

“Objective” means a written statement of the intended outcome of a specific educational process.

“Observation” means a visit to an assigned work station by a certified supervisor for the purpose of formally collecting data on the performance of a teaching staff member’s assigned duties and responsibilities and of a duration appropriate to same.

“Observation conference” means a discussion between a supervisor and teaching staff member to review a written report of the performance data collected in a formal observation and its implications for the teaching staff member’s annual evaluation.

“Paraprofessional” means a school aide or classroom aide who assists appropriately certified personnel with the supervision of student activities.

“Parent” means the natural or adoptive parent, the legal guardian, surrogate parent who has been appointed according to N.J.A.C. 6A:14-2.2(a) through (d), or a person acting in the place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student’s welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under this chapter. For the purposes of this chapter, the term “parent” shall include the adult student as defined above. In addition, a foster parent may act as a parent under this chapter if the parent’s authority to make education decisions on the student’s behalf has been terminated by a court of appropriate jurisdiction.

“Performance report” means a written appraisal of the teaching staff member’s performance prepared by an appropriately certified supervisor.

“Permitted student records” means records that a district board of education has authorized, by resolution adopted at a regular public meeting, to be collected in order to promote the educational welfare of the student.

“Physical examination” means the assessment of an individual’s health, in accordance with the requirements of N.J.A.C. 6A:16-2.2.

“Psychiatric examination” means an examination of an individual for the purpose of diagnosis and treatment of mental disorder.

“Regularly-certified, inexperienced first-year principals” means individuals who acquired regular New Jersey school principal endorsements pursuant to N.J.A.C. 6A:9-12.5, prior to September 1, 1989; have not previously held full-time employment as principals, assistant principals, vice principals, or in other positions for which the principal endorsement is required in New Jersey or elsewhere; and have been offered employment as principals, assistant principals or vice principals in a New Jersey public school district.

“Remedial course” means any course or subject that is a review of a course or subject previously taken for which credits or placement may be awarded upon successful completion of the course.

“School contact directory for official use” means a compilation by a district board of education that includes the following information for each student: name, address, telephone number, date of birth and school of enrollment, and which is provided for official use only to judicial, law enforcement and medical personnel.

“School-level plan” means a two-year plan that is developed by each school, is based on school report card data and includes student performance objectives, progress review by teaching and administrative staff and parent involvement.

“School report card” means a profile of each school that is compiled annually by the Department of Education and contains statistical information provided by the school district.

“Secondary” means grades nine through 12 in all high schools, grades seven and eight in junior high schools, grades seven, eight and nine in middle schools and grades seven and eight in elementary schools having departmental instruction.

“Statement of assurance” means a document submitted by the chief school administrator to the county superintendent that verifies the development and implementation of the school-level plan.

“Student” means a person who is or was enrolled in a public school.

“Student discipline record” means information maintained in a student’s record of all disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:41-60, Disclosure of juvenile information.

“Student information directory” means a publication of a district board of education that includes the following information relating to a student:

1. Name;
2. Grade level;
3. Date and place of birth;
4. Dates of school attendance;
5. Major field of study;
6. Participation in officially recognized activities;
7. Weight and height relating to athletic team membership;
8. Degrees;
9. Awards;

10. The most recent educational agency attended by the student; and

11. Other similar information.

“Student record” means information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second party review is considered a student record. Therefore, information recorded by any certified school personnel solely as a memory aid, not for the use of a second party, is excluded from this definition.

“Supervisor” means any appropriately certified individual assigned with the responsibility for the direction and guidance of the work of teaching staff members.

“Teaching staff member” means a member of the professional staff of a school district holding office, position or employment of such character that the qualifications for such office, position or employment require him or her to hold a valid and effective standard, provisional or emergency certificate, appropriate to his or her office, position or employment, issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer.

### SUBCHAPTER 3. DISTRICT BOARDS OF EDUCATION—GENERAL

#### 6A:32-3.1 Special meetings of district boards of education

(a) The secretary of the district board of education shall call a special meeting of the district board of education whenever:

1. Requested by the president of the district board of education to do so; or
2. When presented with a petition signed by a majority of the full membership of the district board of education requesting the special meeting.

(b) 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.

#### 6A:32-3.2 Requirements for the code of ethics for district board of education members and charter school board of trustees members

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

1. Discuss the School Ethics Act and the Code of Ethics for School Board Members, pursuant to N.J.S.A. 18A:12-21 et seq., at a regularly scheduled public meeting annually;

2. Adopt policies and procedures regarding the training of district board of education and charter school board of trustees members in understanding the Code of Ethics; and

3. Provide documentation pursuant to (b) below that each member of the district board of education or board of trustees has received and reviewed the Code of Ethics.

(b) Each member of the district board of education or charter school board of trustees shall sign an acknowledgment of receipt of the Code of Ethics for School Board Members contained within N.J.S.A. 18A:12-21 et seq. This acknowledgement of receipt requires each district board of education member and charter schools board of trustees member to read and become familiar with the Code of Ethics.

#### 6A:32-3.3 Boards of school estimate

(a) 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.

(b) In the event of the absence of the mayor at any meeting of the board of school estimate, the members present at such meeting shall proceed to elect a presiding officer pro tem.

### SUBCHAPTER 4. EMPLOYMENT AND SUPERVISION OF TEACHING STAFF

#### 6A:32-4.1 Employment of teaching staff

(a) This section applies to district boards of education or private agencies which provide educational services by means of public funds.

(b) Each district board of education shall determine the types of background experiences and personal qualities, if any, that the school district requires or prefers successful candidates for specific positions to possess in addition to appropriate State certification. Such local requirements shall be based upon a careful review of the position in question, and the requirements shall emphasize the nature of experience and the quality of individual achievement desired, rather than only the amount of experience.

(c) No teaching staff member shall be employed by any district board of education unless he or she is the holder of a valid certificate (see N.J.S.A. 18A:26-2). In addition, district boards of education should exercise their right and responsibility to require job candidates to present other, more detailed documentation of their competency. Such documen-

tation includes résumés, references, records of past experiences, college transcripts, certification test scores, assessment reports, internship evaluations, and other documentation of competency relevant to the specific position.

(d) District boards of education shall assign to administrative positions those functions that are consistent with the individual qualifications of the position occupant, and shall support the establishment of structures for making instructional decisions that take administrator qualifications into account.

(e) Teaching staff members shall be employed by the district board of education based upon the specific instructional needs of students of the school district and each school within the district. Pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards, the district board of education shall provide certified personnel needed to implement a thorough and efficient system of free public schools.

(f) Each school shall be assigned the services of a full-time non-teaching principal to be responsible for administration and supervision of the school.

1. When a full-time non-teaching principal is not assigned to a school, the district board of education, upon advice of the chief school administrator, shall submit to the Commissioner for approval a plan that ensures adequate supervision of students and staff.

#### **6A:32-4.2 Full-time employment of teachers**

(a) The district board of education shall prescribe the period of time in each day required for full-time employment of teachers that shall not be less than four clock hours.

(b) Any full-time teacher employed in both a morning and an afternoon session shall be entitled to a duty-free lunch period during the hours normally used for lunch periods in the school. The duty-free lunch period shall not be less than 30 minutes except in a school where the lunch period for students is less than 30 minutes. In such cases, the duty-free lunch period shall not be less than the lunch period time allowed to students.

#### **6A:32-4.3 Evaluation of tenured and nontenured chief school administrators**

(a) Each district board of education shall adopt a policy and implementation procedures requiring the annual evaluation of the chief school administrator by the district board of education.

(b) The purpose of the annual evaluation shall be to:

1. Promote professional excellence and improve the skills of the chief school administrator;

2. Improve the quality of the education received by the students served by the public schools; and

3. Provide a basis for the review of the performance of the chief school administrator.

(c) Such policy and procedures shall be developed by each district board of education after consultation with the chief school administrator and shall include, but not be limited to:

1. A determination of roles and responsibilities for the implementation of the policy and procedures;

2. Development of a job description and evaluation criteria, based upon the school district's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties and responsibilities of the chief school administrator;

3. Specification of methods of data collection and reporting appropriate to the job description;

4. Provision for the preparation of an individual plan for professional growth and development based in part upon any needs identified in the evaluation, which shall be mutually developed by the district board of education and the chief school administrator; and

5. Preparation of an annual written performance report by a majority of the full membership of the district board of education and an annual summary conference between a majority of the total membership of the district board of education and the chief school administrator.

(d) The district board of education may, at its discretion, hire a qualified consultant to assist or advise in the evaluation process; however, the evaluation itself is the responsibility of the district board of education.

(e) Such policy shall be distributed to the chief school administrator upon adoption by the district board of education. Amendments to the policy shall be distributed within 10 working days after adoption.

(f) The annual summary conference between the district board of education, with a majority of the total membership of the board and the chief school administrator present, shall be held before the written performance report is filed. The conference shall be held in private, unless the chief school administrator requests that it be held in public. The conference shall include, but not be limited to:

1. Review of the performance of the chief school administrator based upon the job description;

2. Review of the chief school administrator's progress in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals and statutory requirements; and

3. Review of indicators of student progress and growth toward the program objectives.

(g) The annual written performance report shall be prepared by April 30 by a majority of the total membership of the district board of education and shall include, but not be limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description and evaluation criteria set forth in (c)2 above;
3. Recommendations for professional growth and development;
4. A summary of indicators of student progress and growth and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the chief school administrator; and
5. Provision for performance data, which have not been included in the report prepared by the district board of education, to be entered into the record by the chief school administrator within 10 working days after the completion of the report.

(h) These provisions are the minimum requirements for the evaluation of chief school administrators.

(i) The evaluation procedure for a nontenured chief school administrator shall be completed by April 30 each year.

(j) Each newly appointed or elected district board of education member shall complete a New Jersey School Boards Association training program on the evaluation of the chief school administrator within six months of the commencement of his or her term of office pursuant to N.J.S.A. 18A:17-20.3b.

#### 6A:32-4.4 Evaluation of tenured teaching staff member

(a) Each district board of education shall adopt policies and procedures requiring the annual evaluation of all tenured teaching staff members by appropriately certified personnel (see N.J.S.A. 18A:1-1, Education definitions, and N.J.A.C. 6A:9, Professional Licensure and Standards).

(b) The purpose of the annual evaluation shall be to:

1. Promote professional excellence and improve the skills of teaching staff members;
2. Improve student learning and growth; and
3. Provide a basis for the review of performance of tenured teaching staff members.

(c) The policies and procedures shall be developed under the direction of the school district's chief school administrator in consultation with tenured teaching staff members and shall include, but not be limited to:

1. Roles and responsibilities for implementation of the policies and procedures;

2. Development of job descriptions and evaluation criteria based upon school district goals, program objectives and instructional priorities;

3. Methods of data collection and reporting appropriate to the job description including, but not limited to, observation of classroom instruction;

4. Observation conference(s) between the supervisor and the teaching staff member;

5. Provision for the use of additional appropriately certified personnel where it is deemed advisable;

6. Preparation of individual professional development plans; and

7. Preparation of an annual written performance report by the supervisor and an annual summary conference between the supervisor and the teaching staff member.

(d) These policies shall be distributed to reach tenured teaching staff members no later than October 1. Amendments to the policy shall be distributed within 10 working days after adoption.

(e) The annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall include, but not be limited to:

1. Review of the performance of the teaching staff member based upon the job description;

2. Review of the teaching staff member's progress toward the objectives of the individual professional development plan developed at the previous annual conference;

3. Review of available indicators of student progress and growth toward the program objectives; and

4. Review of the annual written performance report and the signing of said report within five working days of the review.

(f) The annual written performance report shall be prepared by a certified supervisor who has participated in the evaluation of the teaching staff member and shall include, but not be limited to:

1. Performance areas of strength;

2. Performance areas needing improvement based upon the job description;

3. An individual professional development plan developed by the supervisor and the teaching staff member;

4. A summary of indicators of student progress and growth, and in statement of how these indicators relate to the effectiveness of the overall program and the performance of the individual teaching staff member; and

5. Provisions for performance data, which have not been included in the report prepared by the supervisor, to be entered into the record by the evaluatee within 10 working days after the signing of the report.

(g) These provisions are the minimum requirements for the evaluation of tenured teaching staff members.

#### **6A:32-4.5 Evaluation of nontenured teaching staff members**

(a) Each of the three observations required pursuant to N.J.S.A. 18A:27-3.1 shall be conducted for a minimum duration of one class period in a secondary school, and for one complete subject lesson in an elementary school.

(b) Each district board of education shall adopt a policy for the supervision of instruction, setting forth procedures for the observation and evaluation of all nontenured teaching staff members. Such policy shall be distributed to each teaching staff member at the beginning of his or her employment.

(c) Each policy for the supervision of instruction shall include, in addition to those observations and evaluations described in (a) and (b) above, an annual written evaluation of the nontenured teaching staff member's total performance as an employee of the district board of education, including, but not limited to:

1. Performance areas of strength;
2. Performance areas needing improvement based upon the job description;
3. An individual professional development plan developed by the supervisor and the teaching staff member; and
4. A summary of indicators of student progress and growth, and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the individual teaching staff member.

(d) Each of the three observations required pursuant to N.J.S.A. 18A:27-3.1 shall be followed within a reasonable period of time, but in no instance more than 10 days, by a conference between the administrative or supervisory staff member who has made the observation and written evaluation, and the nontenured teaching staff member. Both parties to such a conference shall sign the written evaluation report and retain a copy for his or her records. The nontenured teaching staff member shall have the right to submit his or her written disclaimer of such evaluation within 10 days following the conference and such disclaimer shall be attached to each party's copy of the evaluation report.

(e) The purposes of this procedure for the observation and evaluation of nontenured teaching staff members shall be to improve professional competence, identify deficiencies, extend assistance for the correction of such deficiencies, provide a basis for recommendations regarding reemploy-

ment, and improve the quality of instruction received by the students served by the public schools.

#### **6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment**

(a) Whenever a nontenured teaching staff member has requested in writing and has received a written statement of reasons for nonreemployment pursuant to N.J.S.A. 18A:27-3.2, he or she may request in writing an informal appearance before the district board of education. Such written request shall be submitted to the board within 10 calendar days of receipt of the board's statement of reasons.

(b) Such an informal appearance shall be scheduled within 30 calendar days from receipt of the district board of education's statement of reasons.

(c) Under the circumstances described in this section, a nontenured teaching staff member's appearance before the district board of education shall not be an adversary proceeding. The purpose of such an appearance shall be to permit the staff member to convince the members of the board to offer reemployment.

(d) Each district board of education shall exercise discretion in determining a reasonable length of time of the proceeding, depending upon the specific circumstances in each instance.

(e) Each district board of education shall provide adequate written notice to the employee regarding the date and time of the informal appearance.

(f) The nontenured teaching staff member may be represented by counsel or one individual of his or her own choosing.

(g) The staff member may present witnesses on his or her behalf. Such witnesses do not need to present testimony under oath and shall not be cross-examined by the district board of education. Witnesses shall be called into the meeting to address the board one at a time and shall be excused from the meeting after making their statements.

(h) The proceeding of an informal appearance before the district board of education as described herein may be conducted pursuant to N.J.S.A. 10:4-12(b)(8).

(i) Within three days following the informal appearance, the district board of education shall notify the affected teaching staff member, in writing, of its final determination. The board may delegate such notification to its chief school administrator or board secretary.

#### **6A:32-4.7 Approval of paraprofessional staff**

(a) The county superintendent shall annually approve school aides and/or classroom aides who assist in the super-

vision of student activities under the direction of a principal, teacher or other designated certified professional personnel.

(b) In order to employ a paraprofessional, the district board of education shall develop a job description and standards for each appointment. The description and standards shall be based on the school district's needs and shall include:

1. The duties to be performed;
2. The types of proficiencies needed;
3. The academic and/or experience qualifications;
4. The arrangement for supervision of the aide; and
5. The compensation.

(c) The chief school administrator shall submit the job description and standards in (b) above to the county superintendent for approval. The county superintendent shall review the description and standards proposed for classroom aide positions. If, after review of the description and standards, the county superintendent determines that the school district requires the paraprofessional position, he or she shall approve the school district's use of the position and notify the district board of education in writing of the approval.

#### **6A:32-4.8 Support residencies for regularly-certified, inexperienced first-year principals**

(a) Each school district employing a regularly-certified, inexperienced first-year principal shall enter into an agreement to provide a principal residency program pursuant to N.J.A.C. 6A:9-12.5, including a pre-residency experience, except that:

1. Entry requirements in N.J.A.C. 6A:9-12.5 shall not apply to regularly-certified, inexperienced first-year principals;
2. Special certification evaluations as described in N.J.A.C. 6A:9-12.5 shall not be conducted for regularly-certified, inexperienced first-year principals, and no evaluations or recommendations concerning their certification shall be presented to the Department of Education; and
3. As part of the support residency, the school district shall require the new principal to undergo an assessment of performance at a State-approved center during the pre-residency phase. The sole purpose of this assessment shall be to provide a diagnosis of strengths and weaknesses as a basis for designing continuing education and support exercises.

(b) The Department of Education shall monitor school districts to determine compliance with this section.

#### **6A:32-4.9 Access to personnel records**

(a) A district board of education shall make the following employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act:

1. An individual's name, title, position, salary, payroll record, length of service, date of separation and reason for separation, and the amount and type of pension received;
2. Personnel or pension records of any individual when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by the State or the United States, or when authorized by an individual in interest; and
3. Data contained in information regarding specific experiential, educational or medical qualifications required for receipt of a public pension, except for detailed medical or psychological information.

### **SUBCHAPTER 5. SENIORITY**

#### **6A:32-5.1 Standards for determining seniority**

(a) The word "employment" for purposes of these standards shall also be held to include "office" and "position."

(b) Seniority, pursuant to N.J.S.A. 18A:29-9 et seq., shall be determined according to the number of academic or calendar years of employment, or fraction thereof, as the case may be, in the school district in specific categories as hereinafter provided. The periods of unpaid absences not exceeding 30 calendar days aggregate in one academic or calendar year, leaves of absence at full or partial pay and unpaid absences granted for study or research shall be credited toward seniority. All other unpaid absences or leaves of absence shall not receive seniority credit.

(c) In computing length of service for seniority purposes, full recognition shall be given to previous years of service within the school district and the time of service in or with the military or naval forces of the United States or this State, pursuant to the provisions of N.J.S.A. 18A:28-12.

(d) Employment in the school district prior to the adoption of these standards shall be counted in determining seniority.

(e) The holder of an emergency certificate shall not be entitled to seniority rights but, when he or she becomes the holder of a standard certificate, the years of employment under the emergency certificate shall count toward seniority under the standard certificate. Upon acquisition of a standard certificate, any periods of service under a provisional certificate shall also be counted toward seniority.

(f) Whenever a person shall hold employment simultaneously under two or more subject area endorsements or in two or more categories, seniority shall be counted in all subject area endorsements and categories in which he or she is or has been employed. For purposes of calculating seniority entitlement, there shall be no distinction between academic years and calendar years.

(g) Where the title of any employment is not properly descriptive of the duties performed, the holder thereof shall be placed in a category in accordance with the duties performed and not by title. Whenever the title of any employment shall not be found in the certification rules or in these rules, the holder of the employment shall be classified as nearly as may be according to the duties performed, pursuant to the provisions of N.J.A.C. 6A:9, Professional Licensure and Standards.

(h) Whenever a person shall move from or revert to a category, all periods of employment shall be credited toward his or her seniority in any or all categories in which he or she previously held employment.

(i) Whenever any person's particular employment shall be abolished in a category, he or she shall be given that employment in the same category to which he or she is entitled by seniority. If he or she shall have insufficient seniority for employment in the same category, he or she shall revert to the category in which he or she held employment prior to his or her employment in the same category and shall be placed and remain upon the preferred eligible list of the category from which he or she reverted until a vacancy shall occur in such category to which his or her seniority entitles him or her.

(j) If he or she shall have insufficient seniority in the category to which he or she shall revert, he or she shall, in like manner, revert to the next category in which he or she held employment immediately prior to his or her employment in the category to which he or she shall have reverted, and shall be placed and remain upon the preferred eligible list of the next preceding category, and so forth, until he or she shall have been employed or placed upon all the preferred eligible lists of the categories in which he or she formerly held employment in the school district.

(k) In the event of his or her employment in some category to which he or she shall revert, he or she shall remain upon all the preferred eligible lists of the categories from which he or she shall have reverted, and shall be entitled to employment in any one or more such categories whenever a vacancy occurs to which his or her seniority entitles him or her.

(l) The following shall be deemed to be specific categories, not necessarily numbered in order of precedence:

1. Superintendent of schools;
2. Assistant superintendent;
  - i. Each assistant superintendency shall be a separate category; and
  - ii. District boards of education shall adopt a job description for each assistant superintendent position which shall set forth qualifications and endorsements for such position;
3. Director;

i. Each director position shall be a separate category; and

ii. District boards of education shall adopt job descriptions for each director position which sets forth the qualifications and endorsements for such position;

4. High school principal;
5. Adult high school principal;
6. Alternative school principal;
7. Vocational school principal;
8. Junior high school principal;
9. Elementary principal;
10. Supervisor;

i. Each supervisory title shall be a separate category; and

ii. District boards of education shall adopt a job description for each supervisory position which sets forth the qualifications and specific endorsements required for such position;

11. High school vice principal or assistant principal;
12. Adult high school vice principal or assistant principal;
13. Alternative school vice principal or assistant principal;
14. Junior high school vice principal or assistant principal;
15. Elementary school vice principal or assistant principal;
16. Vocational school vice principal or assistant principal;
17. Secondary;

i. Any person holding an instructional certificate with subject area endorsements shall have seniority within the secondary category only in such subject area endorsement(s) under which he or she has actually served;

ii. Whenever a person shall be reassigned from one subject area endorsement to another, all periods of employment in his or her new assignment shall be credited toward his or her seniority in all subject area endorsements in which he or she previously held employment;

iii. Any person employed at the secondary level in a position requiring an educational services certificate or a special subject field endorsement shall acquire seniority only in the secondary category and only for the period of actual service under such educational services certificate or special subject field endorsement; and

iv. Persons employed and providing services on a district-wide basis under a special subject field endorsement or an educational services certificate shall acquire seniority on a district-wide basis;

#### 18. Elementary:

i. District boards of education that make a determination to reorganize instruction at grades seven and eight pursuant to these rules shall do so by adoption of a formal resolution setting forth the reasons for such reorganization;

ii. Any person employed at the elementary level in a position requiring an educational services certificate or a special subject field endorsement shall acquire seniority only in the elementary category and only for the period of actual service under such educational services certificate or special subject field endorsement;

iii. Persons employed and providing services on a district-wide basis under a special field endorsement or an educational services certificate shall acquire seniority on a district-wide basis;

iv. Persons serving under elementary endorsements in departmentally organized grades seven and eight prior to September 1, 1983 shall continue to accrue seniority in the elementary category for all such service prior to and subsequent to September 1, 1983. In addition, such persons shall accrue seniority in the secondary category but limited to the school district's departmentally organized grades seven and eight and the specific subject area actually taught in such departmentally organized grades, subsequent to September 1, 1983; and

19. Additional categories of specific educational service endorsements issued by the State Board of Examiners and listed in the State Board rules dealing with teacher certification pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.

(m) In the event of a restructure of grade levels which results in the elimination of all junior high schools in the school district and the creation of schools with a grade level organization which includes grades seven and eight, the seniority rights of the junior high principals, vice principals and assistant principals displaced by such restructuring shall be transferable to the newly reorganized schools in the category as defined by (l)9 above.

## SUBCHAPTER 6. SCHOOL EMPLOYEE PHYSICAL EXAMINATIONS

### 6A:32-6.1 Scope and purpose

(a) This subchapter designates the minimum assessments to be used by district boards of education in establishing

physical examinations for candidates for employment and school district employees.

(b) This subchapter applies to all district boards of education or private agencies which provide educational services by means of public funds.

### 6A:32-6.2 Policies and procedures for employee physical examinations

District boards of education shall adopt written policies and procedures for the physical examination of employees, and may adopt written policies and procedures for candidates for employment. Such policies shall be based on the advice and recommendation of the school district medical inspector, provide for notification to school employees regarding the requirements for physical examinations, and establish procedures to assure confidentiality during the collection, transmission and storage of employee medical records pursuant to N.J.A.C. 6A:32-6.3(f).

### 6A:32-6.3 Requirements of physical examinations

(a) Any candidate for employment may be required to undergo a physical examination that may include, but not be limited to, health history, health screenings and medical evaluation and drug testing. The preemployment physical examination shall not be used to determine a candidate's disabilities. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990.

(b) Newly employed staff shall be required to undergo a physical examination which shall include, but not be limited to:

1. A health history completed by the individual or his or her physician which shall include:
  - i. Past serious illnesses and injuries;
  - ii. Current health problems;
  - iii. Allergies; and
  - iv. Record of immunizations.
2. Health screenings which shall include:
  - i. Height and weight;
  - ii. Blood pressure;
  - iii. Pulse and respiratory rate; and
  - iv. Vision screening, hearing screening and Mantoux test for tuberculosis.
3. A medical evaluation which shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in the document,

2. Authorized organizations, agencies and persons from outside the school whose access requires the consent of parents or adult students shall submit their request in writing together with any required authorization, to the chief school administrator or his or her designee.

3. The chief school administrator or his or her designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage or loss. In every instance of inspection of student records by persons other than parents, students or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student record of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied and the purposes for which the data will be used.

4. Unless otherwise judicially instructed, the district board of education shall, prior to the disclosure of any student records to organizations, agencies or persons outside the school district pursuant to a court order, give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practicable. Only those records related to the specific purpose of the court order shall be disclosed.

5. A record may be withheld from a parent of a student under 18 or from an adult student only when the district board of education obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld. When the district board of education has or obtains evidence of such court order the parent or adult student shall be notified in writing within five days of his or her request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.

#### **6A:32-7.7 Rights of appeal for parents and adult students**

(a) Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies and persons. The parent or adult student may seek to:

1. Expunge inaccurate, irrelevant or otherwise improper information from the student record;
2. Insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or
3. Request an immediate stay of disclosure pending final determination of the challenge procedure as described in this subchapter.

(b) To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, a parent or adult student shall notify the chief school administrator in writing of the specific issues relating to the student record. Within 10 days of notification, the chief school administrator or his or her designee shall notify the parent or adult student of the school district's decision. If the school district disagrees with the request, the chief school administrator or his or her designee shall meet with the parent or adult student to revise the issues set forth in the appeal. If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision either to the district board of education or the Commissioner of Education within 10 days. If appeal is made to the district board of education, a decision shall be rendered within 20 days. The decision of the district board of education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.

(c) Appeals relating to the student records of students with disabilities shall be processed in accordance with the requirements of (b) above.

(d) Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place a statement in the student record commenting upon the information in the student record or setting forth any reasons for disagreement with the decision of the agency. Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

Administrative correction.  
See: 38 N.J.R. 1828(a).

#### **6A:32-7.8 Retention and disposal of student records**

(a) A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.

1. The school district shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

(b) Student records of currently enrolled students, other than that described in (e) below, may be disposed of after the information is no longer necessary to provide educational services to a student. Such disposition shall be accomplished only after written parental or adult student notification and

written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.

(c) Upon graduation or permanent departure of a student from the school district:

1. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.

2. Information in student records, other than that described in (e) below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.

(d) No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

(e) The New Jersey public school district of last enrollment, graduation or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, citizenship, address, telephone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

## SUBCHAPTER 8. STUDENT ATTENDANCE AND ACCOUNTING

### 6A:32-8.1 School register

(a) This subchapter applies to all district boards of education or private agencies which provide educational services by means of public funds.

(b) The Commissioner shall prepare and distribute a school register which shall be known as the New Jersey School Register, for recording student attendance in all public schools of the State operated by district boards of education, except adult high schools.

(c) Student attendance shall be recorded in the school register during school hours on each day the school is in session.

(d) Separate school registers shall be kept for students attending preschool, kindergarten, grades one through five, grades six through eight, grades nine through 12, each preschool class for the disabled, each class for the disabled,

shared-time classes for regular students, shared-time classes for students with disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by district boards of education.

(e) A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register attendance pages for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences will be recorded for the student while on home instruction, providing the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

### 6A:32-8.2 School enrollment

(a) The enrollment in a class, a school or a school district shall be the total number of original entries plus the number of re-entries, less the number of transfers, withdrawals or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals or dropouts, in all the classes and schools of a school district shall constitute the school enrollment for that district board of education during any school year.

(b) No student attending a school operated by a district board of education shall be enrolled in more than one school register in any school district during a school year. All students shall be enrolled as of the first day of attendance for that year.

(c) No student shall be enrolled in a school register until the student has reached the following legal school age:

1. Kindergarten—more than four years and less than six years;
2. Day school—more than five years;
3. Preschool disabled—more than three years and less than five years.

(d) Within 10 days of the start of the school year, a school district shall determine whether any re-entering student who has not attended school that year has an excused absence or has transferred, withdrawn or dropped out of the school district.

(e) Any student enrolled in a school register in a school district who moves to another school district in the same school year shall be enrolled in one register in the new school district upon entering school in that school district.

(f) The average daily enrollment in a school district for a school year shall be the sum of the days present and absent of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in

session. The average daily enrollment for the classes or schools of a district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual classes or schools.

(g) The average daily attendance in a school district for a school year shall be the sum of the days present of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily attendance for the classes or schools of a district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes or schools.

### 6A:32-8.3 School attendance

(a) For purposes of school attendance, a day in session shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes and inclement weather shall not be considered as days in session.

(b) A school day shall consist of not less than four hours of actual instruction, except that in an approved kindergarten one continuous session of 2 1/2 hours may be considered as a full day.

(c) An approved kindergarten shall meet the following requirements:

1. Each kindergarten teacher shall be properly certified pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards, and 6A:10A, Improving Standards-Driven Instruction and Literacy in Abbott School Districts: Implementing Standards-Driven Instruction and Effective and Efficient Practices under Abbott v. Burke.

2. A balanced program in an approved facility with adequate equipment, materials and supplies shall be provided each child. This program is to be designed to meet the individual needs of every child and may include instruction in reading and other subjects when it has been determined that a child is ready for such instruction by the teacher of the class; and

3. The maximum enrollment for a kindergarten class shall be 25 students per teacher and 21 students in an Abbott school district, in accordance with N.J.A.C. 6A:10A, Improving Standards-Driven Instruction and Literacy in Abbott School Districts: Implementing Standards-Driven Instruction and Effective and Efficient Practices under Abbott v. Burke. The county superintendent of schools may give permission to increase the number of students in a non-Abbott classroom to any number he or she chooses provided another teacher, an auxiliary teacher, or a teacher aide is employed full-time to provide for the increased size.

(d) A day of attendance shall be one in which a student is present for the full day under the guidance and direction of a

teacher while school is in session. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.

(e) A half-day class shall be considered the equivalent of a full day's attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

(f) A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions printed in the school register, and if necessary, according to supplementary instructions issued from time to time by the Commissioner.

(g) No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.

(h) A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.

(i) A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.

(j) The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.

(k) The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with these rules. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

## SUBCHAPTER 9. ATHLETICS PROCEDURES

### 6A:32-9.1 General requirements

(a) The program of activities or sports to be employed by any school district in competitive contests, games or events or in exhibitions with individual students or teams of one or more schools of the same school district, or of other school

districts, shall be recommended annually by the chief school administrator to the district board of education for approval.

(b) In cases in which the athletic facilities are not owned by the municipality or the district board of education, the district board of education shall require that adequate safeguards to players and spectators be provided by the owner. The field, room, court, track, stands and surrounding premises shall be kept in good condition and free from hazards.

(c) Upon the recommendation of the chief school administrator, the district board of education shall adopt, and thereafter, annually review a policy of emergency medical procedures for all practice sessions, and competitive contests, games, events or exhibitions with individual students or teams of one or more schools of the same school district or of other school districts. Said policy shall be disseminated to appropriate personnel.

(d) Each candidate for a place on a school athletic squad or team shall be given a medical examination pursuant to N.J.A.C. 6A:16-2.2(h).

(e) The district board of education shall adopt a policy regarding the content and procedures for the administration of the medical examination required pursuant to N.J.A.C. 6A:16-2.2(h). Nothing in this section shall be interpreted as precluding the district board of education from adopting content and procedures in excess of the minimum requirements set forth herein.

(f) Any examination conducted by a physician other than the medical inspector or designated team doctor shall be reported to the medical inspector or designated team doctor on a form issued by the Commissioner of Education, and, as a minimum, include that content adopted by the district board of education. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the medical inspector or designated team doctor, such examination shall not be at the expense of the district board of education.

(g) A student representing his or her school in interscholastic athletic competition shall sign a form furnished by the district board of education, the wording of which shall embody a request to be enrolled as a candidate for a place on a school team in a specified sport. The parent or legal guardian shall execute an acknowledgement that physical hazards may be encountered.

(h) Each candidate for a place on the school athletic squad or team shall submit a form furnished by the district board of education conveying the consent of his or her parent or legal guardian to participate.

## SUBCHAPTER 10. SUMMER SCHOOL SESSIONS

### 6A:32-10.1 General

(a) The rules for the approval of full-time public schools shall apply to all elementary and secondary summer sessions.

No school summer session may be operated or approved unless it is operated by a district board of education without charge to students domiciled within the school district.

(b) Remedial, advancement and enrichment courses may be offered to meet student needs.

### 6A:32-10.2 Approval

The operation of a summer session requires annual approval by the county superintendent of schools.

### 6A:32-10.3 Costs and tuition

(a) For students domiciled within the school district, the district board of education shall not charge tuition for any remedial or advanced course.

(b) Tuition may be charged for enrichment courses which carry no credit and are determined by the county superintendent of schools to have no direct relationship to the curriculum.

### 6A:32-10.4 Staffing

(a) In each school, a member of the administrative, supervisory or teaching staff who is certified as an administrator shall be assigned the responsibilities of administration and supervision of the summer session.

(b) Teachers in summer sessions conducted by district boards of education shall possess valid certificates for subjects taught. Curriculum enrichment may involve resource persons serving for specific periods of time under the supervision of a certified administrator, supervisor or teacher.

### 6A:32-10.5 Student assignment and credit

(a) The assignment of students in summer session for remedial courses shall be based upon the recommendation of the principal of the school which the student regularly attends in accordance with policies established by the district board of education. The principal's recommendation shall state in writing the name of the subject(s) which the student may take and the purpose for which each subject is taken.

(b) An evaluation and a description of work completed shall be included in the student's cumulative record and the principal of the sending school shall determine the grade placement of the student.

(c) To receive advanced credit for a subject not previously taken, the student shall receive class instruction in summer session under standards equal to those during the regular term.

(d) Full-year subjects which are given for review, remediation or for other purposes not including advanced