

Township of Little Falls

ORDINANCE NO. xx-xxx

AN ORDINANCE TO PREVENT THE UNLAWFUL ENROLLMENT OF SCHOOL CHILDREN IN THE TOWNSHIP OF LITTLE FALLS PUBLIC SCHOOL SYSTEM AND TO PROVIDE PENALTIES THEREFORE

BE IT ORDAINED by the Township Council of the Township of Little Falls in the County of Passaic and State of New Jersey that the Code of the Township of Little Falls Code is hereby amended, revised and supplemented to Create a New Chapter to Be Entitled "Miscellaneous" as follows:

SECTION 1: Chapter 58. Miscellaneous.

Section 58-1. Ineligible student enrollment prohibition; penalties.

(a) Purpose. A section to prohibit and penalize: (i) any parent or other person enrolling a student in the Township of Little Falls School District, or (ii) any parent or other person enrolling a student in the Passaic Valley Regional High School claiming that his or her child is a resident of Little Falls, seeking free of charge education when such student is ineligible for free of charge education.

(b) Prohibited conduct. It shall be unlawful for any person who is 18 years old and older, to:

(1) Knowingly register or enroll a student in the Township of Little Falls School District, or Passaic Valley Regional High School District, seeking free of charge education or maintain the enrollment of a student receiving free of charge education when the student is ineligible for free of charge education pursuant to N.J.S.A. Title 18A; or

(2) Knowingly assist, aid or permit a student to register or enroll in the Township of Little Falls School District or Passaic Valley Regional High School District seeking free of charge education when the student is ineligible to attend free of charge pursuant to N.J.S.A. Title 18A; or

(3) Knowingly permit his or her name, address or other residence designating documentation to be utilized in the registration or enrollment of any student seeking free of charge education in the Township of Little Falls School District or Passaic Valley Regional High School District when the student is ineligible to attend free of charge pursuant to N.J.S.A. Title 18A; or

(4) Does not notify or inform the Township of Little Falls School District or Passaic Valley Regional High School District when a student is no longer a resident in the household of that person who had previously knowingly permitted his or her

name, address or other residence designating documentation to be utilized in the registration or enrollment of the student in the Township of Little Falls School District or Passaic Valley Regional High School District.

(c) Requirements. Upon the request of the Township of Little Falls School District or Passaic Valley Regional High School District, the parent or guardian of a student registered in the Township of Little Falls School District or the Passaic Valley Regional High School District shall be required to complete documentation intended to determine the student's eligibility to attend school in the Township of Little Falls School District or the Passaic Valley Regional High School District free of charge in accordance with N.J.S.A. Title 18A. All residents hosting other families, with a student enrolled in the Township of Little Falls School District or the Passaic Valley Regional High School District in their residence, must register with the Township of Little Falls School District or the Passaic Valley Regional High School District and must notify the Township of Little Falls School District or Passaic Valley Regional High School District when such other families no longer reside with the resident.

(d) Enforcement.

1. Sections (a), (b) and (c) may be enforced by the administrative officials of the Township of Little Falls School District in their sole discretion.

2. The Ordinance shall also apply to a parent or guardian who improperly claims his or child is a resident of the Township of Little Falls, when the child is not such a resident, and sends his or her child to the Passaic Valley Regional High School. As such, all provisions of this Ordinance will apply to such improper conduct, including, but not limited to, the penalty provisions of this Ordinance.

(e) Penalty. Any person violating the provisions of Sections (a), (b) and (c) shall, upon conviction thereof, be sentenced to pay a fine of up to \$2,000 and to the maximum lawful extent make restitution to the Township of Little Falls Board of Education or Passaic Valley High School Board of Education, respectively. In determining the amount of restitution, the Municipal Court of the Township of Little Falls, Passaic County shall include amounts incurred by the Township of Little Falls Board of Education or Passaic Valley High School Board of Education, including but not limited to tuition costs, investigation expenses and attorneys' fees.

(f) Restitution. Restitution ordered by the Municipal Court of the Township of Little Falls, Passaic County, shall be paid to the Township of Little Falls Board of Education or the Passaic Valley High School Board of Education within thirty (30) days of such an order being final and not subject to further appeal. Unpaid restitution and fines may, upon the petition of the Township of Little Falls Board of Education or the Passaic Valley High School Board of Education to the Municipal Court of the Township of Little Falls, be converted into liens against the properties of the offending parties.

**SECTION II:** All Ordinance or parts of Ordinances that are inconsistent with the

provisions of the within Ordinance are hereby repealed to the extent of such inconsistency only.

**SECTION III:** If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION IV:** This Ordinance shall take effect immediately upon final passage and publication as required by law.

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Darlene J. Conti  
MAYOR

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Cynthia Kraus, RMC  
MUNICIPAL CLERK

INTRODUCED:        January 25, 2016  
ADOPTED: