

CHAPTER 29

HEALTH, SAFETY AND PHYSICAL EDUCATION

Authority

N.J.S.A. 18A:1-1, 18A:4-10, 18A:4-15, 18A:28-7, 18A:16-2, 18A:35-5, 18A:36-19, 18A:40A, 18A:40-16, 18A:42-1, 18A:40A-1, 18A:40A-2, 18A:40-4, 18A:40A-10, 18A:40A-22, 18A:40A-12, 18A:40A-13, 18A:40A-14, 18A:40A-15 and 42 CFR 2.

Source and Effective Date

R.1990 d.154, effective February 8, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).

Chapter Expiration Date

Pursuant to Executive Order No. 22(1994), Chapter 29, Health, Safety and Physical Education, expires on August 8, 1996. See: 26 N.J.R. 3783(a) and 3942(a).

Historical Note

All provisions of this chapter became effective prior to September 1, 1969. Amendments became effective May 8, 1972 as R.1972 d.88. See: 4 N.J.R. 65(b), 4 N.J.R. 118(a). Further amendments became effective August 10, 1973 as R.1973 d.223. See: 5 N.J.R. 298(b). Further amendments and Subchapter 6 became effective May 21, 1984 as R.1984 d.192. See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a). Further amendments became effective June 19, 1974 as R.1974 d.154. See: 6 N.J.R. 258(c). Further amendments became effective June 19, 1974 as R.1974 d.155. See: 6 N.J.R. 258(c). Further amendments became effective March 3, 1977 as R.1977 d.69. See: 9 N.J.R. 67(a), 9 N.J.R. 167(b). Further amendments became effective August 3, 1977 as R.1977 d.276. See: 9 N.J.R. 308(a), 9 N.J.R. 416(c). Further amendments became effective July 1, 1979 as R.1979 d.148. See: 11 N.J.R. 118(a), 11 N.J.R. 224(a). Subchapter 7 became effective April 17, 1980 as R.1980 d.164. See: 12 N.J.R. 105(b), 12 N.J.R. 251(b). Further amendments became effective August 7, 1980 as R.1980 d.353. See: 12 N.J.R. 388(c), 12 N.J.R. 505(c). Further amendments became effective April 19, 1982 (operative September 1, 1982) as R.1982 d.120. See: 13 N.J.R. 914(b), 14 N.J.R. 385(a). Subchapter 8 became effective June 21, 1982 (operative September 1, 1982) as R.1982 d.195. See: 14 N.J.R. 108(a), 14 N.J.R. 654(c). Further amendments became effective January 17, 1983 as R.1982 d.486. See: 14 N.J.R. 1010(a), 15 N.J.R. 84(c). Further amendments became effective November 7, 1983 as R.1983 d.493. See: 15 N.J.R. 1152(b), 15 N.J.R. 1860(c). Readoption of Subchapter 6 and amendments became effective May 21, 1984 as R.1984 d.192. See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a). Readoption of Subchapter 4 as R.1984 d.264 effective June 13, 1984. See: 16 N.J.R. 300(a), 16 N.J.R. 1731(a). Amendments became effective July 2, 1984 as R.1984 d.278. See: 16 N.J.R. 300(a), 16 N.J.R. 1731(a). Further amendments became effective March 25, 1985 as R.1985 d.185. See: 16 N.J.R. 3377(a), 17 N.J.R. 906(a). Readoption to Subchapter 7 became effective March 25, 1985 and amendments became effective April 15, 1985 as R.1985 d.185. See: 16 N.J.R. 3377(a), 17 N.J.R. 906(a). Further amendments became effective June 3, 1985 as R.1985 d.281. See: 17 N.J.R. 659(a), 17 N.J.R. 1410(a). Subchapter 9 became effective October 6, 1986 as R.1986 d.396. See: 18 N.J.R. 1237(b), 18 N.J.R. 2009(a). Subchapters 1, 2, 3 and 5 repealed; Subchapter 4 recodified to 2, Subchapter 6 to 3, Subchapter 7 to 4, Subchapter 8 to 5, Subchapter 9 to 6; and new Subchapters 1 and 7 added by R.1990 d.154. Pursuant to Executive Order No. 66(1978), Chapter 29 was readopted as R.1990 d.154. See: Source and Effective Date. See, also, section annotations.

A new Subchapter 8, Nursing Services to Nonpublic Schools, was adopted as R.1993 d.41, effective January 19, 1993. See: 24 N.J.R. 3495(a), 25 N.J.R. 300(a).

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

SUBCHAPTER 1. GENERAL PROVISIONS

6:29-1.1 Purpose

These rules provide standards to district boards of education in their development of policies and procedures to insure the health and safety of students and personnel within the school setting.

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

6:29-1.2 Health services personnel

(a) Every district board of education shall appoint at least one medical inspector pursuant to N.J.S.A. 18A:40-1.

1. The medical inspector, under the general supervision of the chief school administrator, shall direct the conduct of physical examinations or health screenings, shall develop and provide standards governing professional techniques, and shall direct the professional duties or activities of other medical staff.

(b) Every district board of education in this State shall appoint at least one school nurse pursuant to N.J.S.A. 18A:40-1.

1. Under the direction of the school medical inspector and the chief school administrator, the duties of the school nurse shall include, but not be limited to:

- i. Assisting with physical examinations pursuant to N.J.S.A. 18A:40-4;
- ii. Conducting yearly screenings for scoliosis on all pupils 10 years of age through 18 years of age pursuant to N.J.S.A. 18A:40-4.3;
- iii. Annually conducting audiometric screening in grades preschool through 4, 6, 8 and 10 pursuant to N.J.S.A. 18A:40-4 and N.J.A.C. 6:29-5.2(c);
- iv. Maintaining student health records pursuant to N.J.S.A. 18A:40-4;

Case Notes

Registered nurses who were not certificated could not administer medication. *Communications Workers of America, et al. v. New Jersey Dept. of Educ.*, 92 N.J.A.R.2d (EDU) 326.

Registered nurses could be employed as "Head Nurses" at state school for deaf. *Communications Workers of America v. New Jersey Department of Education*, 92 N.J.A.R.2d (EDU) 326.

Presence of properly certified school nurse in building. *Smith v. Bd. of Ed., Caldwell-West Caldwell Boro., Essex Cty.*, 1972 S.L.D. 232.

6:29-1.3 Policies and procedures

(a) District boards of education shall adopt written policies and procedures for:

1. Care of pupils who are injured or become ill at school or during participation on a school athletic team or squad;
2. Isolation, exclusion, and readmission of pupils suspected of having a communicable disease;
3. Notification of parents or guardians of students determined to be in need of further immediate medical care;
4. Transportation of students determined to be in need of further immediate medical care;
5. Safe and sanitary operation and maintenance of school buildings and grounds according to the provisions established in N.J.A.C. 6:22;
6. Supervision of pupil safety in the school district which shall include:
 - i. Safe storage and use of potentially hazardous materials on school property;
 - ii. Prevention of accidents, panic and fire; and
 - iii. Provision for and maintenance of suitable and safe equipment;
7. Organization of school safety patrols pursuant to N.J.S.A. 18A:42-1, if the decision is made to organize safety patrols;
8. Prohibition of smoking in public school buildings pursuant to P.L. 1989, c.96; and

9. Administration of medication, in consultation with the medical inspector.

(b) All employees shall be informed of such policies and procedures at the beginning of each school year.

(c) District boards of education, medical and other staff shall comply with the rules and regulations of the local boards of health and the State Department of Health.

(d) N.J.A.C. 8:57, pertaining to reportable diseases, shall guide district boards of education in developing their policies and procedures.

(e) Any pupil absent or excluded from school by reason of having or suspected of having communicable disease shall not be readmitted to school until written evidence is presented that risk of contagion is not present. Such evidence shall be by a physician licensed to practice medicine or the school medical inspector who has examined the pupil.

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

Case Notes

Comprehensive Drug Reform Act prohibiting the distributing, dispensing or possessing controlled dangerous substances with intent to distribute on school property not unconstitutionally vague. *State v. Morales*, 224 N.J.Super. 72, 539 A.2d 769 (Law Div.1987).

6:29-1.4 Records and reports

(a) The results of student physical examination and health screening procedures by the medical inspector or district personnel shall be recorded upon a record form recommended by the Commissioner of Education.

(b) Such form shall be kept in a permanent file and shall be the property of the district board of education. The original health record shall be forwarded with other school records of pupils who transfer to another school district. If a child leaves for any other reason than transfer, the record shall remain the property of the school. Retention and destruction of such record form shall be in accordance with N.J.A.C. 6:3-2.8.

(c) The results of physical examinations and screenings shall be provided to the pupil's parent or guardian when any condition is identified which requires follow-up by a physician or family health care provider.

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

6:29-1.5 Health facilities, equipment and supplies

District boards of education shall provide the necessary facilities, equipment and supplies for the performance of the duties required, under State law and rule, by the medical staff.

New Rule R.1990 d.154, effective March 5, 1990.

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

6:29-1.6 Safe drinking water

(a) District boards of education shall assure the availability of potable drinking water through sanitary means in school buildings or upon school grounds in accordance with the Safe Drinking Water Act, N.J.S.A. 58:11-1 et seq., the rules promulgated pursuant thereto, N.J.A.C. 7:10, and N.J.A.C. 6:22, School Facility Planning Service.

(b) Testing of school drinking water quality shall be in accordance with the Safe Drinking Water Act, N.J.S.A. 58:11-1 et seq., the rules promulgated pursuant thereto, N.J.A.C. 7:10 and N.J.A.C. 6:22, School Facility Planning Service.

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

6:29-1.7 Eye protection in schools

(a) Each district board of education and approved private school for the handicapped as defined in N.J.A.C. 6:28-1.3 shall require each pupil, staff member and visitor in its schools, including evening adult school programs, to wear appropriate eye protective devices while participating in any educational activities and programs as defined in N.J.A.C. 6:4-1.2 in which caustic or explosive chemicals or materials, hot liquids or solids, molten materials, welding operations of any type, repairing or servicing of vehicles, heat treatment or tempering of metals, the shaping of solid materials and laser device operation and experimentation or any similar process or activity is engaged in, exposure to which might have a tendency to cause damage to the eyes.

(b) The term "appropriate eye protective device" shall include plain or prescription lenses provided the lenses and other portions of the device meet or exceed the prescribed specifications for the device. Specifications for appropriate eye protection for various activities shall meet or exceed standards described in (b)1 and 2 below. The standards, with all subsequent amendments and supplements, are hereby adopted as rules and incorporated herein by reference.

1. American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1989.

2. American National Standard Practice for the Safe Use of Lasers, ANSI Z136.1-1986 and eye protective procedures recommended by the manufacturer of the laser device.

(c) The documents in (b)1 and 2 above are available for review at the Administrative Code Office, Department of Education, 225 East State Street, CN 500, Trenton, New Jersey 08625-0500. These documents may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(d) Emergency eye wash fountains or similar devices, capable of a minimum 15 minutes continuous flow of eye wash solution shall be provided in classrooms, shops, laboratories or other area where pupils or instructors are exposed to caustic materials that can cause damage to the eyes.

(e) The following types of eye protective devices shall be used to fit the designated activities or processes:

Potential Eye Hazard—Eye Protective Device(s)

1. Caustic or explosive—Goggles, flexible fitting, hooded ventilation; add plastic window face shield for severe exposure;

2. Dust producing operations—Goggles, flexible fitting, hooded ventilation;

3. Electric arc welding—Welding helmet in combination with spectacles with eye cup or semi or flat-fold side shields;

4. Oxy-acetylene welding—Welding goggles, eye cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lense;

5. Hot liquids and gases—Goggles, flexible fitting, hooded ventilation; add plastic window face shield for severe exposure;

6. Hot solids—Clear or tinted goggles or spectacles with side shields;

7. Molten materials—Clear or tinted goggles and plastic or mesh window face shield;

8. Heat treatment or tempering—Clear or tinted goggles or clear or tinted spectacles with side shields;

9. Glare operations—Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverspec type with tinted lenses or tinted plate lenses;

10. Shaping solid materials—Clear goggles, flexible or rigid body; clear spectacles with side shields; add plastic window face shield for severe exposure;

11. Laser device operation or experimentation—Appropriate for specific hazard;

12. Repair or servicing of vehicles—Clear goggles, flexible or rigid body; clear spectacles with side shields;

13. Other potentially eye hazardous processes or activities—Appropriate for specific hazard.

(f) Each district board of education and approved private school for the handicapped shall establish and implement a specific eye protective policy and program to assure that:

1. No staff member, pupil or visitor shall be subjected to any hazardous environmental condition without appropriate eye protection;

2. The detection of eye hazardous conditions shall be continuous;

3. Eye protection devices shall be inspected regularly and adequately maintained;

4. Shared eye protective devices shall be disinfected between uses by a method prescribed by the local school medical inspector;

5. All eye protective devices shall meet or exceed the appropriate specifications for the various types of devices and suppliers of eye protective devices shall certify, in writing, that the devices meet or exceed said specifications;

6. Specific policy and procedures shall be established to deal with individuals who refuse to abide by established eye safety practices and procedures;

7. The use of contact lenses shall be restricted in learning environments which entail exposure to chemical fumes, vapors or splashes, intense heat, molten metals, or highly particulate atmospheres. Contact lenses, when permitted, shall only be worn in conjunction with appropriate eye protective devices and the lens wearer shall be identified for appropriate emergency care in eye hazardous learning environments;

8. All spectacle type eye protective devices shall have side shields of the eye cup, semi or flat-fold type;

9. Pupils, staff members or visitors wearing personal corrective eyewear shall be required to wear cover goggles or similar devices unless it can be certified, by competent authority, that the personal eyewear meets or exceeds standards identified in (b) above.

(g) Each district and each approved private school for the handicapped shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye safety policies and program. The training shall cover all aspects of eye protection in schools as described in (a) through (f) above.

New Rule, R.1993 d.272, effective June 7, 1993.
See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).
Amended by R.1994 d.238, effective May 16, 1994.
See: 26 N.J.R. 537(a), 26 N.J.R. 2019(a).

SUBCHAPTER 2. SCHOOL HEALTH SERVICES

6:29-2.1 Student physical examination

(a) Every pupil shall be examined to learn whether any physical defect exists pursuant to N.J.S.A. 18A:40-4.

(b) The examination shall include as a minimum the following components contained in the record form recommended by the Commissioner of Education:

1. Immunizations pursuant to N.J.A.C. 8:57-4.1 to 8:57-4.16;

2. Health history including allergies, past serious illnesses, injuries and/or operations and current health problems;

3. Health screenings including height, weight, hearing and vision; and

4. Physical examination of the body by the school medical inspector.

(c) Medical inspectors may accept a record of a thorough physical examination made by a physician licensed to practice medicine. Such examination shall not be at the expense of the district board of education but shall be reported on a form furnished by the district board of education.

(d) District boards of education shall develop a vision screening program in consultation with the medical inspector, for the early detection of visual problems among pupils. District boards of education may employ one or more optometrists, licensed to practice optometry within the State, pursuant to N.J.S.A. 18A:40-1.

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

6:29-2.2 Dental clinics

District boards of education may maintain and conduct dental clinics for the treatment of children pursuant to N.J.S.A. 44:6-2.

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

6:29-2.3 Testing for tuberculosis infection

(a) The following are the rules of the State Department of Education concerning testing for tuberculosis infection by district boards of education for implementation of N.J.S.A. 18A:16-2 and 40-16.

1. The Mantoux intradermal tuberculin test using five T.U. (Tuberculin Units) of PPD tuberculin shall be the only skin test used to detect evidence of tuberculosis infection in pupils and employees.

2. The only pupils who shall be tested are those in grades and schools identified and/or under circumstances specified by the State Department of Health based upon the high incidence of tuberculosis or reactor rates in the communities or population groups concerned.

3. A Mantoux intradermal tuberculin test shall be given upon employment to all newly hired employees (full-time and part-time), all student teachers, school bus drivers for companies under contract with the district and other persons who have contact with pupils.

i. An employee with a documented Mantoux test administered within the previous six months does not have to be retested.

ii. An employee transferring between school districts within New Jersey would not have to be tuberculin tested if there is a documented record of a Mantoux tuberculin skin test being administered upon his or her initial employment in a New Jersey public school.

4. Procedures for the administration of the Mantoux test, interpretation of tuberculin reactions, follow-up procedures (including a chest x-ray and medical evaluation) and reporting shall be in accordance with the New Jersey Department of Health's document, School Tuberculin Testing in New Jersey, Reference Guide for Physicians and Nurses. For copies contact the New Jersey State Department of Health, Division of Epidemiology and Disease Control, Communicable Disease Control Program, CN 360, Trenton, New Jersey 08625-0360.

5. All pupils, employees and other personnel referred for the necessary chest X-ray and medical evaluation shall submit a physician's report. If the physician's report is not received by the school medical inspector within four weeks, or if the medical inspector is unwilling to accept the findings, the pupil, employee or other persons shall have a chest X-ray examination in the manner prescribed by the district board of education.

6. In accordance with standards, referenced in (a)4, above, provided by the New Jersey Department of Health, any pupil or employee shall be exempt from tuberculin skin testing upon presentation of documentation from a licensed physician showing a significant tuberculin reaction and a subsequent negative chest X-ray.

As amended, R.1974 d.154, eff. June 19, 1974.

See: 6 N.J.R. 258(c).

As amended, R.1974 d.155, eff. June 19, 1974.

See: 6 N.J.R. 258(c).

As amended, R.1977 d.276, eff. August 3, 1977.

See: 9 N.J.R. 308(a), 9 N.J.R. 416(c).

As amended, R.1979 d.148, eff. July 1, 1979.

See: 11 N.J.R. 118(a), 11 N.J.R. 224(a).

As amended, R.1982 d.120, eff. April 19, 1982 (operative September 1, 1982).

See: 13 N.J.R. 914(b), 14 N.J.R. 385(a).

Section substantially amended.

Amended by R.1988 d.563, effective December 5, 1988.

See: 20 N.J.R. 1981(a), 20 N.J.R. 3016(a).

Substantially amended.

Recodified 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. 6:29-4.2; requirement to follow New Jersey Department of Health guidelines for tuberculin testing added.

6:29-2.4 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

(a) The following words when used in this section shall have the following meanings unless the context clearly indicates otherwise:

1. "Adult" means a teacher, administrator, food service employee or other school staff member compensated or uncompensated; and

2. "Pupil" means an individual who is entitled to attendance at school in grades K through 12, as well as a pre-kindergarten child who is entitled to attendance at school.

(b) For pupils with HIV infection who are enrolled or seeking enrollment in a school program, the regulations and procedures in this section shall apply.

1. All information about the identity of a pupil with HIV infection shall be kept confidential and shall comply with the provisions of N.J.A.C. 6:3-2.

(c) Pupils with HIV infection shall not be excluded from attending school for reason of the HIV infection in accordance with N.J.A.C. 8:61-1.1.

1. The presence of HIV infection in a pupil does not constitute reason for exclusion of such pupil from school, nor may a pupil so infected be excluded for reason of his or her own protection against possible exposure to the infectious diseases of others.

2. The presence of HIV infection in and of itself may not serve as a basis for excluding a pupil by way of classification as eligible for home instruction in accordance with N.J.A.C. 6:28-3.5(c)2ii.

(d) Pupils with HIV infection who are symptomatic and/or diagnosed with AIDS shall not be excluded by virtue of the diagnosis. The only medical grounds for exclusion from school shall be those established in N.J.S.A. 18A:40-7 and 8 and N.J.A.C. 8:61-1.1(e). Pursuant to N.J.A.C. 8:57-2.5, AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to or attendance in an education facility, or eligibility for educational transportation.

(e) In accordance with N.J.A.C. 8:61-1.1:

1. Adults with HIV infection in all school settings shall not be restricted from their normal employment for reason of HIV infection unless they have another illness which would restrict that employment;

2. No pupil or adult shall be excluded from school solely by virtue of the fact of living with or being related to an HIV-infected individual;

3. Any pupil or adult, with or without HIV infection, shall be removed from school if and when the individual has weeping skin lesions that cannot be covered, in accordance with N.J.A.C. 8:61-1.1;

4. It is not necessary that anyone in the school be specially notified that an HIV infected individual is registered to attend school or is an employee of the school. Therefore, HIV/AIDS status is an exception to records required pursuant to student physical examinations, N.J.A.C. 6:29-2.1 and school employee examinations, N.J.A.C. 6:29-7. If school officials receive notification of the presence of an HIV infected individual, records containing identifying information regarding the HIV status of the individual shall be kept confidential as required by N.J.S.A. 26:5C-5 et seq. Information regarding an HIV infected pupil can be shared, only with the written consent of the pupil's parent or guardian, with those who need to know the status to determine the educational program for the pupil, N.J.A.C. 8:61-1.1.

(f) District boards of education shall annually provide pupils and their parents/guardians and district employees and/or volunteers with HIV/AIDS awareness information.

(g) District boards of education shall provide HIV/AIDS awareness information to their school communities. This may be accomplished in cooperation with State and local agencies, and in consultation with the county superintendent of schools, and may include utilization of district newsletters, bulletins or other media.

New Rule R.1986 d.445, effective November 3, 1986.

See: 18 N.J.R. 1509(a), 18 N.J.R. 2206(a).

Sections 4 and 5 recodified to 5 and 6.

Recodified 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. 6:29-4.4; confidentiality provision and requirement to determine admissibility of pupil within 10 days added. Administrative Correction to (d): Deleted 1.1.

See: 22 N.J.R. 2359(a).

Public Notice: Public testimony session held on June 17, 1992.

See: 24 N.J.R. 2081(a).

Amended by R.1992 d.398, effective October 5, 1992.

See: 24 N.J.R. 2124(a), 24 N.J.R. 3538(a).

Eliminated any reason for exclusion of HIV-infected pupils from schools; added language including employees and added a definition section.

Case Notes

Commissioner could override power of boards of education to exclude students from public schools due to health reasons. Board of Educ., Plainfield v. Cooperman, 105 N.J. 587, 523 A.2d 655 (1987).

6:29-2.5 Routine procedures for sanitation and hygiene when handling body fluids

(a) District boards of education shall develop written policies and procedures for sanitation and hygiene when handling blood and body fluids in conformance with N.J.A.C. 8:61-1.1(j) and in conformance with Centers for Disease Control guides, "Recommendations for Prevention of HIV Transmission in Health Care Settings," MMWR Supplement, August 1987, and "Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings" from MMWR, June 24, 1988, Vol. 37, No. 24, pp. 337-382, 387-388. Copies are available through the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, MD 20850.

(b) District boards of education shall make available to school personnel, compensated and uncompensated (volunteer), training and appropriate supplies for the handling of blood and body fluids, whether or not pupils or school staff with HIV infection are present. School nurses, custodians and teachers in particular should have knowledge of the proper techniques in the handling and disposal of materials.

New Rule R.1990 d.154, effective March 5, 1990.

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

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.

Athletic officials disciplined by affiliate organization were required to exhaust procedural remedies in affiliation agreement before seeking recognition as separate entity. Basketball Officials v. State Interscholastic Athletic Association, 95 N.J.A.R.2d (EDU) 499.

Hiring athletic coach did not require school board to first choose from among candidates in district. Krupp v. Union County Board of Education, 95 N.J.A.R.2d (EDU) 446.

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).

Matter of banning parent from high school athletic events was moot once school year ended and ban expired. *Griffin v. Monmouth Board of Education*, 95 N.J.A.R.2d (EDU) 204.

Barring parent from athletic events for assaulting visiting coach was not a violation of due process. *Griffin v. Monmouth Board of Education*, 95 N.J.A.R.2d (EDU) 85.

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:

1. Each district board of education shall develop an HIV prevention education program.

i. The HIV prevention education curriculum shall be developed through appropriate consultation and participation of teachers, school administrators, parents and guardians, students, physicians, members of the clergy and representative members of the community. The district board of education shall demonstrate prior to the initiation of any education program that such consultation and participation have taken place. The process of consultation shall be continued as the program is revised in future years. Upon the request of parents and guardians, the curriculum shall be made available for their review.

2. The district board of education shall provide for in-service education to those teachers responsible for HIV prevention education.

3. The State Department of Education shall provide training assistance and instructional guides to district boards of education in the development of HIV prevention education programs.

4. The district board of education shall establish procedures whereby any pupil, whose parent or guardian presents to the school principal a signed statement that any part of the instruction in HIV prevention education is in conflict with his or her conscience, or sincerely held moral or religious beliefs, shall be excused from that portion of the course where such instruction is being given and no penalties as to credit or graduation shall result therefrom (see N.J.S.A. 18A:35-4.6 et seq.).

New Rule R.1990 d.154, effective March 5, 1990.

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

Rule on dental examination repealed.

Section substantially amended.

Former annotations for section 4.1:

Amended by R.1984 d.278, effective July 2, 1984.

See: 16 N.J.R. 300(a), 16 N.J.R. 1731(a).

6:29-4.2 Family life education

(a) As used in this subchapter, family life education means instruction to develop an understanding of the physical, mental, emotional, social, economic, and psychological aspects of interpersonal relationships; the physiological, psychological and cultural foundations of human development, sexuality, and reproduction, at various stages of growth; and to provide the opportunity for pupils to acquire knowledge which will support the development of responsible personal behavior, strengthen their own family life now, and aid in establishing strong family life for themselves in the future thereby contributing to the enrichment of the community.

(b) The family life education curriculum shall be developed through appropriate consultation and participation of teachers, school administrators, parents and guardians, pupils in grades 9 through 12, physicians, members of the clergy and representative members of the community. The

district board of education shall demonstrate prior to the initiation of any district board of education program that such consultation and participation have taken place. The process of consultation shall be continued as the program is revised in future years.

1. The parents and guardians of pupils enrolled in the district shall receive annually an outline of the curriculum and a list of instructional materials for the grade of their child including notification about how to receive a copy of the curriculum. The district shall make available for review in each school the complete curriculum and all instructional materials prior to use in the classroom. Upon the request of parents and guardians, the material shall be made available for their review.

(c) Family life education instruction should include necessary information on emerging health and social issues.

(d) District boards of education shall develop an elementary/secondary family life education program.

(e) Districts that develop their program with an interdisciplinary approach may use teachers from other disciplines to assist those staff members authorized to give instruction in family life education.

(f) Teaching staff members holding one of the following certificates are authorized to teach in the district's family life education program:

1. Biology;
2. Comprehensive science;
3. Elementary;
4. Health education;
5. Health and physical education;
6. Home economics;
7. Nursery;
8. School nurse;
9. Teacher of psychology; or
10. Special Education.

(g) Districts may use resource people to assist with their program; that is, physicians, members of the clergy, attorneys, parents and guardians, school social workers, school psychologists, law enforcement personnel, and others as necessary.

(h) The district board of education shall provide for in-service education to those teachers responsible for family life education programs.

(i) The State Department of Education shall provide technical assistance and instructional guides to district

boards of education in the development of family life education programs.

(j) The district board of education shall establish procedures whereby any pupil, whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in family life education is in conflict with his or her conscience, or sincerely held moral or religious beliefs, shall be excused from that portion of the course where such instruction is being given and no penalties as to credit or graduation shall result therefrom (N.J.S.A. 18A:35-4.6 et seq.).

(k) This section is subject to all of the provisions of N.J.A.C. 6:8-7.1.

Amended by R.1985 d.185, effective March 25, 1985.
See: 16 N.J.R. 3377(a), 17 N.J.R. 906(a).

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

Rule on testing for tuberculosis infection recodified to N.J.A.C. 6:29-2.3. Rule on family life education recodified from N.J.A.C. 6:29-7.1; (c) and (d) added.

Case Notes

Validity of regulation affirmed. *Smith v. Ricci*, 89 N.J. 514, 446 A.2d 501 (1982) appeal dismissed 103 S.Ct. 286, 459 U.S. 962, 74 L.Ed.2d 272.

6:29-4.3 (Reserved)

Repealed by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).
Rule on communicable disease repealed.

6:29-4.4 (Reserved)

Recodified by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).
Recodified to N.J.A.C. 6:29-2.

6:29-4.5 (Reserved)

Repealed by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).
Rule on record and reports repealed.

6:29-4.6 (Reserved)

Repealed by R.1990 d.154, effective March 5, 1990.
See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a).
Rule on nursing services repealed.

SUBCHAPTER 5. AUDIOMETRIC SCREENING

6:29-5.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Audiometer” means an electroacoustical generator which provides pure tones at selected frequencies of output through calibrated earphones mounted in MX-41/AR earmuffs.

“Audiometric screening” means a procedure used to determine a pupil’s response to an auditory signal at a given frequency and decibel level.

“Health care personnel” means a certified school nurse or an employee of the district board of education trained in audiometric screening and who is working under the immediate direction of the medical inspector, including but not limited to speech correctionists and audiologists.

“Pupils at risk for hearing impairment” means pupils with communication disorders, pupils with cleft palate, pupils with allergies, pupils with frequent upper respiratory or middle ear infections, pupils taking ototoxic medication, and pupils who are exposed to sudden or continuous loud noises.

“Screening room” means any environment in which an adult with normal hearing can hear a 20dB HL signal at the frequencies of 500Hz, 1000Hz, 2000Hz, 3000Hz and 4000Hz.

Amended by R.1987 d.33, effective January 5, 1987.
See: 18 N.J.R. 1996(a), 19 N.J.R. 76(b).

Amended text for Audiometer.
Recodified 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. 6:29-8.1.

6:29-5.2 Screening procedures

(a) Each district board of education shall develop and adopt policies and procedures to provide audiometric screening.

(b) Audiometric screening shall be conducted for pupils who are:

1. Enrolled in pre-school programs;
2. Enrolled in grades kindergarten through 4;
3. Enrolled in grades 6, 8, and 10;
4. Entering the district with no recent record of audiometric screening;
5. At risk for hearing impairments;
6. Referred to the child study team for evaluation; or
7. Referred for screening by a teacher, a parent or at the pupil’s own request.

(c) The medical inspector, certified school nurse or the health care personnel shall conduct the audiometric screening. All screening shall be conducted in cooperation with the school nurse.

6:29-8.5 Fiscal responsibilities

(a) The funds expended by a district board of education for administrative costs shall be limited to the actual costs or six percent, whichever is less, of the funds allocated for each participating nonpublic school.

(b) Each participating nonpublic school shall receive nursing services to the limit of funds available based upon its enrollment on the last school day prior to October 16 of the preceding school year.

6:29-8.6 Reporting procedures

(a) Each board of education providing nursing services to nonpublic schools shall submit the following information to the county superintendent of schools on or before October 1 and a copy shall be forwarded to the administrator(s) of the nonpublic school(s) within their district boundaries:

1. A written statement verifying that the required conference was held with the nonpublic school(s);
2. A copy of the contract document and minutes of the board of education meeting submitted for approval, which describe the methods by which the nursing services to the nonpublic school pupils will be provided for the ensuing school year, including a rationale for the distribution of funds; and
3. A description of the kind and number of services which were provided during the previous school year on a form provided by the Department of Education.

6:29-8.7 Authorizing statutes and regulations

Each nonpublic school which receives nursing services shall be provided with a copy of N.J.S.A. 18A:40-23 et seq. and this subchapter, by the board of education which is responsible for such services.

SUBCHAPTER 9. THE REPORTING OF ALLEGATIONS OF CHILD ABUSE AND NEGLECT

Source and Effective Date

R.1993 d.272, effective June 7, 1993.
See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).

6:29-9.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for public school personnel to report allegations of child abuse and neglect to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations.

Amended by R.1994 d.237, effective May 16, 1994.
See: 26 N.J.R. 537(a), 26 N.J.R. 2019(a).

6:29-9.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the reporting and the cooperation with the Division of Youth and Family Services (DYFS) in investigations of child abuse and neglect. District policies and procedures developed pursuant to this subchapter shall be reviewed and approved by the county superintendent. These policies and procedures shall not be limited to the following, but shall:

1. Include provisions requiring school personnel, compensated and uncompensated (volunteer), to immediately report to the DYFS incidents of child abuse and neglect. The person reporting the alleged child abuse and neglect shall inform the school principal or his or her designee of the report after the DYFS referral has been made. However, notice to the principal or his or her designee need not be given when the person believes that such notice would be likely to endanger the referrer or child(ren) involved or when the person believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his or her employment.

- i. School personnel having reasonable cause to believe that a child has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.9 shall immediately report to the DYFS (see N.J.S.A. 9:6-8.10). When referring cases to the DYFS, the school referrer shall provide, when possible, the following information:

- (1) The name of the child;
- (2) The age and grade of the child;
- (3) The name and address of the child's parent or guardian or other person having custody and control (for example, foster parent);
- (4) A description of the child's condition, including any available information concerning current or previous injuries, abuse, or maltreatment and including any evidence of previous injuries;
- (5) The nature and possible extent of the child's injuries, abuse, or maltreatment; and
- (6) Any other pertinent information that the referrer believes may be relevant with respect to the child abuse and/or to the identity of the alleged perpetrator;

2. Include a statement indicating the importance of early identification of child abuse or neglect;

3. Provide assurances that no school personnel will be discharged from employment or in any manner discriminated against with respect to compensation, hire, tenure or terms, conditions or privileges of employment as a result of making in good faith a report or causing to be reported an allegation of child abuse (N.J.S.A. 9:6-8.13);

4. Require procedures for the following:

i. District cooperation with the DYFS in investigations of child abuse or neglect that has occurred at any time outside or within the confines of the school or during a school-related function;

ii. District action as defined in N.J.S.A. 9:6-3.1 in response to the findings at each stage of the investigation process as it affects the child(ren) and the school personnel;

iii. Release of the child(ren) from the school; and

iv. Transfer of the child(ren) between schools;

5. Provide for the establishment of a liaison to the DYFS from the district board of education.

i. The function of the liaison is to:

(1) Facilitate communication and cooperation between the district and the DYFS; and

(2) Act as the primary contact person between the schools and the DYFS with regard to general information sharing and the development of mutual training and other cooperative efforts;

6. Include provisions for the annual delivery of information and in-service training programs to school personnel concerning child abuse or neglect, instructional methods and techniques relative to issues of child abuse or neglect in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq.;

i. All new school district employees, both paid and voluntary, shall receive the required information and training as part of their orientation; and

7. Detail the responsibilities of the district board of education as follows:

i. Permit the DYFS investigator to interview the child(ren) in the presence of the school principal or his or her designee. If the child(ren) is intimidated by the presence of that school representative, the child(ren) shall name a staff member, whom he or she feels will be supportive, who will be allowed to accompany the child during the interview. The purpose of including a school representative is to provide comfort and support to the child, not to participate in the investigation;

ii. Cooperate with the DYFS in scheduling interviews with any school personnel who may have information relevant to the investigation;

iii. Release, in accordance with N.J.S.A. 18A:36-19 and N.J.A.C. 6:3-6, all pupil records of the child(ren) under investigation that are deemed to be relevant to the assessment or treatment of child abuse (see N.J.S.A. 9:6-8.40);

iv. Maintain, secure, and release all confidential information about child abuse or neglect cases in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:6-8.10a, and N.J.A.C. 6:3-6;

(1) Information regarding allegations of child abuse or neglect reported to, investigated and reported upon by DYFS about a school employee shall be considered confidential and may be disclosed only as required in order to cooperate with DYFS investigations pursuant to N.J.A.C. 6:29-9.2(a)4 or by virtue of a court order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the district chief school administrator or his or her designee.

v. Permit the DYFS to physically remove pupils from school during the course of a school day when it is necessary to protect the child or take the child to a service provider. Such removal shall take place once the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through 8.30;

vi. Cooperate with the DYFS when it is necessary to remove the child(ren) from his or her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he or she is enrolled;

vii. Provide due process rights to school personnel who have been reassigned or suspended in accordance with N.J.S.A. 18A:6-10 et seq., 18A:25-1, 18A:25-6, and N.J.S.A. 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (see N.J.S.A. 18A:6-10 et seq. and N.J.S.A. 9:6-3.1); and

viii. Remove from the employee's personnel records all references to a report to the DYFS and/or the official notice from the DYFS of child abuse or neglect regarding a school district employee, immediately following the receipt of an official notice from the DYFS that the allegation was unfounded. Such DYFS report regarding a school employee shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege related thereto.

Amended by R.1994 d.237, effective May 16, 1994.

See: 26 N.J.R. 538(a), 26 N.J.R. 2019(b).

SUBCHAPTER 10. SAFE AND DRUG FREE SCHOOLS

Source and Effective Date

R.1993 d.272, effective June 7, 1993.
See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).

6:29-10.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for cooperating with law enforcement operations and activities on or near school grounds to ensure a safe school environment, and to identify the circumstances under which school officials shall refer violations to the police for handling, as authorized by the Attorney General's Executive Directive 1988-1. Such policies and procedures shall be consistent with and complementary to the State Memorandum of Agreement approved by the Department of Law and Public Safety and the Department of Education.

6:29-10.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to:

1. The unlawful possession, distribution and disposition of the following:

- i. Controlled dangerous substances, including anabolic steroids;
- ii. Drug paraphernalia;
- iii. Alcohol;
- iv. Firearms, as defined in N.J.S.A. 2C:39-1f; and
- v. Other deadly weapons, as defined in N.J.S.A. 2C:39-1r; and

2. The planning and conduct of law enforcement activities and operations occurring on school property, including arrest procedures and undercover school operations.

6:29-10.3 General requirements

(a) District policies and procedures developed pursuant to this section shall:

1. Be developed, implemented, and revised, as necessary, through consultation with the county prosecutor and such other law enforcement officials as may be designated by the county prosecutor;

2. Be reviewed and approved by the county superintendent;

3. Be made available annually to all school staff, pupils, and parents or guardians; and

4. Be consistent with reporting, notification and examination procedures of students suspected of being under the influence of alcohol and other substances in accordance with N.J.A.C. 6:29-6.

(b) District policies and procedures shall include, but not be limited to, the following components:

1. The designation of liaisons to law enforcement agencies and the prescription of their roles and responsibilities by the district chief school administrator;

2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school property for the purpose of conducting law enforcement investigations, searches, seizures, and arrests;

3. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school property;

4. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of pupils, their property, and personal effects. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), as set forth in the "Attorney General's Guidelines Regarding School Searches," issued in 1985;

i. Any question concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

ii. School officials may request that law enforcement authorities assume responsibility for conducting any search or seizure.

iii. No school staff member shall impede any law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

iv. School staff shall permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.

v. Any questions concerning the legality of any contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school property shall be directed to the county prosecutor or, in the case of a search, seizure or arrest undertaken by the Division of Criminal Justice in the Department of Law and Public Safety, to the Assistant Attorney General in charge;

5. The procedures for and responsibilities of staff, with regard to interviews of pupils suspected of possessing, or distributing a controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon;

6. Procedures for planning, approving, and conducting undercover school operations;

i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve such undercover operations without prior notification to the district board of education.

ii. All information concerning requests to undertake any undercover school operation, information supplied by law enforcement authorities to justify or explain the need for and of a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal. The chief school administrator and principal shall not divulge information concerning any undercover school operation to any person without the prior express approval of the county prosecutor or designee. In the event that the chief school administrator, principal or any other school staff or district board member who may have been informed as to the existence of the undercover school operation subsequently learns of any information which suggests that the true identity of the undercover officer has been revealed, or that any person has questioned the identity or status of the undercover officer as a bona fide member of the school community, or that the integrity of the undercover school operation has been in any other way compromised, such information shall be immediately communicated to the county prosecutor or designee;

7. The procedures for and responsibilities of staff concerning the safe and proper handling of any seized controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of such items to appropriate law enforcement authorities in accordance with the provisions of this subchapter;

8. The procedures for and responsibilities of staff in notifying authorities of any suspected violation of any laws prohibiting the possession, sale or other distribution of any controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon;

9. Provisions for requesting uniformed police attendance at extracurricular school events;

10. Provisions for notifying parents or guardians as soon as possible whenever a pupil is arrested for violating any laws prohibiting the possession, sale or other distribution of any controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon;

11. Provisions for the inservice training of school staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the education and law enforcement agencies; and

12. An agreement or memorandum of understanding with appropriate law enforcement authorities. Such agreements or memoranda of understanding shall be consistent with the policies established in this subchapter and in the State Memorandum of Agreement. These agreements or memoranda of understanding shall define the reciprocal rights and obligations of pupils, parents or guardians, school staff, and law enforcement officials with respect to the possession, distribution and disposition of controlled dangerous substances, drug paraphernalia, and firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations, occurring on school property, including arrests and undercover school operations; and with respect to law enforcement's participation in substance abuse prevention programs;

i. Copies of all agreements or memoranda of understanding entered into with law enforcement authorities shall be approved by the district board of education and shall be submitted to and approved by the county prosecutor and county superintendent of schools;

13. Provisions for resolving disputes concerning law enforcement activities occurring on school property; and

14. An annual process for the local chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the agreement or memorandum of understanding, and to review the effectiveness of policies and procedures implemented pursuant to the provisions of this subchapter. This annual review shall include input from the county superintendent, community and meeting(s) with the county prosecutor and such other law enforcement officials designated by the county prosecutor.

6:29-10.4 Reporting pupils or staff members to law enforcement authorities

(a) Subject to the provisions of N.J.A.C. 6:29-10.6 below, any teaching staff member having reason to believe that a pupil or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, on or near school property, shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.