

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.1996 d.415, effective September 3, 1996.
See: 28 N.J.R. 2729(a), 28 N.J.R. 4096(a).

Executive Order No. 66(1978) Expiration Date

Chapter 29, Health, Safety and Physical Education, expires on September 3, 2001.

Chapter Historical Note

Chapter 29, Health, Safety and Physical Education, became effective prior to September 1, 1969. Subchapter 7, Comprehensive Health Education, became effective April 17, 1980 as R.1980 d.164. See: 12 N.J.R. 105(b), 12 N.J.R. 251(b). Amendments became effective August 7, 1980 as R.1980 d.353. See: 12 N.J.R. 388(c), 12 N.J.R. 505(c). Subchapter 8, Audiometric Screening, 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). Subchapter 6, Physical Education and Athletics Personnel and Procedures, was readopted as R.1984 d.192, effective May 21, 1984. See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a). Subchapter 4, School Health Services, was readopted as R.1984 d.264 effective June 13, 1984. See: 16 N.J.R. 300(a), 16 N.J.R. 1731(a). Subchapter 7, Comprehensive Health Education, was readopted as R.1985 d.185, effective March 25, 1985. See: 16 N.J.R. 3377(a), 17 N.J.R. 906(a). Subchapter 9, Substance Abuse, became effective October 6, 1986 as R.1986 d.396. See: 18 N.J.R. 1237(b), 18 N.J.R. 2009(a).

Pursuant to Executive Order No. 66(1978), Chapter 29 was readopted as R.1990 d.154, effective February 8, 1990. See: 21 N.J.R. 3815(b), 22 N.J.R. 793(a). As part of R.1990 d.154, Subchapters 1, 2, 3 and 5 were repealed; Subchapter 4 was recodified to 2, Subchapter 6 was recodified to 3, Subchapter 7 was recodified to 4, Subchapter 8 was recodified to 5, Subchapter 9 was recodified to 6; and new Subchapter 1, General Provisions, and Subchapter 7, School Employee Physical Examinations, were adopted. 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). Subchapter 9, The Reporting of Allegations of Child Abuse and Neglect, and Subchapter 10, Safe and Drug Free Schools, were adopted as R.1993 d.272, effective June 7, 1993. See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).

Pursuant to Executive Order No. 22(1994), the expiration date of Chapter 29, Health, Safety and Physical Education, was extended to August 8, 1996. See: 26 N.J.R. 3783(a) and 3942(a). Pursuant to Executive Order No. 66(1978), Chapter 29 expired on August 8, 1996. Chapter 29, Health, Safety and Physical Education, was adopted as new rules by R.1996 d.415, effective September 3, 1996. See: Source and Effective Date. See, also, section annotations.

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Case Notes

Any medical professional licensed to dispense medication may do so, only educational functions must be performed by a certified school nurse. *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.

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;
- v. Observing and recommending to the school principal the exclusion of students who show evidence of communicable disease pursuant to N.J.S.A. 18A:40-7 and 8; and
- vi. Lecturing to teachers on communicable diseases and other health concerns pursuant to N.J.S.A. 18A:40-3.

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

6:29-1.3 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.

SUBCHAPTER 3. PHYSICAL EDUCATION AND
ATHLETICS PERSONNEL AND
PROCEDURES

gram 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.

6:29-3.1 Physical education personnel

(a) In all schools not having the services of certificated physical education teachers, the responsibility for the pro-

(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.

In-district teachers applying for coaching position were not entitled to automatic first review. McLoughlin v. Middletown Township Board of Education, 96 N.J.A.R.2d (EDU) 467.

Head wrestling coach holding county substitute certificate was not properly appointed to position. Harris v. Board of Education of the Hunterdon Central Regional High School District, 96 N.J.A.R.2d (EDU) 312.

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).

Failure of required academic course triggered high school basketball player's ineligibility. *D.M. v. New Jersey State Interscholastic Athletic Association*, 96 N.J.A.R.2d (EDU) 527.

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.

Wheelchair-bound student ineligible to compete in running events for high school track team. *Carlstadt-East Rutherford Board of Education v. New Jersey State Interscholastic Athletic Association*, 94 N.J.A.R.2d (EDU) 563.

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 April 15, 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.

Board of Education complied with requirements; new family life curriculum. *Lee v. West Windsor-Board of Education of the Plainsboro Regional School District*, 94 N.J.A.R.2d (EDU) 532.

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.

6:29-6.4 Review and availability of policies and procedures

(a) Each district board of education shall establish an annual process to review the effectiveness of its alcohol and

other drug policies and procedures. The district board of education shall solicit community input as well as consult with local agencies approved by the State Department of Health in the review process.

(b) Alcohol and other drug policies and procedures for discipline, evaluation, intervention and referral to treatment of pupils shall be made available annually to all school staff, pupils, and parents or guardians.

Amended by R.1989 d.480, effective September 5, 1989.

See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Added phrase . . . alcohol and "other" drug. . . .

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

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

Rule on athletics procedures recodified to N.J.A.C. 6:29-3.4. Rule on review and availability of policies and procedures recodified from N.J.A.C. 6:29-9.4.

6:29-6.5 Reporting, notification and examination procedures

(a) In instances involving alcoholic beverages, controlled dangerous substances or any chemical or chemical compound as identified in N.J.A.C. 6:29-6.3(a), the following shall apply:

1. Any professional staff member to whom it appears that a pupil may be under the influence of alcoholic beverages or other drugs on school property or at a school function shall report the matter as soon as possible to the school nurse or medical inspector and the principal.

i. In the absence of the principal, his or her designee shall be notified; and

ii. In instances where the school nurse, medical inspector or the principal are not in attendance, the staff member responsible for the school function shall be immediately notified.

2. The principal or his or her designee shall immediately notify the parent or guardian and the chief school administrator and arrange for an immediate examination of the pupil. The examination may be performed by a physician selected by the parent or guardian or by the medical inspector. If the chosen physician is not immediately available, the examination shall be conducted by the medical inspector or, if the medical inspector is not available, the pupil shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent or guardian should also accompany the pupil.

3. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the medical inspector, such examination shall not be at the expense of the district board of education.

4. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.

5. A written report of the medical examination shall be furnished to the parent or guardian of the pupil, the principal and the chief school administrator by the examining physician within 24 hours.

6. If the written report of the medical examination is not submitted to the parent or guardian, principal and chief school administrator within 24 hours, the pupil shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.

7. If there is a positive diagnosis from the medical examination, indicating that the pupil is under the influence of alcoholic beverages or other drugs, the pupil shall be returned to the care of a parent or guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent or guardian of the pupil, the principal and chief school administrator from a physician who has examined the pupil to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the pupil's physical and mental ability to perform in school. In addition, the staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report.

8. Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.

9. While the pupil is at home because of the medical examination or after his or her return to school, the school may require additional evaluation for the purpose of determining the extent of the pupil's alcohol or other drug use and its effect on his or her school performance.

(b) In instances involving anabolic steroids, the following shall apply after July 1, 1990:

1. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to the principal or, in his or her absence, to his or her designee.

2. The principal or his or her designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.

3. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal.

4. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a substance awareness coordinator or another appropriately

trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.

5. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

(c) Any staff member who reports a pupil to the principal or his or her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as specified in N.J.S.A. 18A:40A-13 and N.J.S.A. 18A:40A-14.

Amended by R.1989 d.480, effective September 5, 1989.
See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Deleted (a)1-8 and recodified (b) to new (a) incorporating alcohol and other drug policy as one uniform policy, added new 6 regarding written medical report and new 8 regarding parents' refusal to comply with N.J.S.A. 18A:40A-12.

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. 6:29-9.5.

6:29-6.6 Curriculum and instruction

(a) Each school district having kindergarten through sixth grades shall incorporate into its curriculum at each grade level alcohol and other drug education, including tobacco and anabolic steroids, appropriate for the pupil's age and maturity, in accordance with Department of Education Chemical Health Guidelines pursuant to N.J.S.A. 18A:40A-1. These guidelines are available through the New Jersey State Department of Education, 225 West State Street, PO Box 500, Trenton, New Jersey 08625-0500.

(b) Each school district having seventh through twelfth grades shall incorporate into its curriculum at each seventh through twelfth grade level a minimum of 10 clock hours per school year of alcohol and other drug education, including tobacco and anabolic steroids, in accordance with Department of Education Chemical Health Guidelines, pursuant to N.J.S.A. 18A:40A-1.

(c) Instructional programs on the nature of anabolic steroids shall be incorporated into the curriculum after July 1, 1990.

Amended by R.1989 d.480, effective September 5, 1989.
See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Deleted (a) and recodified (b) to (a); added new (b) establishing need for 10 hours minimum instruction per school year in grades seventh through twelfth.

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

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

Text on curriculum and instruction recodified from N.J.A.C. 6:29-9.6; requirements for programs regarding tobacco and anabolic steroids added; (c) added.

SUBCHAPTER 7. SCHOOL EMPLOYEE PHYSICAL EXAMINATIONS

6:29-7.1 Scope and purpose

This subchapter designates the minimum assessments to be used by district boards of education in establishing physical examinations for candidates for employment and district employees.

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

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

Case Notes

Regulation upheld against freedom of religion and due process constitutional challenges; adoption of regulation procedurally proper. *Smith v. Ricci*, 89 N.J. 514, 446 A.2d 501 (1982), dismissed 103 S.Ct. 286, 459 U.S. 962, 74 L.Ed.2d 272.

6:29-7.2 Definitions

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

"Employee" means the holder of any full- or part-time position of employment.

"Employee assurance statement" means a statement signed by the employee, certifying that information supplied by the employee is true to the best of his or her knowledge.

"Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

"Health screening" means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.

"Medical evaluation" means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.

"Physical examination" means the assessment of an individual's health.

"Psychiatric examination" means an examination for the purpose of diagnosis and treatment of mental disorders.

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

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