

SUBCHAPTER 3. PHYSICAL EDUCATION AND ATHLETICS PERSONNEL AND PROCEDURES

Authority

N.J.S.A. 18A:4-15, 18A:6-38, 18A:35-5 and 18A:35-7.

Source and Effective Date

R.1984 d.192, eff. May 21, 1984.
See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a).

6:29-3.1 Physical education personnel

(a) In all schools not having the services of certificated physical education teachers, the responsibility for the program of activities and instruction shall be that of each teacher, or such responsibility may be delegated to one or more teachers designated by the chief school administrator.

(b) Any person not certified as a teacher and not in the employ of a district board of education shall not be permitted to organize public school pupils during school time or during any recess in the school day for purposes of instruction; or for conducting games, events or contests in physical education.

As amended, R.1984 d.192, effective May 21, 1984.
See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a).

The word "not" was inserted.

Amended by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Recodified from 6:29-6.1; authority to delegate changed from superintendent of schools to chief school administrator.

6:29-3.2 Physical education exemption procedures

(a) District boards of education may, at their discretion, accept the successful completion of basic training in the military or naval service of the United States or United States Merchant Marine in full satisfaction of the physical training requirements of N.J.S.A. 18A:35-7.

(b) A district board of education may give approval for members of an interscholastic athletic team of a school to be excused from physical activity in their physical education class on the days that a regular interscholastic game is scheduled. This approval applies only to those members listed for participation in the game.

(c) District boards of education shall provide by regular appropriations suitable and adequate equipment for carrying out the program for physical education activities.

(d) A district board of education may adopt a policy to permit pupils to receive graduation credit in physical education while participating in interscholastic team activity, alternative programs of athletics, or alternative programs of physical education activities that meet the requirements of N.J.A.C. 6:8-4.2 and are consistent with local district's physical education program goals and instructional objectives. Health and safety requirements must be satisfied, pursuant to the provisions of N.J.S.A. 18A:35-5. Any policy

adopted under this authority shall include, but need not be limited to, the following provisions:

1. The principal, in consultation with an appropriately certificated staff member(s), shall, upon application by the pupil and parents, or guardian, determine the appropriateness of the interscholastic activity, alternative athletic program, or physical education activity.

2. To be eligible to receive graduation credit in physical education through interscholastic team activity, alternative programs of athletics, or alternative programs of physical education activities the pupil must demonstrate that the interscholastic activity or alternative program will provide activity and development equivalent to that provided by the physical education program.

3. Credit and grading for the alternative program shall be based on proficiencies established by the district board of education.

4. The permanent school records shall indicate the credits granted for physical education through the alternative program.

5. If the alternate program leaves unscheduled time during the school day, the pupil shall use the time for scholastic purposes.

As amended, R.1984 d.192, effective May 21, 1984.
See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a).

Section substantially amended.

Amended by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Recodified from N.J.A.C. 6:29-6.2; (d)2i deleted; proficiency requirement added at 2.

Case Notes

Grading policy; automatic reduction to fail for entire instructional unit for cutting class. J.B. on Behalf of W.B. v. Board of Education of Township of Pequannock, 93 N.J.A.R.2d (EDU) 664.

Physical education grading policy was reasonable. M.M. Through and With His Guardian and Father, M.M., Sr. v. Demers, Et Al, 92 N.J.A.R.2d (EDU) 525.

6:29-3.3 Athletics personnel

(a) Any person not certified as a teacher and not in the employ of a district board of education shall not be permitted to organize public school pupils during school time or during any recess in the school day for purposes of instruction, or coaching or for conducting games, events or contests in physical education or athletics.

(b) School districts shall be permitted to employ any holder of a New Jersey teaching certificate to work in the interscholastic athletic program provided that the position has been advertised.

(c) In the event there is no qualified and certified applicant, the holder of a county substitute certificate is authorized to serve as an athletic coach in the district in which he

or she is employed for a designated sports season, provided that:

1. The district chief school administrator demonstrates to the county superintendent that:
 - i. The vacant coaching position had been advertised; and
 - ii. There was no qualified applicant based on the written standards of the district board of education;
2. The district chief school administrator will provide a letter to the county superintendent attesting to the prospective employee's knowledge and experience in the sport in which he or she will coach; and
3. Approval of the county superintendent shall be obtained prior to such employment by the district board of education. The 20-day limitation noted in N.J.A.C. 6:11-4.4(i) shall not apply to such coaching situations.

As amended, R.1972 d.88, effective May 8, 1972.

See: 4 N.J.R. 65(b), 4 N.J.R. 118(a).

As amended, R.1973 d.223, effective August 10, 1973.

See: 5 N.J.R. 298(b).

As amended, R.1977 d.69, effective March 3, 1977.

See: 9 N.J.R. 67(a), 9 N.J.R. 167(b).

As amended, R.1982 d.486, effective January 17, 1983.

See: 14 N.J.R. 1010(a), 15 N.J.R. 84(c).

Added (f).

As amended, R.1983 d.493, effective November 7, 1983.

See: 15 N.J.R. 1152(b), 15 N.J.R. 1860(c).

Deleted old (b)-(f) and added new (b)-(c).

Amended by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

Recodified from N.J.A.C. 6:29-6.3; responsibility in (c)1 and 2 changed from superintendent of schools to chief school administrator. Public Notice: Public testimony session November 18, 1992.

See: 24 N.J.R. 4130(a).

Amended by R.1993 d.80, effective February 16, 1993.

See: 24 N.J.R. 4150(a), 25 N.J.R. 686(c).

Expanded time from 60 days prior to up to 365 prior to first practice session for physical exam for athletic participation; dropped requirement of before and after exercise heart rate assessment.

Law Review and Journal Commentaries

Education. Judith Nallin, 138 N.J.L.J. 54 (1994).

Case Notes

Qualifications for school coaches. Barber and Kelner v. Bd. of Ed., Kearny, Hudson Cty., 1975 S.L.D. 58, 1976 S.L.D. 1105; Brick Tp. Ed. Ass'n v. Bd. of Ed., Brick, Ocean Cty., 1975 S.L.D. 265, 1975 S.L.D. 268; Point Pleasant Teacher's Ass'n v. Bd. of Ed., Point Pleasant Beach, Ocean Cty., 1974 S.L.D. 241.

Employment of extra district, certified teacher as head girls' basketball coach was authorized. Krupp v. Board of Educ. of Union County Regional High School Dist. No. 1, Union County, 278 N.J.Super. 31, 650 A.2d 366 (A.D.1994), certification denied 140 N.J. 277, 658 A.2d 301.

School boards may hire intra or extra district qualified, certified teachers as coaches provided that the coaching position is first advertised. Krupp v. Board of Educ. of Union County Regional High School Dist. No. 1, Union County, 278 N.J.Super. 31, 650 A.2d 366 (A.D.1994), certification denied 140 N.J. 277, 658 A.2d 301.

Coaches need not be certified teachers and employed by a school district in the state, but does not require that coaches be certified teachers employed by the school district in which they are employed. Krupp v. Board of Educ. of Union County Regional High School Dist. No. 1, Union County, 278 N.J.Super. 31, 650 A.2d 366 (A.D.1994), certification denied 140 N.J. 277, 658 A.2d 301.

It was abuse of discretion to fail to appoint petitioner who was only qualified and certified applicant to indoor and outdoor coaching assignments. Union City Education Association v. Union City Board of Education, 94 N.J.A.R.2d (EDU) 431.

Appointment of experienced individual as head varsity football coach was reasonable. Taylor v. Waldwick Borough Board of Education, 94 N.J.A.R.2d (EDU) 369.

Monetary sanction levied against high school wrestling coach was justified. Bower v. NJSIAA, 94 N.J.A.R.2d (EDU) 80.

Coaching position; no automatic preference exists for full-time employees over part-time employees. Dorsett v. Union City Board of Education, 94 N.J.A.R.2d (EDU) 30.

Board of education violated rule governing hiring of coaches when there is no qualified and certified applicant. Daniel v. Board of Education of Township of Irvington, 93 N.J.A.R.2d (EDU) 613.

Coaching position; hiring outside of full-time district teaching staff. Norcross v. Board of Education of North Hunterdon Regional High School District, 92 N.J.A.R.2d (EDU) 176.

Rules violation; hiring out-of-district applicant for position of head baseball coach. Capraro v. Woodbridge Tp. Bd. of Educ., 91 N.J.A.R.2d 17 (EDU).

6:29-3.4 Athletics procedures

(a) The program of activities or sports to be employed by any public school in competitive contests, games or events or in exhibitions with individual pupils or teams of one or more schools of the same district, or of other 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 pupils or teams of one or more schools of the same district or of other districts. Said policy should be disseminated to appropriate personnel.

(d) Each candidate for a place on a school athletic squad or team shall be given a medical examination by the medical inspector or designated team doctor within 365 days prior to the first practice session with examinations being made available throughout the school year consistent with the district's athletic schedule. In lieu thereof, the medical inspector may accept the report of such an examination by a physician licensed to practice medicine.

1. To participate on an athletic squad or team, each candidate whose medical examination was completed more than 60 days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination, which shall be completed by the parent or legal guardian. The health history update shall include, but not be limited to, the following information:

- i. Hospitalizations/operations;
- ii. Illnesses;
- iii. Injuries;
- iv. Care administered by a physician; and
- v. Medications.

2. The parent or legal guardian shall receive written notification signed by the medical inspector or team doctor approving the pupil's participation in athletics based upon the medical examination or the reasons for the medical inspector's or team doctor's disapproval of the pupil's participation shall be included in such notification. The health findings of the medical examination for participation shall be made a part of the pupil's health record.

(e) A medical examination to determine the fitness of a pupil to participate in athletics shall include, as a minimum, no less than the following:

1. A medical history questionnaire, completed by the parent or legal guardian of the pupil, to determine if the pupil:

- i. Has been medically advised not to participate in any sport, and the reason for such advice;
- ii. Is under physician's care and the reasons for such care;
- iii. Has experienced loss of consciousness after an injury;
- iv. Has experienced a fracture or dislocation;
- v. Has undergone any surgery;
- vi. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
- vii. Has allergies including hives, asthma or reaction to bee stings;
- viii. Has experienced frequent chest pains or palpitations;
- ix. Has a recent history of fatigue and undue tiredness;
- x. Has a history of fainting with exercise; and
- xi. Has a history of a family member having sudden death.

2. A physical examination which shall include, as a minimum, no less than the following:

- i. Measurement of weight, height and blood pressure;
- ii. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice and purpura;
- iii. Examination of the eyes to determine visual acuity, use of eyeglasses, or contact lenses, and examination of the sclera for the presence of jaundice;
- iv. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
- v. Examination of the nose to assess the presence of deformity which may affect endurance;
- vi. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
- vii. Examination of chest contour;
- viii. Auscultation and percussion of the lungs;
- ix. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
- x. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly or abnormal masses;
- xi. Assessment of the back to determine range of motion and abnormal curvature of the spine;
- xii. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
- xiii. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
- xiv. Assessment of physiological maturation; and
- xv. Neurological examination to assess balance and coordination and the presence of abnormal reflexes.

(f) The district board of education shall adopt a policy regarding the content and procedures for the administration of the medical examination required in (e) above. 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.

(g) Any examination conducted by a physician other than the medical inspector or designated team doctor must be reported to the medical inspector or designated team doctor on a form furnished by the district board of education and, as a minimum, include that content adopted by the board. 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.

(h) A pupil 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 must execute an acknowledgement that physical hazards may be encountered.

(i) Every 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.

As amended, R.1972 d.87, effective May 8, 1972.

See: 4 N.J.R. 65(a), 4 N.J.R. 117(c).

As amended, R.1984 d.192, effective May 21, 1984.

See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a).

Substantially amended.

Amended by R.1985 d.281, effective June 3, 1985.

See: 17 N.J.R. 659(a), 17 N.J.R. 1410(a).

Substantially amended.

Amended by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

Recodified from N.J.A.C. 6:29-6.4; requirement for health history update added at (d)3.

Case Notes

Park owned by school board, which contained athletic fields regularly used for public and parochial school athletics, was a "school property used for school purposes" within narcotics statute. *State v. Ivory*, 124 N.J. 582, 592 A.2d 205 (1991).

Failure to establish that he would suffer irreparable harm by not being able to compete in track meets. *Dean v. New Jersey State Interscholastic Athletic Association*, 94 N.J.A.R.2d (EDU) 437.

Participation in interscholastic athletics; eight-semester rule. *J.C. V. New Jersey State Interscholastic Athletic Association*, 94 N.J.A.R.2d (EDU) 349.

Emergent Relief Motion denied; power point penalty was imposed against a high school football team; ineligibility to participate in play-off games. *Elmwood Park Borough Board of Education v. New Jersey State Interscholastic Athletic Association*, 94 N.J.A.R.2d (EDU) 106.

The eight-semester rule would not be waived to permit participation by student who spent year in Belgium. *Bradford v. New Jersey State Interscholastic Athletic Association*, 93 N.J.A.R.2d (EDU) 165.

Forfeiture of football game; student whose parents did not move with him to new school district; thirty-day abstention from interscholastic sports. *Board of Education of City of Gloucester v. New Jersey State Interscholastic Athletic Association*, 93 N.J.A.R.2d (EDU) 69.

Scholastic ineligibility for participation in varsity sports; notification. *R.J.P. on Behalf of His Minor Child, C.R.P. v. Board of Education of Cumberland Regional School District*, 93 N.J.A.R.2d (EDU) 35.

Student transfer for athletic advantage; ineligible to play basketball. *Van Velsen v. New Jersey State Interscholastic Athletic Association*, 92 N.J.A.R.2d (EDU) 264.

Post-game melee; penalty probation of high school basketball program. *Board of Education of City of Camden v. New Jersey State Interscholastic Athletic Association*, 92 N.J.A.R.2d (EDU) 182.

Interscholastic sports; rule imposing waiting period on transferring students was valid. *Board of Education of City of Trenton, Mercer County v. New Jersey Interscholastic Athletic Association*, 92 N.J.A.R.2d (EDU) 31.

Evidence was sufficient to find that members of high school football team were responsible for fight; sanctions. *Board of Educ. of the City of Newark, Essex County v. New Jersey State Interscholastic Athletic Ass'n*, 91 N.J.A.R.2d 164 (EDU).

Senior who had failed sociology course in his junior year of spring term was not entitled to waiver of six-day academic credit rule. *R.D. v. New Jersey State Interscholastic Athletic Ass'n*, 91 N.J.A.R.2d 130 (EDU).

Student excluded from participating in sports was not entitled to emergency relief. *R.D. v. New Jersey State Interscholastic Athletic Ass'n*, 91 N.J.A.R.2d 61 (EDU).

Student who transferred to another school four days after being informed he was not eligible to participate in interscholastic sports was not eligible to play at his new school. *B.C. v. New Jersey State Interscholastic Athletic Ass'n*, 91 N.J.A.R.2d 30 (EDU).

Participation on interscholastic soccer team contingent on discretion of medical inspector. "P.N." by his parents v. Bd. of Ed., *Elizabeth, Union Cty.*, 1975 S.L.D. 783.

SUBCHAPTER 4. COMPREHENSIVE HEALTH EDUCATION

6:29-4.1 General requirements

(a) District boards of education shall provide for the development of a comprehensive health education program through a coordinated sequential elementary and secondary curriculum with instructional units appropriate to the age, growth and development, and maturity of the pupils.

(b) Comprehensive health education means health education in a school setting that is planned and carried out with the purpose of maintaining, reinforcing, or enhancing the health, health-related knowledge, skills, and health attitudes and practices of children and youth that are conducive to their good health and that promote wellness, health maintenance, and disease prevention.

(c) Comprehensive health education includes but is not limited to instruction in personal health and hygiene, growth and development, dental health, mental and emotional health, accident prevention and safety, consumer health, community/environmental health, family life education, substance abuse (including alcohol and tobacco), disease prevention and control and human immunodeficiency virus (HIV) infection.

(d) District boards of education shall provide instruction for drug and alcohol education in accordance with the curriculum and instruction provisions cited in N.J.A.C. 6:29-6.6.

(e) HIV prevention education shall be conducted as follows: