

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.

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).

Prior rulemaking activity in Subchapter 8:

- 6:29-8.1 (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. 6:29-5.1.
- 6:29-8.2 (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. 6:29-5.2.

See section annotations for specific rulemaking activity.

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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).

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