

Case Notes

Teacher's petition alleging health problems due to working conditions was dismissed where teacher refused to comply with order to take medical exam. *Suarez v. Board of Education of the Town of West New York*, 96 N.J.A.R.2d (EDU) 940.

Teacher who was ordered to undergo psychiatric evaluation not required to use school district's choice of psychiatrist. *Pleasantville Board of Education*, 96 N.J.A.R.2d (EDU) 447.

6:29-7.3 Policies and procedures for employee physical examinations

District boards of education shall adopt written policies and procedures for the physical examination of employees, and may adopt written policies and procedures for candidates for employment. Such policies shall be based on the advice and recommendation of the district medical inspector, provide for notification to school employees regarding the requirements for physical examinations, and establish procedures to assure confidentiality during the collection, transmission and storage of employee medical records pursuant to N.J.A.C. 6:29-7.4.

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

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

Amended by R.1991 d.283, effective June 3, 1991.

See: 23 N.J.R. 336(b), 23 N.J.R. 1817(a).

Added role of district medical inspector and requirements for procedures to assure confidentiality of employee medical records.

6:29-7.4 Requirements of physical examinations

(a) Any candidate for employment may be required to undergo a physical examination that may include, but not be limited to, health history, health screenings and medical evaluation. The preemployment physical examination shall not be used to determine a candidate's disabilities. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990.

(b) Newly employed staff shall be required to undergo a physical examination which shall include, but not be limited to:

1. A health history completed by the individual or their physician which shall include:
 - i. Past serious illnesses and injuries;
 - ii. Current health problems;
 - iii. Allergies; and
 - iv. Record of immunizations.
2. Health screenings including:
 - i. Height and weight;
 - ii. Blood pressure;
 - iii. Pulse and respiratory rate; and
 - iv. Vision screening, hearing screening and Mantoux test for tuberculosis.
3. A medical evaluation which shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in the document Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP). Copies are available from the Immunization Program, Centers for Disease Control, Public Health, United States

Department of Health and Human Services, Atlanta, Georgia 30333.

(c) Each school employee shall submit annually an updated health history with an assurance statement. If the employee refuses to submit this information the employee shall undergo a physical examination which includes (b)1 and 3 above.

(d) Individual employees may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, an employee may also choose to share with the building principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

(e) Any examinations or assurances required or permitted by N.J.S.A. 18A:16-2 or this subchapter shall be limited to those assessments or information necessary to determine the individual's physical and mental fitness to perform with reasonable accommodation in the position which he or she seeks or currently holds, and to detect any health risks to students and other employees.

(f) Additional individual psychiatric or physical examinations of any employee may be required by the district board of education whenever, in the judgment of the board, an employee shows evidence of deviation from normal physical or mental health. When a board requires an employee to undergo such an individual examination:

1. The board must provide the employee with a written statement of reasons for the required additional examination. The board, if requested, shall provide the employee with a hearing.
2. The determination of such a hearing shall be appealable to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6:24.

(g) All employee medical records for the district, including computerized records, shall be secured, and shall be stored and maintained separately from other personnel files. Only the employee, the chief school administrator and the school medical inspector, shall have access to the medical information in that individual's file. The section of the medical record which contains the health history may be shared with the building principal and the school nurse with the consent of the employee as provided for in (d) above.

(h) Cost for examinations made by a physician or institution designated by the district board of education shall be borne by the district board of education. If, however, the examination is performed by a physician or institution designated by the employee, with approval of the district board of education, the cost shall be borne by the employee.

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

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

Amended by R.1991 d.283, effective June 3, 1991.

See: 23 N.J.R. 336(b), 23 N.J.R. 1817(a).

Rule brought into compliance with the "Americans with Disabilities Act of 1990" (P.L. 101-336); greater detail of requirements regarding physical exams and assessability of records.

SUBCHAPTER 8. NURSING SERVICES TO NONPUBLIC SCHOOLS

6:29-8.1 Purpose

These rules are designed to provide standards for district boards of education for the provision of required nursing services to nonpublic school pupils and for additional medical services which may be provided to nonpublic school pupils, according to N.J.S.A. 18A:40-23 et seq.

6:29-8.2 Adoption of policies and procedures

(a) District boards of education having nonpublic schools within their district boundaries shall adopt and implement policies and procedures for the following:

1. The extension of nursing services provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school within the limits of funds appropriated or otherwise made available for this purpose. Such services shall be provided by a professional registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor. Independent contractor means an individual whose employment criteria satisfies those requirements necessary for treatment as an independent contractor for federal employment tax purposes. The services shall include:

- i. Assistance with medical examinations, including dental screening;
- ii. Conducting screening of hearing examinations;
- iii. The maintenance of student health records, with notification of local or county health officials of any student who has not been properly immunized pursuant to N.J.A.C. 8:57-4; and
- iv. Conducting scoliosis examinations of pupils between the ages of 10 and 18; and

2. The extension of emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school, or during participation on a school team or squad pursuant to N.J.A.C. 6:29-1.3(a)1.

(b) District boards of education having nonpublic schools within their district boundaries may adopt and implement policies and procedures for providing the pupils who are enrolled full-time in the nonpublic school with additional medical services.

1. Such additional medical services may only be provided when all services required in (a)1 and 2 above have been provided for or will be provided to pupils enrolled full-time in the nonpublic school as documented in the reporting procedures required in N.J.A.C. 6:29-8.6(a)2.

6:29-8.3 Conference with nonpublic school

(a) Each chief school administrator or designee of a district in which a nonpublic school is located shall confer annually with the administrator of the nonpublic school for the following purposes:

1. To advise the nonpublic school of the limit of funds appropriated or otherwise made available for the provision of nursing services for the full-time pupils enrolled in the nonpublic schools; and
2. To agree upon the nursing services which shall be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq. and within the limit of available funds.

(b) In the event that the chief school administrator or designee and the nonpublic school administrator cannot reach agreement regarding the nursing services and additional medical services to be provided, the county office of education shall be consulted for clarification.

6:29-8.4 Administrative guidelines

(a) The nursing services provided to nonpublic school pupils shall not include instructional services.

(b) District boards of education may provide the necessary equipment, materials and services for immunizing pupils who are enrolled full-time in the nonpublic school from diseases as required by the State Sanitary Code adopted pursuant to N.J.S.A. 26:1A-7 or for diseases against which immunization may be recommended by the State Department of Health.

(c) Equipment and supplies comparable to that in use in the district can be purchased and transportation costs charged to the funds allocated for each participating nonpublic school as long as they are directly related to the provision of the required nursing services and additional medical services which may be provided. Such equipment may be loaned without charge to the nonpublic school for the purpose of providing the services under these provisions. However, such equipment remains the property of the district board of education.

(d) A pupil who is enrolled in a nonpublic school and whose parent or guardian objects to the pupil receiving any services provided under the rules in this subchapter shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease.