

SUBCHAPTER 3. PHYSICAL EDUCATION AND ATHLETICS PERSONNEL AND PROCEDURES

Authority

N.J.S.A. 18A:4-15, 18A:6-38, 18A:35-5 and 18A:35-7.

Source and Effective Date

R.1984 d.192, eff. May 21, 1984.
See: 16 N.J.R. 303(a), 16 N.J.R. 1197(a).

6:29-3.1 Physical education personnel

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

(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.

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.