

CHAPTER 3 SCHOOL DISTRICTS

Authority

N.J.S.A. 18A:4-10, 18A:4-15, 18A:6-10, 18A:6-50, 18A:7A-1, 18A:7A-1.1, 18A:10-6, 18A:12-21 et seq., 18A:13-14, 18A:16-1, 18A:17-14 to 14.3, 18A:27-15, 18A:17-17, 18A:17-20, 18A:17-32, 18A:22-14, 18A:22-19, 18A:22-22, 18A:24-11, 18A:28-9 to 28-13, 18A:29-6 to 29-16, 18A:40-12.1 and 18A:49-1 to 49-8.

Source and Effective Date

R.1999 d.342, effective September 10, 1999.
See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 3, School Districts, expires on March 9, 2005. See: 36 N.J.R. 4050(a), 37 N.J.R. 502(c).

Chapter Historical Note

Chapter 3, School Districts, became effective prior to September 1, 1969.

Subchapter 2, Pupil Records, was adopted as R.1975 d.124, effective May 16, 1975. See: 6 N.J.R. 465(a), 7 N.J.R. 251(b).

Subchapter 3, Withdrawal from Limited Purpose Regional School Districts, was adopted as R.1976 d.286, effective September 8, 1976. See: 8 N.J.R. 458(a).

Subchapter 4, Senior Citizens' Transportation, was adopted as R.1977 d.129, effective April 13, 1977. See: 9 N.J.R. 113(a), 9 N.J.R. 212(b).

Pursuant to Executive Order No. 66(1978), this chapter was readopted as R.1983 d.248, effective June 3, 1983. See: 15 N.J.R. 376(a), 15 N.J.R. 1016(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Withdrawal from Limited Purpose Regional School Districts, was readopted as R.1983 d.368, effective August 18, 1983. See: 15 N.J.R. 728(a), 15 N.J.R. 1468(c).

Subchapter 5, Reporting of Allegations of Child Abuse, was adopted as R.1989 d.193, effective April 3, 1989. See: 21 N.J.R. 3(b), 21 N.J.R. 892(a).

Subchapter 6, Enforcement of Drug Free School Zones, was adopted as R.1989 d.354, effective July 3, 1989. See: 21 N.J.R. 817(a), 21 N.J.R. 1824(b).

Subchapter 7, Provisions for the Education of Homeless Children and Youth, was adopted as R.1990 d.615, effective December 17, 1990. See: 22 N.J.R. 2630(a), 22 N.J.R. 3734(b).

Chapter 3, School Districts, was repealed and replaced by new rules pursuant to Executive Order No. 66(1978) as R.1993 d.272, effective June 7, 1993. See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).

Subchapter 9, School Ethics Commission, was adopted as R.1993 d.394, effective August 2, 1993. See: 25 N.J.R. 1924(a), 25 N.J.R. 3511(a).

Subchapter 4A, Promotion and High School Graduation Requirements and Procedures, was recodified from N.J.A.C. 6:8-7 by R.1998 d.457, effective September 8, 1998. See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Subchapter 8, Provisions for the Education of Homeless Children and Youth, was recodified as N.J.A.C. 6:5 by R.1999 d.296, effective September 7, 1999. See: 31 N.J.R. 1409(a), 31 N.J.R. 2640(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 7 and Subchapter 9 were readopted as R.1999 d.342, effective September 10, 1999. Subchapter 9, School Ethics Commission, was recodified as Subchapter 8, School Ethics Commission, by R.1999 d.342, effective October 4, 1999. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. BOARDS OF EDUCATION

- 6:3-1.1 Board of school estimate
- 6:3-1.2 Special meetings of district boards of education
- 6:3-1.3 Requirements for the Code of Ethics for school board members and charter school board of trustees members
- 6:3-1.4 Local district responsibility for employment of staff
- 6:3-1.5 Support residencies for regularly-certified, inexperienced first-year principals
- 6:3-1.6 Reporting and staffing of school districts
- 6:3-1.7 (Reserved)
- 6:3-1.8 Approved public elementary and secondary school summer sessions

SUBCHAPTER 2. CHIEF SCHOOL ADMINISTRATOR

- 6:3-2.1 Chief school administrator defined
- 6:3-2.2 Annual evaluation of tenured and nontenured chief school administrators

SUBCHAPTER 3. CONDITIONS OF EMPLOYMENT FOR TEACHERS

- 6:3-3.1 Full-time employment of teachers
- 6:3-3.2 Duty-free lunch periods for teachers

SUBCHAPTER 4. SUPERVISION, OBSERVATION AND EVALUATION

- 6:3-4.1 Supervision of instruction: observation and evaluation of nontenured teaching staff members
- 6:3-4.2 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment
- 6:3-4.3 Evaluation of tenured teaching staff members

SUBCHAPTER 4A. SCHOOL EMPLOYEE PHYSICAL EXAMINATIONS

- 6:3-4A.1 Scope and purpose
- 6:3-4A.2 Definitions
- 6:3-4A.3 Policies and procedures for employee physical examinations
- 6:3-4A.4 Requirements of physical examinations

SUBCHAPTER 5. SENIORITY

- 6:3-5.1 Standards for determining seniority

SUBCHAPTER 6. PUPIL RECORDS

- 6:3-6.1 Definitions
- 6:3-6.2 General considerations
- 6:3-6.3 Mandated and permitted pupil records
- 6:3-6.4 Maintenance and security of pupil records
- 6:3-6.5 Access to pupil records
- 6:3-6.6 Conditions for access to pupil records
- 6:3-6.7 Rights of appeal for parents and adult pupils
- 6:3-6.8 Retention and destruction of pupil records

SUBCHAPTER 7. WITHDRAWAL FROM REGIONAL SCHOOL DISTRICTS

- 6:3-7.1 Application and data for investigation of advisability of withdrawal

- 6:3-7.2 Investigation and report by county superintendent of schools
- 6:3-7.3 Special school election
- 6:3-7.4 Final determination of board of review
- 6:3-7.5 Effective date of withdrawal

SUBCHAPTER 8. ATHLETICS PROCEDURES

- 6:3-8.1 General requirements

SUBCHAPTER 9. ATTENDANCE AND PUPIL ACCOUNTING

- 6:3-9.1 School register
- 6:3-9.2 School enrollment
- 6:3-9.3 School attendance

SUBCHAPTER 1. BOARDS OF EDUCATION

6:3-1.1 Board of school estimate

In any district board of education operating under N.J.S.A. 18A:9-2, the mayor of the municipality comprising the school district shall be the presiding officer of the board of school estimate, and in the event of the absence of the mayor at any meeting of the board of school estimate, the members thereof present at such meeting shall proceed to elect a presiding officer pro tem.

Case Notes

Rescission of candidate's withdrawal from school board election affirmed. *Monaghan v. Board of Education of Ridgefield Park*, 97 N.J.A.R.2d (EDU) 471.

School board's bylaws providing for agenda meeting before holding regular board meeting not legally enforceable. *Sooy v. Mainland Regional High School District*, 97 N.J.A.R.2d (EDU) 295.

Commissioner of Education could not intervene in school board's decision not to extend minibus service where decision was not proven unreasonable. *Shrewsbury v. Board of Education of Holland Township*, 96 N.J.A.R.2d (EDU) 795.

Failure to rehire recovered disability retiree was within school board's discretion. *Bublin v. Board of Education of the Borough of Point Pleasant*, 96 N.J.A.R.2d (EDU) 768.

School board's policy to ban backpacks in interest of safety constituted valid exercise of discretion. *Board of Education of Bernards Township v. C.M.*, 96 N.J.A.R.2d (EDU) 762.

Post-referendum change from two-story plan to one-story plan for new school was within school board's discretion. *Shuster v. Montgomery Township Board of Education*, 96 N.J.A.R.2d (EDU) 670.

Appointment of school board member by lame-duck mayor with less than one month remaining in his term. *Cordasco v. Board of Education of the Town of West New York*, 96 N.J.A.R.2d (EDU) 661.

Open Public Meeting Act was not violated by socializing after board of education meeting. *Kesselman v. Edison, Township Board of Education*, 96 N.J.A.R.2d (EDU) 436.

School board member not entitled to legal expenses incurred for personal reasons rather than in line of duty. *Quick v. Old Bridge Township Board of Education*, 96 N.J.A.R.2d (EDU) 116.

Employment as deputy fire chief did not place individual in conflict of interest so as to disqualify him from seeking election to school board. *Battiloro v. Westfield Board of Education*, 95 N.J.A.R.2d (EDU) 445.

Functions and duties as school business administrator and as mayor were inherently antagonistic and warranted administrator's suspension for conflict of interest. *Irvington Municipal Council v. Steele*, 95 N.J.A.R.2d (EDU) 123.

Bus driver for transportation company under contract with district board was not automatically ineligible for board membership. *Union Board of Education v. Andrews*, 95 N.J.A.R.2d (EDU) 350.

Submission date for nominating petitions for school board membership; insufficient signatures and subsequent registration of signers. *Jones v. Peddle*, 94 N.J.A.R.2d (EDU) 362.

Local school boards could not aggregate health coverage. *Millstone Township Teachers Association v. Millstone Township Board of Education*, 93 N.J.A.R.2d (EDU) 802.

Police officer assigned as security officer at high school was not disqualified from membership on board of education. *Ubaladini v. Cancel*, 93 N.J.A.R.2d (EDU) 457.

Board employee and union official not qualified to seek election to Board. *Board of Education of Township of Howell v. Suchcicki*, 93 N.J.A.R.2d (EDU) 157.

No disqualifying conflict of interest between police officer's membership on board of education and providing security services. *North Brunswick Township Education Association v. Board of Education of Township of North Brunswick*, 93 N.J.A.R.2d (EDU) 74.

Board of education membership; conflict of interest; law suit. *Board of Education of Township of Jackson, Ocean County v. Acevedo*, 92 N.J.A.R.2d (EDU) 163.

6:3-1.2 Special meetings of district boards of education

In every school district of the State, it shall be the duty of the secretary of the board of education to call a special meeting of the board whenever requested by the president of the board to do so or whenever there shall be presented to such secretary a petition signed by a majority of the whole number of members of the district board of education requesting the special meeting. Public notice of such special meeting shall be made pursuant to law and regulation. In accordance with N.J.S.A. 18A:10-6, the public notice shall include the date, time, location, and purpose(s) of the special meeting.

Amended by R.1999 d.342, effective October 4, 1999.

See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

Updated a reference.

Case Notes

School board acted improperly and in violation of open meeting requirements by discussing public business after meeting had officially ended. *Davis v. Willingboro Board of Education*, 95 N.J.A.R.2d (EDU) 352.

Cancellation of public forum; school board policies and Open Public Meetings Act. N.J.S.A. 10:4-12. *Fuhrmann v. Board of Educ. of the Borough of Middlesex*, 93 N.J.A.R.2d (EDU) 416.

6:3-1.3 Requirements for the Code of Ethics for school board members and charter school board of trustees members

(a) Each district board of education and charter school board of trustees shall: