will be attending school in another district, 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, the district level administrator

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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 the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student’s name, the name(s) of the parent/guardian/resident, and the student’s address to the extent known. Staff shall also indicate 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.

Enrollment or attendance in the school district will 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 absence of the certified copy of 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 will not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.1.

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

Notice of Ineligibility

If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22-1.1., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice will immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. Notices will 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

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Notice of Ineligibility will be provided and will include information as required in accordance with N.J.A.C. 6A:22-4.2 .

Removal of Currently Enrolled Students

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

When a student, enrolled and attending school in the district based upon an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the student in accordance with N.J.A.C. 6A:21-4.3(b). No student shall be removed from school unless the parent, legal 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, legal 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 or appear for the hearing, the Board shall make a prompt determination of the student's eligibility or ineligibility and will immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2. The hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. may be conducted by the full Board or a Board Committee, at the discretion of the full Board. The Committee must make a recommendation to the full Board for action. No student may be removed except by vote of the full Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

Appeal to the Commissioner

The district's determination that a student is ineligible to attend the schools of the district may be appealed to the Commissioner 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. Pursuant to N.J.S.A. 18A:38-1(b)1, appeals of "affidavit student" eligibility determinations must be filed by the resident keeping the student.

Assessment and Calculation of Tuition

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

Nonresident Students

The admission of a nonresident child to school must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

Future Residents

Parents or guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The Board reserves the right to verify such claims, and to remove from school a nonresident student whose claim cannot be verified.

Parents or guardians will be required to deposit with the secretary of the Board of Education one month's tuition as a security deposit. If the parents or guardians present paperwork establishing residency within the first thirty (30) school days the child is in attendance, the Board will return the security deposit. After this period of thirty (30) day period, tuition shall be charged based on the specified annual rate set by the Board.

Pursuant to the provisions of N.J.S.A. 18A:3B-3 non- resident students may be accepted into the Livingston Public Schools providing there is space available and the school program is considered appropriate for the child. Procedures for the acceptance of such children shall include but not be restricted to the following:

1. The parents or guardians shall submit the appropriate application form as early as possible but no later than July 1 for September admission and thirty days prior to other dates of enrollment.
2. For the purposes of reviewing the application, the parents or guardians shall make available to the Livingston School District confirmation of the

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student's satisfactory attendance progress including the latest report card as well as all standardized test information and complete health records. Parents will be required to sign release forms allowing the district to obtain academic and behavioral records.

3. The parents or guardians and student will make themselves available for an interview with the Principal or designee of the building to which he/she may be assigned.
4. The Superintendent or designee shall be responsible for making the final decision acceptance and assignment of the student appropriate school and grade in consultation Building Principal.
5. The Board may reject a student's application for enrollment if the student's IEP could not be implemented in the district, if the enrollment of the student would require the district to alter the nature of its educational program, if the student's enrollment would impose an additional financial burden on the district, or if the student's enrollment may create a disruptive or unsafe learning environment for the student himself/herself or for other students.

Tuition rates will be determined annually by the Superintendent in consultation with the Board of Education. Payments shall be made monthly throughout the school year on or before the first day of each month.

Students entering the Livingston schools at times other than the beginning of a semester shall pay proportionate tuition.

The parents or guardians will be responsible transportation to and from the school of attendance.

The Livingston School District is not obligated to enroll students in ensuing years and therefore application must be made on an annual basis. Building assignment may be revised depending on enrollments.

The Livingston Board of Education retains the unilateral right to terminate enrollment of any non-resident tuition student for cause at any time. Tuition will be refunded proportionately.

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F-1 Visa Students & J-1 Visa Students

F-1 & J-1 Visa students will not be admitted to this school district.

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Former Residents

The Board shall consider any student (except high school seniors) whose parents or guardians move from the municipality prior to and including January 31 of an academic year to be of non-resident status and, therefore, expected to transfer from the Livingston Public Schools. These students may remain until the end of the school year on payment of prorated tuition in advance and on recommendation of the Principal with approval of the Superintendent. Students whose parents or guardians move out of the municipality after January 31 may remain in the Livingston Public Schools on a tuition free basis for the remainder of the academic year on recommendation of the Principal with approval of the Superintendent. If unusual conditions prevail, the family may apply to the Superintendent for special consideration of residency.

The Board shall allow a student registered and enrolled for the senior year whose parents or guardians have resided in Livingston continuously for a minimum of one year and who are residents of Livingston on the opening day of school to graduate without tuition payment, should his/her parents or guardians move from the municipality prior to the student's graduation, provided his record of residency and achievement is satisfactory to the Principal and the Superintendent.

Children of Nonresident Staff Members

Children of nonresident employees of the Board may be enrolled in the schools of this district in accordance with the terms and conditions of their respective collective bargaining agreements.

Because it is a term or condition of employment, allowing nonresident staff members to send their children to district schools for anything less than full tuition must be negotiated.

N.J.S.A. 18A:38-1 et seq. 18A:38-1.3; 18A:38-3; 18A:38-3.1
N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.
8 CFR 214.3

Adopted: 21 June 2004
Revised: 07 April 2008
Revised: 18 July 2011
Revised: 25 April 2016
Revised: May 13, 2019

ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M) REGULATION 5111 - ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

A. Definitions

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C 6A:22-3.2(a).
2. "Appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. "Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. "Commissioner" means the Commissioner of Education or his/her designee.
5. "Guardian" means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian's school district unless it can be proven that the child does not actually live with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

B. Eligibility to Attend School – Students Domiciled in the District

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:
 - a. A student is domiciled in the school district when he or she is living with a parent or guardian whose domicile is located within the school district.
 - (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school

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district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.

- (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
 - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
 - (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22.

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- (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
 - b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
 - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
 - d. A student is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
 - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.
- a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students

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residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.

- b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
 - c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
3. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be 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 this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

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- a. A student is not eligible to attend this school district pursuant to this provision unless:
 - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and
 - (2) The person keeping the student has filed, if so required by the Board of Education:
 - (a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and
 - (b) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
- b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
- c. A student shall not be deemed ineligible under this provision when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.
- d. A student shall not be deemed ineligible under this provision solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or

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guardian no payment or other remuneration for regular maintenance of the student.

- e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.
- a. Eligibility under this provision shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.
- a. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
 - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no student shall be eligible to attend school based upon a parent or guardian's

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temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.

4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.
5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.
7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district

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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
 - (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.

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

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- (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
 - h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.
 - i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.
- D. Housing and Immigration Status
 - 1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.
 - 2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.
 - a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).
- 3. F-1 Visa Students

— F-1 Visa students will not be admitted to this school district.

4. J-1 Visa Students

J-1 Visa students will not be admitted to this school district.

- 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 Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
 - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
 - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
 - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
 - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
 - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;

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

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(NJMVC) the parent's name and address for use in verifying a student's eligibility for enrollment in the school district. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

~~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

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:
 - a. Are consistent with the forms provided by the Commissioner;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
 - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
 - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
 - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board of Education shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
 - a. If the school district uses separate forms for affidavit student applications rather than a single form for all types of enrollment,

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affidavit student forms shall comply in all respects with the provisions of G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if not specifically requested.

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

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- (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 enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.
5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of his or her identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be

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deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.

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

H. Notice of Ineligibility

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

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- c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
- d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;
- e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
 - (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be

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attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

I. Removal of Currently Enrolled Students

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of his or her entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2.

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5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

J. Appeal to the Commissioner

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

K. Assessment and Calculation of Tuition

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

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agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student's ineligible attendance in a school district prior to the appeal's filing and including the twenty-one day period to file an appeal.

- a. Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.
 - b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
 4. Nothing in N.J.A.C. 6A:22 shall preclude an equitable determination by the Board of Education or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

REGULATION

LIVINGSTON BOARD OF EDUCATION

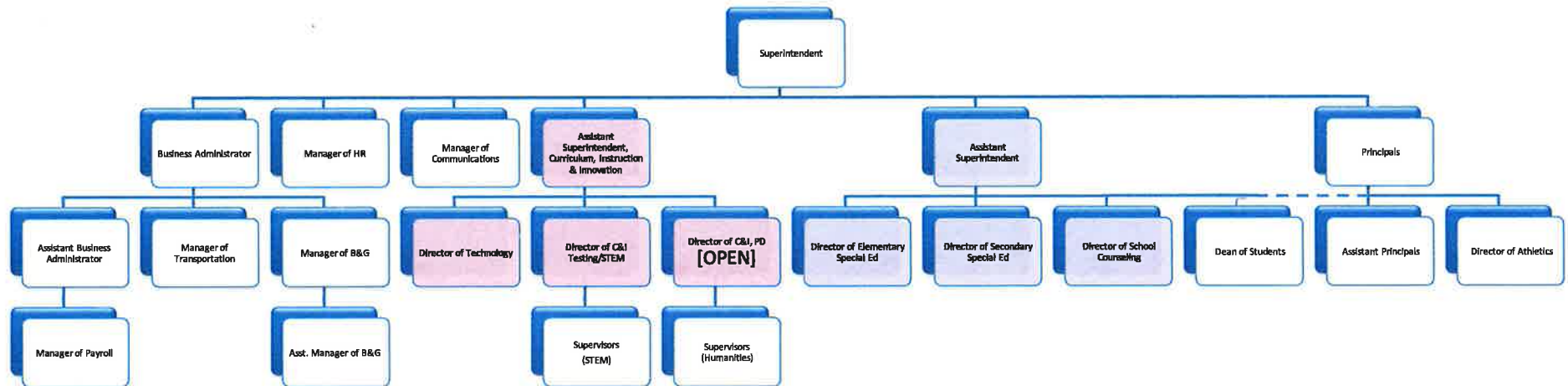
STUDENTS

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Revised: May 13, 2019

Reporting Structure effective 8/1/20



*Humanities includes: Supervisor of English (7-12) Supervisor of ELA (Pre-K-6), Supervisor of Social Studies (7-12), Supervisor of Social Studies (Pre-K-6), Supervisor of Health & Physical Education, Supervisor of Visual and Performing Arts and Supervisor of World Language/ESL

** STEM includes: Supervisor of Science (7-12), Supervisor of Science (Pre-K-6), Supervisor of Math (7-12), Supervisor of Math (Pre-K-6) and Supervisor of Business, Technology & Engineering

Approved for first reading on July 15, 2020
Scheduled for second reading and approval on July 28, 2020

HEAT PARTICIPATION POLICY FOR STUDENT-ATHLETE SAFETY (M)

2431.3 HEAT PARTICIPATION POLICY FOR STUDENT-ATHLETE SAFETY (M)

The Board of Education adopts this Policy as a measure to protect the safety, health, and welfare of students participating in school-sponsored athletic programs and extra-curricular activities. The Board believes practice and pre-season heat participation guidelines for students will minimize injury and enhance a student's health, performance, and well-being.

In accordance with the provisions of N.J.S.A. 18A:11-3.10, a school district which is a member of any voluntary association, pursuant to N.J.S.A. 18A:11-3, which oversees activities associated with Statewide interscholastic sports programs shall adopt and implement the most current "Heat Participation Policy" required by the New Jersey State Interscholastic Athletic Association (NJSIAA) for conducting practice or games in all sports during times of high heat or humidity.

The NJSIAA Policy shall address:

1. The scheduling of practice or games during times of various heat and humidity levels;
2. The ratio of time devoted to workouts to time allotted for rest and hydration during various heat and humidity levels; and
3. The heat and humidity levels at which practice or games will be canceled.

The guidelines included in the NJSIAA Heat Participation Policy shall provide a default Policy to those responsible or sharing duties for making decisions concerning the implementation of modifications or cancellation of practices or games based on the presence of heat and humidity.

The Board of Education shall purchase a WetBulb Globe Temperature (WBGT) tool to measure the heat stress in direct sunlight at the practice or game site. Heat stress consists of temperature, humidity, wind speed, the angle of the sun, and cloud coverage.

The Board of Education shall adopt and implement the provisions of the NJSIAA Heat Participation Policy concerning the frequency and recording of WBGT measurements.

The provisions and requirements of this Policy and of the NJSIAA current Heat Participation Policy, which shall be utilized in conjunction with the current NJSIAA Pre-Season Heat Acclimatization Policy, shall be carried out by the Athletic Trainer, certified designee, or individual as appointed by the school staff member designated by the Superintendent to supervise athletics, which may include a coach or individual responsible

HEAT PARTICIPATION POLICY FOR STUDENT-ATHLETE SAFETY (M)

for sharing duties for making decisions concerning the implementation of modifications or cancellation of practices and games based on WBGT measurements.

A copy of this Policy and NJSIAA's current Heat Participation Policy and Pre-Season Heat Acclimatization Policy shall be provided to each coach, as appropriate, and reviewed with all coaches by the Principal or designee which may include, but not be limited to, the Athletic Trainer or staff member supervising athletics as designated by the Superintendent prior to the first practice session of the season for each team. The Superintendent shall designate the staff member responsible to ensure compliance with this Policy and NJSIAA's current Heat Participation Policy and Pre-Season Heat Acclimatization Policy.

This Policy and the requirements outlined in this Policy shall apply to all student-athletes in grades nine through twelve participating in Statewide high school interscholastic athletic programs.

N.J.S.A.18A:11-3.10

New Jersey State Interscholastic Athletic Association Heat Participation
Policy and Pre-Season Heat Acclimatization Policy

Adopted:

Livingston Public Schools 2020-2021 Academic Calendar

Revised for LBOE Approval 7/28/2020

Attachment A

September 2020

16 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
		1◆	2◆	3◆	4◆	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2020

22 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November 2020

17 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2020

17 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

January 2021

19 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021

14 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021

20 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021

20 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021

20 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021

18 Student Days

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

◆ Professional Development day, students do not attend
(previously scheduled on 10/12/20 and 2/12/21)

■ Schools Closed

▒ Partial Day for all Students

Partial Day for LHS Only

○ 2-Hr Delayed Opening for all Students

☐ Partial Day for Elementary Students only, Parent/Teacher Conferences

This calendar allows for 4 Professional Development days and 3 inclement weather days. There is a total of 183 days for students and 187 days for teachers. Add'l inclement weather days will be taken in the following order: 3/29, 3/30, 3/31.

Sept 1 - 4 Professional Dev for Teachers

Sept 8 School Starts!

Sept 7 Schools & Offices Closed – Labor Day

Sept 28 Schools & Offices Closed – Yom Kippur

Nov 2, 3, 4 Partial Day Elementary Only – Conferences

Nov 5-6 Schools & Offices Closed – NJEA Convention

Nov 25 Partial Day for all Students & Staff

Nov 26-27 Schools & Offices Closed – Thanksgiving

Dec 23 Partial Day for all Students & Staff

Dec 24-25 Schools & Offices Closed – Christmas

Dec 28-30 Schools Closed – Winter Break

Dec 31-Jan 1 Schools & Offices Closed – New Year's Day

Jan 18 Schools & Offices Closed – MLK Jr. Day

Jan 19 2-hr Delayed Opening for all students; Prof Dev

Jan 27 Partial Day **High School Only**

Feb 12 Schools & Offices Closed – Lunar New Year

Feb 15 Schools & Offices Closed – Presidents' Day

Feb 16-19 Schools Closed – Mid-Winter Break

Mar 9 2-hr Delayed Opening for all students; Prof Dev

Mar 17-19 Partial Day Elementary Only – Conferences

Mar 29-Apr 1 Schools Closed – Spring Break

April 2 Schools & Offices Closed – Good Friday

May 31 Schools & Offices Closed – Memorial Day

June 22 Partial Day **High School Only**

June 23 Partial Days for all Students

June 24 Last Day of School, partial day, LHS Graduation!

School	First Name	Last Name	Position	Hours/Week	Step	Base Salary	Longevity	Total Salary	Start Date
Burnet Hill Elementary	Mikie	Hagler	ABA Discrete Trial TA	35	2	\$36,544		\$36,544	
Livingston High	Joe	Gill*	Instructional Aide	29.83	6	\$29,831		\$29,831	

TRANSFERS FOR 2020-2021

Hillside Elementary	Lisa	Stefanelli*	Instructional Aide	28.75	4	\$26,599		\$26,599	
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**amended from previous agenda*

NEW HIRES FOR 2020-2021

Hillside Elementary School	Janice	Sullivan	Kindergarten Aide	28.75	1	\$24,379		\$24,379	9/1/2020
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Last Name	First Name	Job Title	Rate
ALEJOS	CARMEN	Substitute Custodian	\$15.50
ARMOUR	BENJI	Substitute Custodian	\$15.50
BACCHAS	DONOVAN	Substitute Custodian	\$15.50
BRADDOCK	AUSTIN	Substitute Custodian	\$15.50
BRADDOCK	RYAN	Substitute Custodian	\$15.50
CLARKE	MARTIN	Substitute Custodian	\$15.50
DUQUE	GABRIEL	Substitute Custodian	\$15.50
DURANT	SELWYN	Substitute Custodian	\$15.50
EVORA	MARIO	Substitute Custodian	\$15.50
KELLMAN	SHAWN	Substitute Custodian	\$15.50
MCINTYRE	COLIN	Substitute Custodian	\$15.50
METZGER	FREDERICK	Substitute Custodian	\$15.50
USIFOH	JUDE	Substitute Custodian	\$15.50

School	First Name	Last Name	Position	Hour/Week	Step	Base Salary	Longevity	Total Salary
Collins Elementary	Pearl	Bowman	Lead Playground Aide	25	3	\$19,511	\$1,163	\$20,674
Harrison Elementary	Lourdes	Aguilera	Lead Playground Aide	25	3	\$19,511		\$19,511
Hillside Elementary	Maria	Scorciolla	Lead Playground Aide	25	3	\$19,511		\$19,511
Mt. Pleasant Elementary	Stacey	Kaplan-Layton	Lead Playground Aide	25	2	\$19,064		\$19,064

School	First Name	Last Name	Postition	Hours/Week	Step	Salary
Collins Elementary	Elizabeth	Waldron	Kindergarten Aide	28.75	6	\$28,749
Harrison Elementary	Lisa	Mannion	Kindergarten Aide	17	6	\$17,500
Harrison Elementary	Mary Ellen	Raphan	Kindergarten Aide	17	6	\$17,500
Mt. Pleasant Elementary	Susan	Stromfeld	Kindergarten Aide	28.75	6	\$28,749
Riker Hill Elementary	Ann Marie	Mansfield	Kindergarten Aide	28.75	4	\$26,599

TRANSFER

Burnet Hill Elementary	KellyAnn	Ehrich	Kindergarten Aide	28.75	1	\$24,379
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SUMMER CURRICULUM WRITING 2020

ELA BSI

Margaret Davis

Supervisor: Leala Baxter

Business

Marie Battist-Rock

Supervisor: Rob Rolling

Teachers

Rate

Aides
Alexandra Wynn

Rate

20

Substitute Teacher

Rate

SUMMER BUS DRIVERS

<i>First Name</i>	<i>Last Name</i>	<i>Dates</i>
Prentiss	Williams	7/1/20-8/28/20

BUS AIDES

<i>First Name</i>	<i>Last Name</i>	<i>Dates</i>
Vincenza	DeFeo	7/1/20-8/28/20

LIVINGSTON SCHOOL DISTRICT
Livingston, New Jersey 07039

**ASSISTANT SUPERINTENDENT FOR CURRICULUM, INSTRUCTION &
INNOVATION**

QUALIFICATIONS:

1. Master's Degree in Education with substantial coursework in supervision, curriculum research, and program development or Master's Degrees in two or more core subject areas preferred.
2. Possess or be eligible for valid NJ certification as a **Supervisor** or School Administrator.
3. At least five years of successful public school teaching.
4. At least five years of successful supervisory and/or administrative experience.
5. Familiarity with State approved evaluation system.
6. Strong analytical, communication, writing and interpersonal skills.
7. Alternative qualifications as the Superintendent may find appropriate with the exception of the appropriate certification.

REPORTS TO: Superintendent

JOB GOALS: To direct an on-going program of curriculum, instructional evaluation, **community outreach, assessment, technology integration**, and professional development to enable the district to ~~continually to upgrade~~ **continually innovate** and improve its effectiveness in meeting the educational needs of each student.

JOB RESPONSIBILITIES:

1. Participates in the development of the general philosophy and objectives of the educational program.
2. Establishes ~~and~~, implements, **and oversees** a long-range plan for on-going curricular and instructional assessment, development, and evaluation.
3. Plans and develops research projects to assess district needs and evaluate program and/or instructional improvement efforts.
4. Establishes and maintains a procedure for curriculum development which is continuous and consistent involving administrators, staff and, as appropriate, students and community members.
5. Serves as a consultant to all staff members in developing and implementing curricular program improvements.
6. Promotes and maintains program articulation and coordination.
7. Coordinates all educational research projects conducted by district staff and outside agencies.
8. Coordinate and direct the student teacher program.
9. **Oversees a progressive and supportive four year professional development program for all non-tenured staff members.**
10. **Develops and implements a new teacher and administrator mentoring program in compliance with state requirements.**

Assistant Superintendent for Curriculum, Instruction & Innovation

11. Establishes and monitors a process by which relevant educational research information may be disseminated to district personnel.
12. Review for accuracy and appropriateness and recommend to the superintendent all request for tuition reimbursement and professional development.
13. Participates in the work of State and National educational organizations and study commissions, as appropriate.
14. Promotes the involvement of district staff in program presentations at local, regional, State and National conferences.
15. Prepares and administers the curriculum support budget.
16. Assists supervisors and principals in the formulation of an instructional budget, which reflects the results of program assessments and evaluations.
17. Participates in the review of the instructional portion of the program budget for each school.
18. Assists with the coordination of the district's compliance with State monitoring requirements.
19. Participates in the district's screening and selection process for professional staff.
20. Directs and evaluates the work of supervisory staff, as assigned.
21. Assists the Superintendent in pursuing all appropriate sources of State and Federal funding.
22. Conduct evaluation and provide data analysis on district testing initiatives and student achievement.
23. Collaborate with the Special Education Department on all curricular initiatives.
24. Oversee the development and implementation of all gifted & talented programs.
25. Develops and implements community education programs to enhance school and family partnerships.
26. Ensures best practices in educational technology and stays abreast of the latest developments and trends in this area.
27. Effectively communicate with all internal and external constituents and provide timely responses to inquiries.
28. Assists principals with the supervision and evaluation of teaching staff members.
29. Coordinates vertical and horizontal articulation between schools, with a particular emphasis on ensuring consistency between elementary schools
30. Serves as the liaison between the district administration and the Board of Education Curriculum Committee.
31. Promotes, and sustains a culture of reflection by strategically collecting and interpreting data and strategically using it to inform decision making and to improve educational planning, practice, and programming across the district.
32. Work to develop the capacity of others to effectively utilize information from various sources to understand and communicate successes and challenges as a tool to foster a culture of continuous improvement.
33. Attends Board meetings and prepares such reports for the Board as the Superintendent may request.

This position will also be responsible for all other duties as assigned by the Superintendent.

TERMS OF EMPLOYMENT:

This is a twelve-month position with compensation to be negotiated with the Superintendent and approved by the Board.

Assistant Superintendent for Curriculum, Instruction & Innovation

EVALUATION:

The performance of this position will be evaluated annually in accordance with the provisions of the Board's policy on evaluation of certificated personnel.

Revised: April 27, 2015

Revised:

LIVINGSTON SCHOOL DISTRICT
Livingston, New Jersey 07039

**DIRECTOR OF CURRICULUM, INSTRUCTION, ~~-&~~ PROFESSIONAL
DEVELOPMENT & COMMUNITY ENGAGEMENT**

QUALIFICATIONS:

1. Master's Degree or higher in Educational Leadership and in a core subject area preferred. Equivalent or extensive experience in a core subject will also be considered.
2. Experience with and knowledge of best practices in curriculum, instruction, and evaluation of staff.
3. Possess or be eligible for valid NJ certification as a Principal or School Administrator.
4. Three to five years of successful teaching experience.
5. At least five years of successful supervisory and/or administrative experience.
6. Demonstrated ability to develop staff utilizing the district approved evaluation model.
7. Successful experience in designing, implementing and evaluating a professional development program.
8. Strong analytical, communication, writing and interpersonal skills.
9. Possess organizational skills and ability to maintain accurate records, meet deadlines and communicate effectively.
10. Alternative qualifications as the Superintendent may find appropriate (with the exception of the appropriate certification).

REPORTS TO: Assistant Superintendent

JOB GOALS: To direct an on-going program of curricular, instructional, professional development and evaluation to enable a cycle of continuous improvement in meeting the educational needs of each student.

JOB RESPONSIBILITIES:

1. Participate in the development of the general philosophy and objectives of the educational program.
2. Establish and implement a long-range plan for on-going curricular and instructional development and assessment.
3. Establish and maintain a procedure for curriculum development which is continuous and consistent, involving appropriate stakeholders.
4. Collaborate with district supervisors and administrative staff to promote and maintain program articulation and coordination.
5. Review and recommend to the superintendent all requests for tuition reimbursement and professional development.
6. Direct the student teaching program within the district.

Director of Curriculum, Instruction, ~~-&~~ Professional Development & Community Engagement– job description

7. ~~Lead~~ Assist in the design and delivery of an effective and ongoing induction and mentoring program for new employees to the district.
8. Ensure district compliance with all mandated training.
9. Develop clear and informative school quality reporting metrics to share reports regularly with appropriate stakeholders that will generate discussions for data driven decisions about curriculum, instruction and assessment practice that improve student achievement.
10. Utilize data from multiple measures to design, implement and evaluate district curricula and its effect on student achievement in collaboration with the Director of Curriculum & Instruction Testing, Data Assessment and Accountability.
11. Maintain positive relationships with all stakeholders.
12. Maintain program coordination and program articulation across content areas.
13. Assist in facilitation and effective operation of the District's DEAC and ScIP's.
14. Maintain accurate records, meet deadlines and communicate effectively.
15. Design and maintain district mentoring and professional development plans. Ensure timely submission to Superintendent as well as State agencies, if required.
16. Collect data to assist in the preparation of the District's annual budget.
17. Assists with the coordination of the district's compliance with State monitoring requirements.
18. Ensure timely and effective observation and evaluation of all assigned staff.
19. Enhance collaboration with families and the greater community by developing and overseeing a meaningful program of parent academies on relevant topics across grade levels and content areas.
20. Supervise, evaluate and conduct professional development for all content area supervisors as assigned.
- 21.
22. Work with the Assistant Superintendent to ensure that summer educational programming for enrichment, intervention and credit recovery are implemented and evaluated annually.
23. Promotes, and sustains a culture of reflection by strategically collecting and interpreting data and strategically using it to inform decision making and to improve educational planning, practice, and programming across the district.
24. Work to develop the capacity of others to effectively utilize information from various sources to understand and communicate successes and challenges as a tool to foster a culture of continuous improvement.
- 25.
26. ~~This position will also be responsible for a~~ All other duties as assigned by the Assistant Superintendent or Superintendent.

TERMS OF EMPLOYMENT:

This is a twelve month position with compensation to be negotiated with the Superintendent and approved by the Board.

EVALUATION:

Director of Curriculum, Instruction, ~~&~~ Professional Development & Community Engagement– job description

The performance of this position will be evaluated annually in accordance with the provisions of the Board's policy on evaluation of certificated personnel.

Revised: May 8, 2017

Revised: July 15, 2020