

**CHAPTER 3
SCHOOL DISTRICTS**

Authority

N.J.S.A. 18A:4-10, 18A:4-15, 18A:6-10, 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:22-22, 18A:24-11, 18A:28-9 to 28-13, 18A:29-6 to 29-16, 18A:40-12.1 and 18A:49-1 to 49-8.

Source and Effective Date

R.1999 d.342, effective September 10, 1999.
See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

Executive Order No. 66(1978) Chapter Expiration Date

Chapter 3, School Districts, expires on September 10, 2004.

Chapter Historical Note

Chapter 3, School Districts, became effective prior to September 1, 1969.

Subchapter 2, Pupil Records, was adopted as R.1975 d.124, effective May 16, 1975. See: 6 N.J.R. 465(a), 7 N.J.R. 251(b).

Subchapter 3, Withdrawal from Limited Purpose Regional School Districts, was adopted as R.1976 d.286, effective September 8, 1976. See: 8 N.J.R. 458(a).

Subchapter 4, Supervision, Senior Citizens' Transportation, was adopted as R.1977 d.129, effective April 13, 1977. See: 9 N.J.R. 113(a), 9 N.J.R. 212(b).

Pursuant to Executive Order No. 66(1978), this chapter was readopted as R.1983 d.248, effective June 3, 1983. See: 15 N.J.R. 376(a), 15 N.J.R. 1016(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Withdrawal from Limited Purpose Regional School Districts, was readopted as R.1983 d.368, effective August 18, 1983. See: 15 N.J.R. 728(a), 15 N.J.R. 1468(c).

Subchapter 5, Reporting of Allegations of Child Abuse, was adopted as R.1989 d.193, effective April 3, 1989. See: 21 N.J.R. 3(b), 21 N.J.R. 892(a).

Subchapter 6, Enforcement of Drug Free School Zones, was adopted as R.1989 d.354, effective July 3, 1989. See: 21 N.J.R. 817(a), 21 N.J.R. 1824(b).

Subchapter 7, Provisions for the Education of Homeless Children and Youth, was adopted as R.1990 d.615, effective December 17, 1990. See: 22 N.J.R. 2630(a), 22 N.J.R. 3734(b).

Chapter 3, School Districts, was repealed and replaced by new rules pursuant to Executive Order No. 66(1978) as R.1993 d.272, effective June 7, 1993. See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).

Subchapter 9, School Ethics Commission, was adopted as R.1993 d.394, effective August 2, 1993. See: 25 N.J.R. 1924(a), 25 N.J.R. 3511(a).

Subchapter 4A, Promotion and High School Graduation Requirements and Procedures, was recodified from N.J.A.C. 6:8-7 by R.1998 d.457, effective September 8, 1998. See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Subchapter 8, Provisions for the Education of Homeless Children and Youth, was recodified as N.J.A.C. 6:5 by R.1999 d.296, effective September 7, 1999. See: 31 N.J.R. 1409(a), 31 N.J.R. 2640(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 7 and Subchapter 9 were readopted as R.1999 d.342, effective September 10, 1999. Subchapter 9, School Ethics Commission, was recodified as Subchapter 8, School Ethics Commission, by R.1999 d.342, effective October 4, 1999. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. BOARDS OF EDUCATION

- 6:3-1.1 Board of school estimate
- 6:3-1.2 Special meetings of district boards of education
- 6:3-1.3 Minimum bond requirements for treasurer of school moneys
- 6:3-1.4 Local district responsibility for employment of staff
- 6:3-1.5 Support residencies for regularly-certified, inexperienced first-year principals
- 6:3-1.6 Reporting and staffing of school districts
- 6:3-1.7 (Reserved)
- 6:3-1.8 Approved public elementary and secondary school summer sessions

SUBCHAPTER 2. CHIEF SCHOOL ADMINISTRATOR

- 6:3-2.1 Chief school administrator defined
- 6:3-2.2 Annual evaluation of tenured and nontenured chief school administrators

SUBCHAPTER 3. CONDITIONS OF EMPLOYMENT FOR TEACHERS

- 6:3-3.1 Full-time employment of teachers
- 6:3-3.2 Duty-free lunch periods for teachers

SUBCHAPTER 4. SUPERVISION, OBSERVATION AND EVALUATION

- 6:3-4.1 Supervision of instruction: observation and evaluation of nontenured teaching staff members
- 6:3-4.2 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment
- 6:3-4.3 Evaluation of tenured teaching staff members

SUBCHAPTER 4A. PROMOTION AND HIGH SCHOOL GRADUATION REQUIREMENTS AND PROCEDURES

- 6:3-4A.1 Promotion, remediation, and graduation procedures

SUBCHAPTER 5. SENIORITY

- 6:3-5.1 Standards for determining seniority

SUBCHAPTER 6. PUPIL RECORDS

- 6:3-6.1 Definitions
- 6:3-6.2 General considerations
- 6:3-6.3 Mandated and permitted pupil records
- 6:3-6.4 Maintenance and security of pupil records
- 6:3-6.5 Access to pupil records
- 6:3-6.6 Conditions for access to pupil records
- 6:3-6.7 Rights of appeal for parents and adult pupils
- 6:3-6.8 Retention and destruction of pupil records

SUBCHAPTER 7. WITHDRAWAL FROM REGIONAL SCHOOL DISTRICTS

- 6:3-7.1 Application and data for investigation of advisability of withdrawal
- 6:3-7.2 Investigation and report by county superintendent of schools
- 6:3-7.3 Special school election
- 6:3-7.4 Final determination of board of review

6:3-7.5 Effective date of withdrawal

SUBCHAPTERS 8 THROUGH 9. (RESERVED)

SUBCHAPTER 1. BOARDS OF EDUCATION

6:3-1.1 Board of school estimate

In any district board of education operating under N.J.S.A. 18A:9-2, the mayor of the municipality comprising the school district shall be the presiding officer of the board of school estimate, and in the event of the absence of the mayor at any meeting of the board of school estimate, the members thereof present at such meeting shall proceed to elect a presiding officer pro tem.

Case Notes

Rescission of candidate's withdrawal from school board election affirmed. *Monaghan v. Board of Education of Ridgefield Park*, 97 N.J.A.R.2d (EDU) 471.

School board's bylaws providing for agenda meeting before holding regular board meeting not legally enforceable. *Sooy v. Mainland Regional High School District*, 97 N.J.A.R.2d (EDU) 295.

Commissioner of Education could not intervene in school board's decision not to extend minibus service where decision was not proven unreasonable. *Shrewsbury v. Board of Education of Holland Township*, 96 N.J.A.R.2d (EDU) 795.

Failure to rehire recovered disability retiree was within school board's discretion. *Bublin v. Board of Education of the Borough of Point Pleasant*, 96 N.J.A.R.2d (EDU) 768.

School board's policy to ban backpacks in interest of safety constituted valid exercise of discretion. *Board of Education of Bernards Township v. C.M.*, 96 N.J.A.R.2d (EDU) 762.

Post-referendum change from two-story plan to one-story plan for new school was within school board's discretion. *Shuster v. Montgomery Township Board of Education*, 96 N.J.A.R.2d (EDU) 670.

Appointment of school board member by lame-duck mayor with less than one month remaining in his term. *Cordasco v. Board of Education of the Town of West New York*, 96 N.J.A.R.2d (EDU) 661.

Open Public Meeting Act was not violated by socializing after board of education meeting. *Kesselman v. Edison, Township Board of Education*, 96 N.J.A.R.2d (EDU) 436.

School board member not entitled to legal expenses incurred for personal reasons rather than in line of duty. *Quick v. Old Bridge Township Board of Education*, 96 N.J.A.R.2d (EDU) 116.

Employment as deputy fire chief did not place individual in conflict of interest so as to disqualify him from seeking election to school board. *Battiloro v. Westfield Board of Education*, 95 N.J.A.R.2d (EDU) 445.

Functions and duties as school business administrator and as mayor were inherently antagonistic and warranted administrator's suspension for conflict of interest. *Irvington Municipal Council v. Steele*, 95 N.J.A.R.2d (EDU) 123.

Bus driver for transportation company under contract with district board was not automatically ineligible for board membership. *Union Board of Education v. Andrews*, 95 N.J.A.R.2d (EDU) 350.

Submission date for nominating petitions for school board membership; insufficient signatures and subsequent registration of signers. *Jones v. Peddle*, 94 N.J.A.R.2d (EDU) 362.

Local school boards could not aggregate health coverage. *Millstone Township Teachers Association v. Millstone Township Board of Education*, 93 N.J.A.R.2d (EDU) 802.

Police officer assigned as security officer at high school was not disqualified from membership on board of education. *Ubal dini v. Cancel*, 93 N.J.A.R.2d (EDU) 457.

Board employee and union official not qualified to seek election to Board. *Board of Education of Township of Howell v. Suchcicki*, 93 N.J.A.R.2d (EDU) 157.

No disqualifying conflict of interest between police officer's membership on board of education and providing security services. *North Brunswick Township Education Association v. Board of Education of Township of North Brunswick*, 93 N.J.A.R.2d (EDU) 74.

Board of education membership; conflict of interest; law suit. *Board of Education of Township of Jackson, Ocean County v. Acevedo*, 92 N.J.A.R.2d (EDU) 163.

6:3-1.2 Special meetings of district boards of education

In every school district of the State, it shall be the duty of the secretary of the board of education to call a special meeting of the board whenever requested by the president of the board to do so or whenever there shall be presented to such secretary a petition signed by a majority of the whole number of members of the district board of education requesting the special meeting. Public notice of such special meeting shall be made pursuant to law and regulation. In accordance with N.J.S.A. 18A:10-6, the public notice shall include the date, time, location, and purpose(s) of the special meeting.

Amended by R.1999 d.342, effective October 4, 1999.

See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

Updated a reference.

Case Notes

School board acted improperly and in violation of open meeting requirements by discussing public business after meeting had officially ended. *Davis v. Willingboro Board of Education*, 95 N.J.A.R.2d (EDU) 352.

School board's mistaken salary increase not remediable by reducing tenured staff's compensation during next school term. *DeLyon v. Board of Education of the Borough of Old Tappan*, 97 N.J.A.R.2d (EDU) 499.

District's authority to withhold salary increments due to below standard performance affirmed. *Fogarty, et al. v. State Operated School District of the City of Jersey City, Hudson County*, 97 N.J.A.R.2d (EDU) 439.

Teacher's arrest for possession of marijuana constituted conduct unbecoming a teacher and was sufficient to warrant dismissal. In the Matter of the Tenure Hearing *McIntyre*, 96 N.J.A.R.2d (EDU) 719.

Testimony of three students was insufficient to prove corporal punishment charges against physical education teacher, given teacher's previously unblemished record. In the Matter of the Tenure Hearing of *Quinones*, 96 N.J.A.R.2d (EDU) 649.

Tenured teacher who broke up fight between students by physically placing one student in chair violated ban against corporal punishment, and thus would have increment and salary withheld. In the Matter of the Tenure Hearing of *MacDowell*, 96 N.J.A.R.2d (EDU) 644.

Tenured teacher properly suspended for sexually harassing co-worker. In the Matter of the Tenure Hearing of *Paul Ash*, 96 N.J.A.R.2d (EDU) 442.

Teacher's consistent failure to effectively discipline and teach students justifies removal. In the Matter of the Tenure Hearing of *Loria*, 96 N.J.A.R.2d (EDU) 379.

Denial of salary increment upheld when teacher failed to properly supervise students. *Backer v. Roxbury Township Board of Education*, 96 N.J.A.R.2d (EDU) 349.

Withholding of employment and adjustment increments justified for teacher with less than satisfactory evaluations. *Rago v. State-Operated School District of the City of Jersey City*, 96 N.J.A.R.2d (EDU) 31.

Commissioner of Education lacks jurisdiction to hear teacher's re-employment and salary dispute with school board. *Picot v. Warren County Vocational-Technical School District*, 96 N.J.A.R.2d (EDU) 27.

Commissioner has jurisdiction to decide scope of negotiability issue pertaining to annual evaluation deadline. *Willingboro Administrators Assn. v. Willingboro Education Assn.*, 1 N.J.A.R. 327 (1980).

SUBCHAPTER 4A. PROMOTION AND HIGH SCHOOL GRADUATION REQUIREMENTS AND PROCEDURES

6:3-4A.1 Promotion, remediation, and graduation requirements

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

1. Pupil promotion, related to district goals, objectives, and pupil proficiency;

2. Remediation opportunities for pupils to satisfy any failed proficiencies;

3. High school graduation requirements, pursuant to law and rule, which are consistent with the achievement of State and district goals, objectives, and pupil proficiency with particular reference to reading, writing, and mathematics skills as specified in (b), (c), (d), and (e) below;

4. The exemption of handicapped pupils from the high school graduation requirements, pursuant to N.J.A.C. 6A:14-3.7 and 6:39-1.3(c).

5. Annual notification to pupils and parent(s) or guardian(s) of the policies and procedures for pupil promotion, remediation, and the high school graduation requirements;

6. Notification to each entering ninth grade pupil and his or her parent(s) or guardian(s) of all State and local high school graduation requirements. In addition, at the beginning of each course required for graduation, each district board of education shall distribute a list of proficiencies required for successful completion of that course to all pupils and their parent(s) or guardian(s). These proficiencies lists shall include, but not be limited to, the core course proficiencies identified by the Department of Education in (c)2iii below;

7. Notification to each pupil and parent(s) or guardian(s) at appropriate times during the school year of the pupil's progress in meeting the promotion, course proficiencies and the high school graduation requirements;

8. Immediate consultation, not longer than 10 school days after the local school district becomes aware of the pupil's deficiencies, with the pupil's parent(s) or guardian(s);

9. Appeal of promotion/retention decision by parent(s) or guardian(s) and adult pupils; and

10. Participation of parent(s) or guardian(s), teachers, and students, where appropriate, in the development of pupil promotion and remediation policies.

(b) District boards of education shall adopt policies and procedures for high school graduation of all pupils, pursuant to law and rule, which shall include, but not be limited to, performing at or above the State minimum levels of pupil proficiency on the State-mandated High School Proficiency Test in reading, writing, and mathematics skills.

1. Pupils in grades 9 and 10 who perform below State minimum levels of pupil proficiency on one or more areas of the State-mandated Early Warning Test and pupils in grades 11 and 12 who perform below State minimum levels of pupil proficiency on one or more areas of the State-mandated High School Proficiency Test shall be provided with an individual comprehensive assessment, as specified in N.J.A.C. 6:8-3.1. Based on the individual comprehensive assessment, the pupil shall receive the necessary services to remedy the identified deficiencies. Such services shall include, but not be limited to, the development and implementation of an Individual Student Improvement Plan. This individual plan may be carried out through the regular program or through an extended school day, extended school week, or extended school year. Comprehensive pupil assessment and re-evaluation of the individual plans shall take place at least once each year until all identified deficiencies have been remediated.

2. Each district board of education shall develop procedures for the development of Individual Student Improvement Plans. These procedures shall include, but not be limited to, those procedures set forth in N.J.A.C. 6:8-3.2.

3. Pupils who perform below State levels of pupil proficiency on one or more areas of the State-mandated Early Warning Test or the High School Proficiency Test shall be provided an opportunity to demonstrate mastery in each academic year.

4. Pupils who perform below State minimum levels of pupil proficiency on one or more areas of the State-mandated High School Proficiency Test and have satisfied all other State and local graduation requirements shall be provided an additional evaluation during the twelfth year which is based on the Individual Student Improvement Plan required under (b)1 above. This evaluation, the Special Review Assessment, may include, but is not limited to:

- i. Performance on State tests, including all retests;
- ii. Performance on locally selected tests;
- iii. Performance on course work;
- iv. Practical demonstrations of specific skill mastery which occur either in or outside of school, but which are not part of regular course work;
- v. Formal interview with the parent(s);
- vi. Formal interview with the teaching staff;
- vii. Guidance counselor and/or psychologist review, as appropriate;
- viii. Visual, auditory, and/or medical data, as appropriate;
- ix. Examination of credit and curriculum performance; and
- x. Examination of pupil proficiencies in other areas.

5. The findings of the evaluation required in (b)4 above shall be recorded on a Special Review Assessment Student Profile Form developed by the Department of Education. An independent evaluation of these data must be made by a local district review panel comprised of at least three teaching staff members not currently instructing the pupil. On the basis of the evidence listed in (b)4 above and the recommendations of the review panel, the building principal and the chief school administrator may certify satisfactory attainment of the State minimum levels of pupil proficiency in reading, writing, and/or mathematics. Whether or not such certification occurs, the district must retain the Student Profile Form, including all attachments, for one year after the pupil's class graduates. If such certification occurs, the Special Review Assessment Student Profile Form must be forwarded to the county superintendent of schools by March 1 of the regularly scheduled graduation year. Based upon the documentation provided by the local district, the county superintendent of schools must certify whether or not the State minimum levels of pupil proficiency have been achieved and notify, in writing, the chief school administrator of this decision.

6. An educationally handicapped pupil must meet all State and local high school graduation requirements in order to receive a State-endorsed high school diploma, pursuant to the provisions established under N.J.A.C. 6A:14.

i. A handicapped pupil who has not been exempted from the proficiencies or has performed below the State minimum levels of pupil proficiency on one or more areas of the State-mandated High School Proficiency Test shall participate in the Special Review Assessment.

7. All pupils of limited English proficiency must satisfy requirements for high school graduation in accordance with the provisions of this section except:

i. Pupils of limited English proficiency who enter New Jersey schools in grade nine or later and who demonstrate that they have attained State minimum levels of proficiency through the Special Review Assessment in their native language must take a language proficiency test approved by the Department and attain a passing level of fluency to be eligible for a State-endorsed high school diploma pursuant to N.J.A.C. 6A:15-1.1.

8. Any out-of-school youth or adult age 18 or older who has otherwise met all State and local graduation requirements, but has failed to pass the State-mandated High School Proficiency Test may return at times which have been scheduled and publicly announced by the district for the purpose of taking the necessary test. Upon certification of passing the test, a State-endorsed diploma will be granted by the high school of record.

(c) Minimum high school graduation requirements include the following:

1. District boards of education providing high school diplomas, in cooperation with any sending district(s), shall adopt policies and procedures for defining minimum high school curriculum requirements and locally determined proficiencies, including the Statewide core course proficiencies therein, pursuant to law and rule, which shall include, but not be limited to:

i. Requiring the successful completion of a program of study in grades nine through 12, effective with the September, 1987 grade nine class, which shall include, but not be limited to:

(1) One credit year of English for each year of enrollment, up to four credit years;

(2) Two credit years of mathematics, effective through August, 1990; three credit years of mathematics, effective with the September, 1990 grade nine class;

(3) Two credit years of social studies/United States history, as required by N.J.S.A. 18A:35-1 through August 1988, and one additional credit year of world history/cultures, effective with the September, 1988 grade nine class;

(4) One credit year of natural or physical science through August, 1989; two credit years of natural or physical science, effective with the September, 1989 grade nine class;

(5) One credit year of physical education, health and safety for each year of enrollment, as required by N.J.S.A. 18A:35-7;

(6) One credit year of fine, practical, and/or performing arts;

(7) One-half credit year of career education. This requirement may be satisfied through the alternative methods of infusion into existing courses, course equivalents, or a career education course. For credit to be awarded, career education shall be offered as a course, as specified in (c)1ii below or in (d) below.

ii. Pupils may meet the curriculum requirements set forth in (c)1i above through demonstration of mastery of Statewide core and locally determined course proficiencies in each of the above curriculum areas or through program completion procedures noted in (d) below. This determination shall be made by the district board of education.

2. Pupil proficiencies in (c)1 above shall be developed as follows:

i. The Commissioner shall recommend to the State Board of Education uniform Statewide core course proficiencies for those curriculum areas mandated by the State Board for high school graduation and for foreign languages. Upon the receipt of the Commissioner's recommendation, the State Board of Education shall review and approve by resolution the core course proficiencies. The core course proficiencies shall be developed and recommended to the Commissioner through a collaborative process which shall include:

- (1) Curriculum convocations;
- (2) Curriculum panels, composed of outstanding educators and others; and
- (3) Local school district review.

ii. Core course proficiencies shall be developed within the following timelines for the respective curriculum areas:

- (1) Mathematics, beginning August 1, 1989 and concluding October 1, 1990;
- (2) Natural or physical science, beginning August 1, 1989 and concluding October 1, 1990;

(3) English, beginning August 1, 1990 and concluding October 1, 1991;

(4) Social studies, beginning August 1, 1990 and concluding October 1, 1991;

(5) Foreign languages, beginning August 1, 1991 and concluding October 1, 1992;

(6) Fine, practical and/or performing arts, beginning August 1, 1992 and concluding October 1, 1993;

(7) Career education, beginning August 1, 1992 and concluding October 1, 1993; and

(8) Health, safety and physical education, beginning August 1, 1993 and concluding October 1, 1994.

iii. For each of those courses mandated by the State Board of Education, district boards of education shall establish course proficiencies, including, but not limited to, the Statewide core proficiencies in the following curriculum areas:

- (1) Mathematics by September 1, 1991;
- (2) Natural or physical science by September 1, 1991;
- (3) English by September 1, 1992;
- (4) Social studies by September 1, 1992;
- (5) Foreign languages by September 1, 1993;
- (6) Fine, practical, and/or performing arts by September 1, 1994;
- (7) Career education by September 1, 1994; and
- (8) Health, safety and physical education by September 1, 1995.

iv. District boards of education shall establish course proficiencies for each course in all curriculum areas. Upon approval of these proficiencies by the district board of education, all students shall demonstrate mastery through specified methods and instruments of assessment in all courses as a condition of graduation.

v. The Statewide core course proficiencies in the content areas set forth in (c)2ii above shall be reviewed by panels of outstanding local educators convened by the Commissioner every five years following their establishment. Based upon the recommendations of the panel, the Commissioner shall consider the revision of the core course proficiencies.

(d) Subject to approval of the State Board of Education:

1. Each district board of education shall establish graduation requirements on the basis of either course credits, program completion, or a combination of course credits and program completion.

i. Course credit requirements shall be established as follows:

(1) Each four-year high school shall establish a minimum number of not less than 92 credits to be required for graduation, effective with the September, 1987 grade nine class; not less than 110 credits effective with the September, 1988 grade nine class.

(2) Each three-year high school shall establish a minimum number of not less than 69 credits to be completed in grades 10 to 12 inclusive, effective with the September, 1987 grade 10 class; not less than 82.5 credits effective with the September, 1989 grade 10 class.

(3) Six-year schools may base their graduation requirements on formal completion of grades nine to 12 or 10 to 12 within the credit limits established for four-year or three-year high schools, respectively.

(4) Credit toward graduation shall be awarded by the following method:

(A) Credit shall be assigned on the same basis to all high school courses offered by the district board of education. One credit is awarded for a class period of instruction which meets one time per week during the school year. A class period of instruction is a minimum of 40 minutes. A credit year is awarded for a class period of instruction which meets daily for the school year and equals five credits.

(B) Credit may be assigned by each district board of education for curricular activities.

(C) Approved cooperative education program credits shall not exceed 15 credits per year.

ii. Credit year requirements set forth in (c) above may be met in whole or in part through program completion as follows:

(1) District boards of education may determine and establish a set number of curricular activities or programs for promotion and graduation purposes.

(2) Programs shall be planned for individuals and/or a group based on specific instructional objectives.

(3) The principal shall certify completion of curricular activities or programs based upon specified instructional objectives.

(4) Group programs based on specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district and subject to review by the Commissioner or his or her designee.

2. District boards of education shall establish pupil attendance requirements appropriate to each of the particular educational programs.

(e) Successful completion of the requirements set forth in (b), (c), and (d) above and any local requirements shall be required as conditions for awarding a State-endorsed diploma, except as provided for seniors entering military or naval service, pursuant to N.J.S.A. 18A:36-17, and handicapped pupils exempted from the requirements. No district board of education may issue a high school diploma without State endorsement.

(f) Review and reporting requirements include the following:

1. Annually, not later than September 30, the chief school administrator shall report at a public meeting to the district board of education and the Commissioner of Education the number of pupils graduated and the number of pupils denied graduation from the prior 12th grade class based on the provision of this chapter. The chief school administrator shall include in the annual report the number of pupils graduated under the special education and special review assessment procedures noted in this subsection;

2. The Commissioner of Education, in accordance with law and rule, shall report to the State Board of Education on the status and outcomes of the promotion and graduation procedures;

3. District boards of education shall submit their graduation requirements on forms provided by the Department of Education to the Commissioner or his or her designee. District boards of education shall update this filed copy as their graduation policies are revised;

4. The Commissioner or his or her designee shall review and approve the district board of education policies and procedures for pupil promotion, remediation, and high school graduation requirements; and

5. The Commissioner or his or her designee shall monitor the implementation of the promotion, remediation, and high school graduation policies and procedures.

Amended by R.1987 d.185, effective April 20, 1987.

See: 19 N.J.R. 4(a), 19 N.J.R. 632(b).

Text added in (c)1i(3) "United States"; text added in (c)1i(7) "This requirement may . . ." and deleted "until August 1988".

Amended by R.1987 d.186, effective April 20, 1987.

See: 19 N.J.R. 4(a), 19 N.J.R. 633(a).

Deleted "Until August, 1988" from (c)1i(6).

Amended by R.1987 d.358, effective September 8, 1987.

See: 19 N.J.R. 1033(b), 19 N.J.R. 1641(c).

Added (a)4; deleted old text from (a)6 and substituted new text.

Amended by R.1989 d.240, effective May 1, 1989.

See: 21 N.J.R. 235(a), 21 N.J.R. 1134(a).

Subsection (c), significantly expanded to include development of Statewide core course proficiencies.

Amended by R.1992 d.22, effective January 6, 1992.

See: 23 N.J.R. 2908(b), 24 N.J.R. 90(b).

Added reference to the State-mandated Early Warning Test; added new (b)7, regarding requirements for pupils of limited English proficiency and recodified 7 to 8.

Amended by R.1998 d.457, effective September 8, 1998.

See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

In (b), changed N.J.A.C. references throughout; and in (f), deleted former 6.

Amended by R.1999 d.342, effective October 4, 1999.

See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

In (a)4 and (b)6, updated references; in (b)7, deleted par. i, relettered former ii as i, and substituted "a language proficiency test approved by the Department and attain a passing level of fluency" for "the Maculaitis Assessment Program and attain the passing level of fluency of 133 raw scores points" and added "pursuant to N.J.A.C. 6A:15-1.1"; and in (d)1.i.(4)(B), deleted "as defined in N.J.A.C. 6:27-1.13".

SUBCHAPTER 5. SENIORITY

6:3-5.1 Standards for determining seniority

(a) The word "employment" for purposes of these standards shall also be held to include "office" and "position."

(b) Seniority, pursuant to N.J.S.A. 18A:29-9 et seq., shall be determined according to the number of academic or calendar years of employment, or fraction thereof, as the case may be, in the school district in specific categories as hereinafter provided. The periods of unpaid absences not exceeding 30 calendar days aggregate in one academic or calendar year, leaves of absence at full or partial pay and unpaid absences granted for study or research shall be credited toward seniority. All other unpaid absences or leaves of absence shall not receive seniority credit.

(c) In computing length of service for seniority purposes, full recognition shall be given to previous years of service within the district and the time of service in or with the military or naval forces of the United States or this State, pursuant to the provisions of N.J.S.A. 18A:28-12.

(d) Employment in the district prior to the adoption of these standards shall be counted in determining seniority.

(e) The holder of an emergency certificate shall not be entitled to seniority rights but, when he or she becomes the holder of a standard certificate, the years of employment under the emergency certificate shall count toward seniority under the standard certificate. Upon acquisition of a standard certificate, any periods of service under a provisional certificate shall also be counted toward seniority.

(f) Whenever a person shall hold employment simultaneously under two or more subject area endorsements or in two or more categories, seniority shall be counted in all subject area endorsements and categories in which he or she is or has been employed. For purposes of calculating seniority entitlement, there shall be no distinction between academic years and calendar years.

(g) Where the title of any employment is not properly descriptive of the duties performed, the holder thereof shall be placed in a category in accordance with the duties performed and not by title. Whenever the title of any employment shall not be found in the certification rules or in these rules, the holder of the employment shall be

classified as nearly as may be according to the duties performed, pursuant to the provisions of N.J.A.C. 6:11-3.3.

(h) Whenever a person shall move from or revert to a category, all periods of employment shall be credited toward his or her seniority in any or all categories in which he or she previously held employment.

(i) Whenever any person's particular employment shall be abolished in a category, he or she shall be given that employment in the same category to which he or she is entitled by seniority. If he or she shall have insufficient seniority for employment in the same category, he or she shall revert to the category in which he or she held employment prior to his or her employment in the same category and shall be placed and remain upon the preferred eligible list of the category from which he or she reverted until a vacancy shall occur in such category to which his or her seniority entitles him or her.

(j) If he or she shall have insufficient seniority in the category to which he or she shall revert, he or she shall, in like manner, revert to the next category in which he or she held employment immediately prior to his or her employment in the category to which he or she shall have reverted, and shall be placed and remain upon the preferred eligible list of the next preceding category, and so forth, until he or she shall have been employed or placed upon all the preferred eligible lists of the categories in which he or she formerly held employment in the school district.

(k) In the event of his or her employment in some category to which he or she shall revert, he or she shall remain upon all the preferred eligible lists of the categories from which he or she shall have reverted, and shall be entitled to employment in any one or more such categories whenever a vacancy occurs to which his or her seniority entitles him or her.

(l) The following shall be deemed to be specific categories, not necessarily numbered in order of precedence:

1. Superintendent of schools;
2. Assistant superintendent;
 - i. Each assistant superintendency shall be a separate category; and
 - ii. District boards of education shall adopt a job description for each assistant superintendent position which shall set forth qualifications and endorsements for such position;
3. Director;
 - i. Each director position shall be a separate category; and
 - ii. District boards of education shall adopt job descriptions for each director position which sets forth the qualifications and endorsements for such position;

4. High school principal;
5. Adult high school principal;
6. Alternative school principal;
7. Vocational school principal;
8. Junior high school principal;
9. Elementary principal;
10. Supervisor;
 - i. Each supervisory title shall be a separate category; and
 - ii. District boards of education shall adopt a job description for each supervisory position which sets forth the qualifications and specific endorsements required for such position;
11. High school vice-principal or assistant principal;
12. Adult high school vice-principal or assistant principal;
13. Alternative school vice-principal or assistant principal;
14. Junior high school vice-principal or assistant principal;
15. Elementary school vice-principal or assistant principal;
16. Vocational school vice-principal or assistant principal;

17. Secondary. The word "secondary" shall include grades nine through 12 in all high schools, grades seven and eight in junior high schools and grades seven and eight in elementary schools having departmental instruction;

i. Any person holding an instructional certificate with subject area endorsements shall have seniority within the secondary category only in such subject area endorsement(s) under which he or she has actually served;

ii. Whenever a person shall be reassigned from one subject area endorsement to another, all periods of employment in his or her new assignment shall be credited toward his or her seniority in all subject area endorsements in which he or she previously held employment;

iii. Any person employed at the secondary level in a position requiring an educational services certificate or a special subject field endorsement shall acquire seniority only in the secondary category and only for the period of actual service under such educational services certificate or special subject field endorsement; and

iv. Persons employed and providing services on a district-wide basis under a special subject field endorsement or an educational services certificate shall acquire seniority on a district-wide basis;

18. Elementary. The word "elementary" shall include kindergarten, grades one through six and grades seven and eight without departmental instruction;

i. District boards of education who make a determination to reorganize instruction at grades seven and eight pursuant to these rules must do so by adoption of a formal resolution setting forth the reasons for such reorganization;