

POLICY GUIDE

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Eligibility of Resident/Nonresident Students (M)

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

Eligibility to Attend School – N.J.A.C. 6A:22-3.1, 3.2, and 3.3

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 and Regulation 5111 – Section B.

The Board shall also admit any student that is kept in the home of a person other than the student’s parent, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were their own child in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.

Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d. if the student’s parent 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 pursuant to N.J.A.C. 6A:22-3.1(a)4. and Regulation 5111 – Section B.

A student is eligible to attend this school district free of charge in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year 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) and Regulation 5111 – Section C.



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Except as set forth in N.J.A.C. 6A:22-3.3(b), immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, 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 – Section D.

Proof of Eligibility – N.J.A.C. 6A:22-3.4

The Board shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4 and Regulation 5111 – Section E.

In the case of a dispute between the school district and the parent of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3.

Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

Registration and procedures for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1 and Regulation 5111 – Section F.

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the 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 and Regulation 5111 – Section F.

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 in accordance with N.J.A.C. 6A:22-4.1(c)2. and Regulation 5111 – Section F.



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When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F.

Enrollment or attendance at the school shall not be conditioned or denied pursuant to N.J.A.C. 6A:22-4.1(e) through (i) and Regulation 5111 – Section F.

Notices of Ineligibility – N.J.A.C. 6A:22-4.2

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 immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4.2 and Regulation 5111 – Section G.

Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

Nothing in N.J.A.C. 6A:22-4, this Policy, and Regulation 5111 shall preclude the Board 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 pursuant to N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

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 for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I.

Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6



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If no appeal to the Commissioner is filed by the parent, adult student, or district resident keeping an affidavit student following notice of an ineligibility determination, the Board 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 in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 and Regulation 5111 – Section J.

If an appeal to the Commissioner is filed by the parent, adult student, or 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 agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a) and Regulation 5111 – Section J. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2(a)1. and Regulation 5111 – Section J.

Nonresident Students – N.J.S.A. 18A:38-3.a.

The Board shall receive the approval of the Executive County Superintendent (ECS) to establish a uniform tuition amount for any Board-approved nonresident student to be admitted to the school district.

The Board shall set a tuition amount for nonresident students of teaching staff members, as defined in N.J.S.A. 18A:1-1, that may or may not align with the tuition amount approved by the ECS for other nonresident students.

Children of Nonresident Teaching Staff Members

For the purpose of this section of the Policy “teaching staff member” shall mean, a member of the professional staff of any district or regional Board of Education, or any Board of Education of a county vocational school, holding office, position or employment of such character that the qualifications, for such office, position or employment, require them to hold a valid and effective standard, provisional or emergency certificate, appropriate to their office, position or employment, issued by the State Board of Examiners and includes a school nurse and school athletic trainer, pursuant to N.J.S.A. 18A:1-1.



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A teaching staff member who does not reside in this school district will be permitted to enroll their children in the educational program of the school district with the payment of tuition if the child's educational program can be provided in a school in the district. The amount charged for tuition shall be a uniform amount for children of all nonresident teaching staff members that shall be set at the Board's discretion.

Children of Nonresident Non-Teaching Staff Members

A non-teaching staff member who does not reside in this school district will be permitted to enroll their children in the educational program of the school district with the payment of tuition if the child's educational program can be provided in the district.

If the Board permits the enrollment of a child of a non-teaching staff member who does not reside in the district, the Board must establish and approve a tuition rate for the child. The tuition amount charged for the student is required to follow the amount established in the district's uniform tuition amount pursuant to N.J.S.A. 18A:38-3, if applicable.

Students Who Anticipate Moving to or from the District During the School Year

A nonresident student whose parent anticipates residency in this school district and has entered into a contract to buy, build, or rent a residence in this school district will, with Board approval, be enrolled with payment of a uniform tuition amount approved by the Executive County Superintendent for a period of time not greater than 40 weeks prior to the anticipated date of residency, pursuant to N.J.S.A. 18A:38-3.

A student who is in grade 12 and in their graduation year of the school and whose parent has moved away from the school district during the course of the school year will, with Board approval, be permitted to finish the school year in the school district with the payment of a uniform tuition amount as approved by the Executive County Superintendent, pursuant to N.J.S.A. 18A:38-3.

Children of Non-Resident Teaching Staff Members

A child of a Board of Education employee who does not reside in this school district may be admitted to school in this district with the payment of tuition for the child if the child's educational program can be provided in a school in the



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district in grades K-12. If the Board requires the payment of tuition, the Board shall establish and approve a tuition rate for the child of a Board employee upon a request from the employee for their child to attend a school in the district. The tuition amount for the student is not required to follow the amount established in the uniform tuition amount charged pursuant to N.J.S.A. 18A:38-3, if applicable. This provision shall not supersede a provision included in any collective bargaining agreement.

Other Students/Nonresident Private Tuition Students

1. Any other child whose parents reside outside the school district shall be considered a nonresident. Nonresident students in Grades K-12 may be admitted on a tuition basis when the following are completed.
 - a. The Principal certifies that class size is such that admission of an additional student would not be detrimental.
 - b. The parents of the applicant and the applicant (Grade kindergarten and above) complete the application form and sign it. This will be done annually.
 - c. All required academic records and other application support materials have been submitted.
 - d. The applicant and his/her parent(s) are interviewed by the principal.
 - e. The administration recommends admission and the Board accepts the applicant.
 - f. The parent signs a Private Tuition contract with the Board of Education.
2. Private Tuition admission decisions will be made accordingly to written criteria developed by the Superintendent of Schools and approved annually by the Board of Education. The Board recognizes that in some years the number of applications may exceed the number of admissions possible in any class. The administration is to select and recommend for approval those students who are most likely to succeed in the academic/behavioral environment of the schools.



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3. The Board reserves the right to withdraw nonresident private tuition status from any student admitted under this policy for academic or disciplinary reasons or failure to pay tuition. If this occurs, the home district of the student will be notified. Students are admitted under this policy with the assumption that their educational needs can be addressed at an incremented cost to the district equal to or less than the amount of tuition that are asked to pay. Should it be determined at any time that this is not so the Board reserves the right to withdraw tuition status. The Board may grant an exception to this position and grant non-resident private tuition status to a student in need of additional services for special education or other conditions, however, if this exemption is granted, the parents shall be financially responsible for all costs associated with the extra services in addition to the non-resident private tuition that would normally be charged. Additionally, the placement and program decisions shall remain unilaterally the Board's prerogative. Parents seeking this exception would be required to agree to these conditions in order to receive consideration.
4. All nonresident private tuition students must re-apply for re-admission in each school year. Re-admission decisions will be based upon criteria developed by the Superintendent and approved by the Board on an annual basis.
5. In accordance with law and the Board's own policy the decision to admit or not or re-admit a nonresident private tuition student shall not be based upon gender, race, religion, economic status or social status.

Nonresident Tuition Rates

1. The rates for nonresident private tuition students shall be set annually by resolution of the Board of Education.
2. Should the Board fail to set a new rate by August 1 of any year, the preceding school year's nonresident private tuition rate shall be increased by amount of increase added to the rate of taxation. The new rate will then be in effect for the subsequent school year.
3. Children of all nonresident teaching staff members may attend district schools if accepted under the provisions of this policy, at half tuition.



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4. Tuition shall be payable in two installments. Half of the tuition is paid upon receipt of contract. The second and final payment is to be made by January of the school year in which the student is enrolled. A late fee of \$20.00 will be charged for tuition payments received after the 15th of the month. Tuition in arrears of two weeks shall be considered just cause to release a student. Nonpayment of tuition shall result in forfeiture of nonresident tuition status. The student's home school district will then be notified.
5. The rates for nonresident private tuition students who enroll full-time in the LTHS-OCC College Academy in their Junior and Senior Year of high school, may attend at half tuition. Students and their parents shall be responsible for the cost of Ocean County College tuition.
6. Siblings of nonresident private tuition students who reside in the same household, who also wish to attend the Lacey Township School District as a nonresident private tuition student will receive a 20% discount. The sibling discount shall not apply to children of district employees.

N.J.S.A. 18A:38-1; 18A:38-1.1; 18A:38-1.3; 18A:38-3;
18A:38-3.1; 18A:7B-12

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.
8 CFR 214.3

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Student Grievance

5710 STUDENT GRIEVANCE

The Board of Education believes students possess the right to request redress of grievances and disputes. Accordingly, the Board will establish and observe procedures by which the grievances of students will be heard.

For the purpose of this Policy, a student grievance means any complaint that arises out of the acts or policies of this Board or the acts of its employees. The procedure outlined in this Policy shall be used to address a student grievance that is not elsewhere in a Board policy, regulation, and/or grievance with a procedure specifically designed to address the conduct in question.

A student grievance shall be heard in the following manner:

1. First Level

- a. The student or parent may submit a grievance to the teaching staff member most closely related to the policy or act giving rise to the grievance, within five school days of the conduct.

2. Second Level

- a. If the grievance is not resolved at the first level, the student or parent may appeal the teaching staff member's decision by submitting a written appeal of the decision to the Principal or designee within five school days of receipt of the teaching staff member's written decision.

(1) The written grievance shall include:

- (a) The specific nature of the grievance and a brief statement of the facts giving rise to it;
- (b) Any documentation the student or parent has supporting their request; and
- (c) The remedy sought by the student or student's parent.



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- b. The Principal or designee will inform the student and parent, in writing, of the Principal's or designee's decision regarding the appeal within five school days of receiving the written appeal from the student or parent and their right to appeal the Principal's or designee's decision to the Superintendent of Schools or designee.
3. Third Level
 - a. If the grievance is not resolved at the second level, the student or parent may appeal the Principal's or designee's decision by submitting a written request to the Superintendent or designee. This written request for an appeal must be submitted to the Superintendent or designee by the student or parent within five school days of the student's or parent's receipt of the Principal's or designee's written decision and must include the same information the parent or student submitted in the written grievance outlined in 2.a.(1) above.
 - b. The Superintendent or designee will review the written request for an appeal and supporting documentation submitted by the school staff members and the student or parent to inform the student and parent of the decision regarding the appeal within ten school days of receiving the written request for an appeal.
 - c. A student or parent may appeal the Superintendent or designee's decision to the Board. An appeal that proceeds to the Board will be determined promptly and the Board will issue a decision in no more than thirty calendar days. The student will be informed of the right to appeal a decision of the Board to the Commissioner of Education.

The Superintendent shall direct all staff members to respect the right of students to seek redress of grievances by lawful procedures without fear of reprisal.

Adopted: November 21, 2005



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Spectator Code of Conduct for
Interscholastic Events (M)

9163 SPECTATOR CODE OF CONDUCT FOR INTERSCHOLASTIC EVENTS

The Board of Education promotes a physically and emotionally safe and healthy playing environment at interscholastic events and insists good sportsmanship be exhibited at all times by student athletes, coaches, officials, and spectators at such events.

The New Jersey State Interscholastic Athletic Association (NJSIAA) requires the Board to establish policies and procedures relating to sportsmanship and to identify responsibilities of administrators, coaches, and students to ensure their observance. The NJSIAA requires the Board to adopt a Spectator Code of Conduct Policy for all spectators attending an interscholastic event.

The district's high school(s) is a member school of the NJSIAA. The NJSIAA and the Board require high standards of courtesy, fair play, and sportsmanship be featured at school district and NJSIAA interscholastic events. Unsportsmanlike conduct by a person at an event shall subject the individual to disciplinary action.

For the purpose of this Policy, a "home event" shall mean any event occurring in the school district's buildings or on school grounds.

For the purpose of this Policy, "school grounds" also includes other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of the land.

1. Unsportsmanlike conduct includes, but is not limited to, actions of a fan or spectator who:
 - a. Strikes or physically abuses an official, opposing coach, player, spectator, school staff member, or school security;
 - b. Intentionally incites participants or spectators to violent or abusive action;
 - c. Uses obscene gestures or profane or unduly provocative language or action toward officials, opponents, spectators, school staff members, or school security; or



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- d. Engages in harassing verbal or physical conduct related to race, gender, ethnicity, disability, sexual orientation, or religion at an interscholastic event.
2. The Board prohibits unsportsmanlike conduct or actions by a spectator, which include, but are not limited to:
 - a. The use of profanity, threatening comments, or biased language before, during, or after an interscholastic event;
 - b. Verbal harassment of an official or participant (i.e., coaches or players from any participating school) by using names or uniform numbers;
 - c. Entering the field of play before, during, or after an interscholastic event;
 - d. Having a physical altercation with an official, coach, player, school staff, school security, or spectator before, during, or after an interscholastic event;
 - e. The use of artificial noisemakers or other instruments intended to disrupt the interscholastic event or distract the participants during an interscholastic event; or
 - f. Any additional unsportsmanlike conduct or actions determined by the Principal or designee to be unsportsmanlike conduct or action.
 - g. If the unsportsmanlike conduct involves a potential criminal act, the Principal or designee shall immediately contact law enforcement.
 3. Disciplinary Framework
 - a. If the Principal or designee determines a person's conduct or actions are prohibited by this Policy, the person will be subjected to the following disciplinary actions:



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- (1) Immediate removal from the interscholastic event and school grounds;
 - (2) First Offense (365-day calendar starts)
 - (a) Suspension from attending the next 1 home event(s) for the activity from which the person was immediately removed from school grounds.
 - (3) Second offense occurring within 365-day calendar days of the first offense
 - (a) Suspension from attending the next 2 home event(s) for the activity from which the person was immediately removed from school grounds.
 - (4) Third offense occurring within 365-day calendar days of the first offense or beyond
 - (a) Suspension from attending the next 3 home event(s) for the activity from which the person was immediately removed from school grounds.
 - (5) The Superintendent or designee upon consultation with the Principal or designee may increase the disciplinary actions outlined in this Policy, depending on the severity of the offense.
- b. If it is determined by the Principal or designee that a person exhibited unsportsmanlike conduct at a home interscholastic athletic event, but was not immediately removed from the interscholastic event or from school grounds at the time of the prohibited conduct, the person shall be subject to the disciplinary actions outlined in this Policy.



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- c. In the event it is determined by the Principal or designee that a person exhibited unsportsmanlike conduct at an interscholastic event not held in a school district building or on school grounds (away event), the person shall be subject to the disciplinary actions outlined in this Policy.
- d. In the event the suspension from an interscholastic event occurs on the last home event of the activity's season or the suspension exceeds the remaining home events remaining in the activity's season, including playoffs or team or individual championships, the suspension shall continue with the first home event of the same activity in the subsequent school year.
- e. A person who has been suspended for more than 2 home interscholastic events within 6 months of the initial conduct that resulted in the person's first suspension from attending home interscholastic events may be suspended by the Principal or designee from attending additional home interscholastic events in excess of the suspension provisions in this Policy.
- f. A person suspended by the Principal or designee from attending more than 2 home interscholastic events for exhibiting conduct or actions that violate this Policy, regardless of the specific event or activity from which the person was suspended, shall be prohibited from attending any other home interscholastic events in the district's schools or on school grounds and shall be required to meet with the Principal or designee prior to being permitted to attend any additional home interscholastic events in the district's schools or on school grounds. The person shall be required to successfully complete an educational component as determined by the Principal or designee before the person is permitted to attend any future home events in school buildings or on school grounds. The educational component will include a program that addresses the unsportsmanlike conduct or actions that caused the person to be suspended from the interscholastic events.



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- e. A person who does not comply with the suspension requirements of this Policy or refuses to immediately leave the school building or school grounds for violating the provisions of this Policy may be reported to law enforcement to be removed from the school building or from school grounds.
4. Appeals
- a. A person may appeal the decision of the Principal or designee to the Superintendent of Schools by submitting a written appeal to the Superintendent within three calendar days after receiving notice of the suspension from the event by the Principal or designee. The Superintendent shall make a decision on the written appeal within three business days upon receiving the written appeal. The Superintendent's decision may be appealed to the Board in accordance with the Board appeal provisions in Policy and Regulation 9130 – Public Complaints and Grievances.

This Policy shall be provided to the parent(s) of student-athletes participating in interscholastic programs in the district. The parent(s) shall be required to sign a document acknowledging receipt of this Policy and acknowledging their understanding of the provisions of this Policy. This document shall be provided to the parent(s) during the high school's sports registration process before each season.

This Policy shall be made available to NJSIAA staff upon request. NJSIAA staff may share a copy of this Policy with another member school when appropriate.

A list of unsportsmanlike conduct or actions will be posted at all venues hosting school district events to the extent reasonably possible.

Failure of a member school to enforce the provisions of this Policy may result in discipline by the NJSIAA. In addition to the penalties set forth by NJSIAA, a school that does not enforce its Policy may be prohibited by NJSIAA from hosting an NJSIAA State tournament event.

NJSIAA Spectator Code of Conduct Policy – Revised, May 8, 2024
Adopted:

