

CHAPTER 32
SCHOOL DISTRICT OPERATIONS

Authority

N.J.S.A. 18A:4-10, 18A:4-15, 18A:6-50, 18A:7A-1, 18A:7A-1.1, 18A:10-6, 18A:12-21 et seq., 18A:13-14, 18A:16-1, 18A:17-14 to 14.3, 18A:27-15, 18A:17-17, 18A:17-20, 18A:17-32, 18A:22-14, 18A:22-19, 18A:24-11, 18A:28-9, 18A:28-13, 18A:29-6 to 16, 18A:38-1, 18A:40-12.1, and 18A:49-1 to 8.

Source and Effective Date

R.2015 d.025, effective January 16, 2015. See: 46 N.J.R. 1775(a), 47 N.J.R. 464(a).

Chapter Expiration Date

Chapter 32, School District Operations, expires on January 16, 2022.

Chapter Historical Note

Chapter 32, School District Operations, was adopted as new rules by R.2005 d.298, effective September 6, 2005. See: 37 N.J.R. 1982(a), 37 N.J.R. 3322(a).

Subchapter 15, Criminal History Review, was adopted as new rules by R.2009 d.306, effective October 5, 2009. See: 41 N.J.R. 2542(a), 41 N.J.R. 3798(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 32, School District Operations, was extended by gubernatorial directive from September 6, 2010 to September 6, 2012. See: 42 N.J.R. 2243(a).

Subchapter 4, Employment and Supervision of Teaching Staff, was renamed Employment of Teaching Staff; former Subchapter 12, Annual Reporting and Planning Requirements, Subchapter 14, State and Federally Mandated Programs and Services, and Subchapter 15, Criminal History Review, were repealed; and Subchapter 13, Student Behavior, was recodified as Subchapter 12, Student Behavior, by R.2013 d.141, effective December 16, 2013. See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Petition for Rulemaking. See: 46 N.J.R. 400(a), 643(a), 1651(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 32, School District Operations, was scheduled to expire on September 6, 2014. See: 43 N.J.R. 1203(a).

Chapter 32, School District Operations, was readopted as R.2015 d.025, effective January 16, 2015. As a part of R.2015 d.025, Subchapter 14, Voter Registration, was adopted as new rules, effective February 17, 2015. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. SCOPE AND PURPOSE

6A:32-1.1 Scope and purpose

The rules in this chapter are intended to provide assistance to district boards of education and school district administrators regarding the daily operation of schools and school districts.

Amended by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Substituted "schools and school districts" for "their schools".

SUBCHAPTER 2. DEFINITIONS

6A:32-2.1 Definitions

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

"Access" means the right to view, make notes, and/or reproduce a student record.

"Adult student" means a person who is at least 18 years of age, or is attending an institution of postsecondary education, or is an emancipated minor.

"Advanced course" means any course or subject not previously taken in an approved school district program for which additional credits or advanced placement may be awarded upon successful completion of the course.

"Average daily attendance" means the total number of days that a student is present in school divided by the total possible number of days of attendance.

"Board of school estimate" means a group of individuals who are appointed in accordance with N.J.S.A. 18A:22-1 and 2 and are responsible for annually preparing a budget for Type I school districts pursuant to N.J.S.A. 18A:22-7.

"Chief school administrator" means the superintendent of schools or the administrative principal if there is no superintendent.

"Elementary" means kindergarten, grades one through six and grades seven and eight without departmental instruction.

"Endorsement" means as defined in N.J.A.C. 6A:9-2.1.

"Enrichment course" means any course or subject of a vocational nature for which no credits are awarded.

"Executive county superintendent" means a county superintendent of schools pursuant to N.J.S.A. 18A:7-1 et seq.

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

"Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

"Mandated student records" means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.

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

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

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

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

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

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

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

"Statement of assurance" means a document submitted by the chief school administrator to the executive county superintendent that verifies compliance with regulatory requirements.

"Student discipline record" means information maintained in a student's record of all disciplinary actions taken against a student by a school district pursuant to N.J.S.A. 18A:36-25.1.b.

"Student information directory" means a publication of a district board of education that includes the following infor-

regional school district as set forth in N.J.S.A. 18A:24-1 et seq.;

7. The borrowing margin of each constituent school district or municipality of the regional school district as determined by N.J.S.A. 18A:24-1 et seq., and the revised borrowing margin of each constituent school district or municipality and the withdrawing school district or municipality, if approval were to be granted;

8. The apportionment by dollar amounts and percentages of debt service for the current school year among all the constituent school districts or municipalities of the regional school district;

9. The replacement costs of school buildings, additions, grounds, furnishings, and equipment of the regional school district, and the replacement cost of any school building, additions, grounds, furnishings, and equipment of the regional school district situated in the withdrawing school district or municipality. School building replacement costs will be calculated by the Office of School Facilities as follows:

i. The current overall cost per square foot for school construction in New Jersey, updated in the fall of each year, will be multiplied by the gross area of the building. The figure shall include construction costs, moveable and built-in furniture and equipment, and fees; and

ii. Site costs will be excluded since they are already included under N.J.A.C. 6A:26-7.1(a).

10. The amount of indebtedness, if any, to be assumed by the withdrawing constituent school district or municipality;

11. The distribution of assets and liabilities of the existing regional school district and remaining regional school district following withdrawal in the manner provided by N.J.S.A. 18A:8-24;

12. A proposed educational plan for the withdrawing constituent school district or municipality, if withdrawal were to be approved, including the effects of such withdrawal upon the educational program of the remaining regional school district and on the provision of adequate public school facilities and services at a reasonable cost;

13. A summary of the advantages and disadvantages of withdrawal to both the withdrawing constituent school district or municipality and the remaining regional school district; and

14. A recommendation from the executive county superintendent regarding the request for withdrawal from the regional school district.

(b) Upon adoption of a resolution, in accordance with N.J.S.A. 18A:13-51 or 18A:13-66, the board of education of the regional school district shall not incur any additional indebtedness for capital projects, pending either the rejection

of the proposal at a special school election or an effective date of withdrawal as determined by the Commissioner.

Amended by R.2013 d.141, effective December 16, 2013.
See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Investigation and report by county superintendent of schools". Rewrote the section.

6A:32-11.3 Special school election

(a) If the application is granted upon completion of the procedures contained in N.J.S.A. 18A:13-54 to 56 or 18A:13-69 to 71, the executive county superintendent shall confer with the regional district board of education and the boards of education of the constituent school districts of a limited purpose regional school district or the constituent municipal governing bodies of an all purpose regional school district and fix a day and time for holding a special school election, in accordance with N.J.S.A. 18A:13-57 or 18A:13-72.

(b) To be effective, the proposal shall be adopted by a majority of the legal votes cast within the withdrawing constituent school district or municipality, and, in addition, a majority of the combined legal votes cast within the remainder of the regional school district.

Amended by R.2013 d.141, effective December 16, 2013.
See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Inserted "executive", and deleted "the provisions of" following "with".

6A:32-11.4 Final determination of board of review

The board of review, which shall consist of the Commissioner as chairperson, the State Treasurer or his or her designee, and the Director of the Division of Local Government Services in the Department of Community Affairs, shall include in its final determinations required by N.J.S.A. 18A:13-56 or 18A:13-71 any specific conditions under which its consent is granted to ensure that a thorough and efficient system of public schools will be maintained in the withdrawing school district(s) or municipality(ies) and the remaining regional school district, or in the remaining constituent school districts in the event of a dissolution.

Amended by R.2013 d.141, effective December 16, 2013.
See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Rewrote the section.

6A:32-11.5 Effective date of withdrawal

If approved at the special school election, the withdrawal of the school district or municipality shall become effective upon a date to be determined by the Commissioner, pursuant to N.J.S.A. 18A:13-59 or 18A:13-74.

Amended by R.2013 d.141, effective December 16, 2013.
See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Rewrote the section.

6A:32-11.6 Staff tenure and seniority rights

Staff affected by the withdrawal of the school district shall be entitled to exercise tenure and seniority rights in ac-

cordance with *Staagard v. Contini et al.*, 97 N.J.A.R. 2d (EDU) 271, *aff'd* State Board, October 1, 1997, and *Allen et al. v. Board of Education of the Township of Clark, Union County*, decided by the Commissioner April 30, 2004, *aff'd* State Board, September 1, 2004.

SUBCHAPTER 12. STUDENT BEHAVIOR

6A:32-12.1 Student attendance

(a) The average daily attendance rate for each school district shall average 90 percent or higher as calculated for the three years prior to the school year in which the school district is monitored.

(b) Each school district with a three-year average below 90 percent shall develop a district improvement plan to improve student attendance, pursuant to N.J.A.C. 6A:30-5.2.

Recodified from N.J.A.C. 6A:32-13.1 by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Rewrote the section. Former N.J.A.C. 6A:32-12.1, Reporting requirements, repealed.

6A:32-12.2 Guidance and counseling

The school district shall provide all students with a board-approved program of guidance and counseling services.

Recodified from N.J.A.C. 6A:32-13.3 by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Rewrote the section. Former N.J.A.C. 6A:32-12.2, School-level planning, repealed.

SUBCHAPTER 13. (RESERVED)

6A:32-13.1 (Reserved)

Recodified to N.J.A.C. 6A:32-12.1 by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Student attendance".

6A:32-13.2 (Reserved)

Repealed by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Dropouts".

6A:32-13.3 (Reserved)

Recodified to N.J.A.C. 6A:32-12.2 by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Guidance and counseling".

SUBCHAPTER 14. VOTER REGISTRATION

6A:32-14.1 Distribution

District boards of education, appropriate school official(s) in nonpublic schools with high schools, and private agencies that provide educational services to high schools by means of public funds shall provide to each eligible high school student prior to the school year's graduation date a voter registration form, a summary of voter registration eligibility requirements, and materials describing the role of a citizen and the importance of voting, pursuant to N.J.S.A. 18A:36-27.

Repealed by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Review of mandated programs and services".

New Rule, R.2015 d.025, effective February 17, 2015.

See: 46 N.J.R. 1775(a), 47 N.J.R. 464(a).

Section was "Reserved".

6A:32-14.2 Statement of assurance

The chief school administrator of a public school district, the administrator of a nonpublic school with high schools, or the head administrator of a private agency that provides educational services for high schools by means of public funds shall sign a statement of assurance and submit it to the executive county superintendent no later than June 30 each year. The statement of assurance shall affirm the distribution of voter registration forms, a summary of voter registration eligibility requirements, and materials describing the role of a citizen and the importance of voting.

Repealed by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Grants management".

New Rule, R.2015 d.025, effective February 17, 2015.

See: 46 N.J.R. 1775(a), 47 N.J.R. 464(a).

Section was "Reserved".

SUBCHAPTER 15. (RESERVED)

6A:32-15.1 (Reserved)

Repealed by R.2013 d.141, effective December 16, 2013.

See: 45 N.J.R. 419(a), 45 N.J.R. 2590(a).

Section was "Criminal history records check".