

N.J.A.C. 6A:32, SCHOOL DISTRICT OPERATIONS

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CHAPTER 32. SCHOOL DISTRICT OPERATIONS

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.

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 information relating to a student. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption.

1. Name;
2. Grade level;
3. Date and place of birth;
4. Dates of school attendance;
5. Major field of study;
6. Participation in officially recognized activities;

7. Weight and height relating to athletic team membership;
8. Degrees;
9. Awards;
10. The most recent educational agency attended by the student; and
11. Other similar information.

“Student record” means information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition.

“Supervisor” means any appropriately certified individual assigned with the responsibility for the direction and guidance of the work of teaching staff members.

“Teaching staff member” holds the same meaning as the term is defined in N.J.S.A. 18A:1-1 and N.J.A.C. 6A:9, Professional Standards.

SUBCHAPTER 3. DISTRICT BOARDS OF EDUCATION - GENERAL

6A:32-3.1 Special meetings of district boards of education

- (a) The secretary of the district board of education shall call a special meeting of the district board of education whenever:
 1. Requested by the president of the district board of education;

2. Requested by the chief school administrator when the district board of education fails to meet within two months during the period in which the schools in the district are in session; or
 3. Presented with a petition signed by a majority of the full membership of the district board of education requesting the special meeting.
- (b) Public notice of the special meeting shall be made pursuant to law and regulation, including N.J.S.A. 18A:10-6. Additionally, the public notice shall include the date, time, location, and purpose(s) of the special meeting.

6A:32-3.2 Requirements for the code of ethics for district board of education members and charter school board of trustees members

- (a) Each district board of education and charter school board of trustees shall:
1. Discuss annually the School Ethics Act and the Code of Ethics for School Board Members, pursuant to N.J.S.A. 18A:12-21 et seq., at a regularly scheduled public meeting;
 2. Adopt policies and procedures regarding the training of district board of education and charter school board of trustees members in understanding the Code of Ethics; and
 3. Provide documentation pursuant to (b) below that each member of the district board of education or charter school board of trustees has received and reviewed the Code of Ethics.
- (b) Each member of the district board of education or charter school board of trustees shall sign an acknowledgement of receipt of the Code of Ethics for School Board Members contained within N.J.S.A. 18A:12-21 et seq. The acknowledgement of receipt requires

each district board of education member and charter school board of trustees member to read and become familiar with the Code of Ethics.

6A:32-3.3 Boards of school estimate

- (a) In any district board of education operating as a Type I school district, pursuant to 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.
- (b) In the event of the absence of the mayor at any meeting of the board of school estimate, the members present at such meeting shall proceed to elect a presiding officer pro tem.

SUBCHAPTER 4. EMPLOYMENT OF TEACHING STAFF

6A:32-4.1 Employment of teaching staff

- (a) Each district board of education or private agencies that provide educational services by means of public funds shall determine guidelines for the hiring of all staff.
- (b) No teaching staff member shall be employed by any district board of education or private agencies that provide educational services by means of public funds unless he or she is the holder of a valid certificate (see N.J.S.A. 18A:26-2).
- (c) Pursuant to N.J.A.C. 6A:9, 6A:9A, 6A:9B, and 6A:9C, the district board of education shall provide certified personnel needed to implement a thorough and efficient system of free public schools.
- (d) Each school shall be assigned the services of a full-time non-teaching principal to be responsible for administration and supervision of the school.

1. When a full-time non-teaching principal is not assigned to a school, the district board of education, upon advice of the chief school administrator, shall submit to the Commissioner for approval a plan that ensures adequate supervision of students and staff.

6A:32-4.2 Approval of paraprofessional staff

Statements of assurance affirming that all paraprofessional staff hired were employed as instructional or health and safety personnel or in accordance with the requirements of individualized education programs shall be submitted biannually to the executive county superintendent no later than September 30 and January 31.

6A:32-4.3 Access to personnel records

A district board of education or private agencies that provide educational services by means of public funds shall make employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120.d and 121.d.

N.J.A.C. 6A:32-4.4 through 4.9 (Reserved)

SUBCHAPTER 5. SENIORITY

6A:32-5.1 Standards for determining seniority

- (a) The word “employment” for purposes of this subchapter shall be inclusive of “office” and “position.”
- (b) Seniority, pursuant to N.J.S.A. 18A:28-13 et seq., shall be determined according to the number or fraction of academic or calendar years of employment 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, except for leaves of absence or suspension resulting from confirmed discipline, 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 school district and to time of service in or with the military or naval forces of the United States or this State, pursuant to N.J.S.A. 18A:28-12.
- (d) Employment in the school district prior to the adoption of the standards shall be counted in determining seniority.
- (e) The holder of an emergency certificate shall not be entitled to seniority rights, but the years of employment under the emergency certificate shall count toward seniority when he or she becomes the holder of a standard certificate. Upon acquisition of a standard certificate, any period of service under a provisional certificate, as defined in N.J.A.C. 6A:9, Professional Standards, shall also be counted toward seniority.
- (f) Whenever a person holds employment simultaneously under two or more endorsements or in two or more categories, seniority shall be counted in all endorsements and categories in which he or she is or has been employed.
- (g) Where the employment title is not properly descriptive of the duties performed, the holder shall be placed in a category in accordance with the duties performed and not by title. Whenever the employment title is not found in this chapter or N.J.A.C. 6A:9B, State

Board of Examiners and Certification, the holder of the employment shall be classified as nearly to the duties performed as possible, pursuant to N.J.A.C. 6A:9B.

- (h) Whenever a person moves from or reverts 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 an employment category is abolished, the tenured employee shall be given employment in the same category to which he or she is entitled by seniority. If he or she has insufficient seniority for employment in the same category, then 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. The person shall be placed and remain upon the preferred eligible list until a vacancy occurs in the category to which seniority entitles him or her.
- (j) If a person has insufficient seniority in the category to which he or she reverted, he or she shall 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 reverted. He or she shall be placed and remain upon the preferred eligible list of the next preceding category, and so forth, until he or she has 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 a person's employment in some category to which he or she reverted, he or she shall remain upon all the preferred eligible lists of the categories from which he or she reverted. He or she shall be entitled to employment in any one or more such categories whenever a vacancy occurs to which 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 superintendent position shall be a separate category; and

- ii. District boards of education shall adopt for each assistant superintendent position a job description that 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 for each director position a job description that 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 or middle school principal;
9. Elementary principal;
10. Supervisor;
 - i. Each supervisory title shall be a separate category; and
 - ii. District boards of education shall adopt for each supervisory position a job description that 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 or middle school vice principal or assistant principal;
15. Elementary school vice principal or assistant principal;
16. Vocational school vice principal or assistant principal;
17. Secondary:

- i. Any person holding an instructional certificate with endorsements shall have seniority within the secondary category only in such endorsement(s) under which he or she has actually served;
 - ii. Whenever a person shall be reassigned from one subject area to another, all periods of employment in his or her new assignment shall be credited toward his or her seniority in all 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 an instructional endorsement shall acquire seniority only in the secondary category and only for the period of actual service under such educational services certificate or instructional endorsement; and
 - iv. Persons employed and providing services on a districtwide basis under an instructional endorsement or an educational services certificate shall acquire seniority on a districtwide basis;
18. Elementary:
- i. District boards of education that make a determination to reorganize instruction at grades seven and eight pursuant to this subchapter shall do so by adoption of a formal resolution setting forth the reasons for such reorganization;
 - ii. Any person employed at the elementary level in a position requiring an educational services certificate or an instructional endorsement shall acquire seniority only in the elementary category and only for the period of actual service under such educational services certificate or instructional endorsement;

- iii. Persons employed and providing services on a districtwide basis under an instructional endorsement or an educational services certificate shall acquire seniority on a districtwide basis;
 - iv. Persons serving under elementary endorsements in departmentally organized grades seven and eight prior to September 1, 1983 shall continue to accrue seniority in the elementary category for all such service prior to and subsequent to September 1, 1983. In addition, such persons shall accrue seniority in the secondary category but limited to the school district's departmentally organized grades seven and eight and the specific subject area actually taught in such departmentally organized grades, subsequent to September 1, 1983; and
19. Additional categories of specific educational service endorsements issued by the State Board of Examiners and listed in N.J.A.C. 6A:9B.
- (m) In the event of a restructure of grade levels that results in the elimination of all junior high or middle schools in the school district and the creation of schools with a grade-level organization that includes grades seven and eight, the seniority rights of the junior high or middle school principals, vice principals, and assistant principals displaced by such restructuring shall be transferable to the newly reorganized schools in the category as defined by (l)9 above.

SUBCHAPTER 6. SCHOOL EMPLOYEE PHYSICAL EXAMINATIONS

6A:32-6.1 Scope and purpose

- (a) This subchapter designates the minimum assessments to be used by district boards of education in establishing physical examinations for candidates for employment and school district employees.
- (b) This subchapter applies to all district boards of education and private agencies that provide educational services by means of public funds.

6A:32-6.2 Policies and procedures for employee physical examinations

Pursuant to N.J.S.A. 18A:16-2, district boards of education shall adopt written policies and procedures for the physical examination of candidates for employment and, where the school district so chooses, for the physical examination of employees. The policies shall provide for notification to school employees and candidates regarding the requirements for physical examinations, and establish procedures to assure confidentiality during the collection, transmission and storage of employee and candidate medical records.

6A:32-6.3 Requirements of physical examinations

- (a) Pursuant to N.J.S.A. 18A:16-2, district boards of education shall require candidates for employment who have received a conditional offer of employment to undergo a physical examination such as testing for usage of controlled or dangerous substances or to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990.
- (b) Pursuant to N.J.S.A. 18A:16-2, district boards of education may require physical or psychiatric examinations of a school district employee whenever, in the judgment of the district board of education, an employee shows evidence of deviation from normal physical or mental health, to determine the individual's physical and mental fitness to

perform with reasonable accommodation the position he or she currently holds, or to detect any health risks to students and other employees. When a district board of education requires an employee to undergo an individual examination:

1. The district board of education shall provide the employee with a written statement of reasons for the required examination. The district board of education shall provide the employee with a hearing, if requested.
 2. The determination of such a hearing shall be appealable to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4, Appeals.
 3. The employee may, without reprisal, refuse to waive his or her right to protect the confidentiality of medical information, in accordance with P.L. 104-191, Health Insurance Portability and Accountability Act of 1996.
- (c) Individual employees may provide health-status information, including medications, that 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.
- (d) Health records of candidates for employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.
- (e) Pursuant to N.J.S.A. 18A:16-3, the district board of education shall bear the cost of examinations made by a physician or institution designated by the district board of education. However, the employee shall bear the cost if the examination is performed by a physician or institution designated by the employee with approval of the district board of education.

SUBCHAPTER 7. STUDENT RECORDS

6A:32-7.1 General considerations

- (a) This subchapter applies to all district boards of education and private agencies that provide educational services by means of public funds.
- (b) Each district board of education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with this subchapter.
- (c) Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.
- (d) The district board of education shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. District boards of education shall make every effort to notify parents and adult students in their dominant language.
- (e) A nonadult student may assert rights of access only through his or her parents. However, nothing in this subchapter shall be construed to prohibit certified school personnel from disclosing at their discretion student records to nonadult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.
- (f) The parent or adult student shall have access to his or her own records and have access to or be specifically informed about only that portion of another student's record that contains information about his or her child or himself or herself.

- (g) Each district board of education shall establish written policies and procedures for student records that:
1. Guarantee access to persons authorized under this subchapter within 10 days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A;
 2. Assure security of the records;
 3. Enumerate and describe the student records collected and maintained by the district board of education;
 4. Provide for inclusion in a student record any educationally relevant information provided by the parent or adult student;
 5. Allow for release of school contact directory information for official use, as defined in N.J.A.C. 6A:32-7.2;
 6. Provide the parent or adult student a 10-day period to submit to the chief school administrator a written statement prohibiting the institution from including any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and P.L. 107-110, § 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001;
 7. Provide, pursuant to (b) above, the parent or adult student a 10-day period to submit to the chief school administrator a written statement to exclude information from any school directory for official use;
 8. Assure limited access to student records by secretarial and clerical personnel pursuant to N.J.A.C. 6A:32-7.5;
 9. Provide for the access and security of student records maintained in a computerized system; and

10. Maintain the confidentiality of all student records with name, Social Security number, address, and telephone number information or use the substitute address for certified participants in the Address Confidentiality Program pursuant to N.J.A.C. 5:61.
- (h) All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.
 - (i) The chief school administrator or his or her designee shall require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice shall be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.
 - (j) No liability shall be attached to any member, officer, or employee of any district board of education permitting access or furnishing student records in accordance with this subchapter.
 - (k) When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the district board of education shall provide interpretation of the student records in the dominant language of the parent or adult student.
 - (l) Student health records shall be maintained separately from other student records. Student health records also shall be handled according to the requirements of this subchapter until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

- (a) Each district board of education shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about the student that is contained in the school contact directory for official use.
- (b) To exclude any information from the school contact directory for official use, the parent, adult student, or emancipated minor shall notify the district board of education in writing.

6A:32-7.3 Mandated student records

- (a) Mandated student records shall include the following:
 - 1. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance;
 - 2. Record of daily attendance;
 - 3. Descriptions of student progress according to the student evaluation system used in the school district;
 - 4. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees and immunizations;

5. Records pursuant to rules and regulations regarding the education of students with disabilities; and
6. All other records required by N.J.A.C. 6A.

6A:32-7.4 Maintenance and security of student records

- (a) The chief school administrator or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.
- (b) School districts may store all documents either electronically or in paper format.
 1. When records are stored electronically, proper security and backup procedures shall be administered.
- (c) Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.
- (d) Records shall be accessible during the hours in which the school program is in operation.
- (e) Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school district, or age 23, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
- (f) A district board of education that establishes a website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

6A:32-7.5 Access to student records

- (a) Only authorized organizations, agencies or persons as defined in this section shall have access to student records, including student health records.
- (b) Each district board of education shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or stated in (e) below.
- (c) The district board of education may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under this subchapter or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.
- (d) Access to and disclosure of a student health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).
- (e) Authorized organizations, agencies, and persons shall include only the following:
 - 1. The student who has the written permission of a parent and the parent of a student under the age of 18 whether the child resides with the parent, except per N.J.S.A. 9:2-4;
 - i. The place of residence shall not be disclosed; and
 - ii. Access shall not be provided if denied by a court;
 - 2. Students at least 16 years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;
 - 3. An adult student and parent who has the written permission of an adult student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of

appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;

4. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;
5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4:
 - i. An approved private school for the disabled;
 - ii. A State facility;
 - iii. Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
 - iv. Clinics and agencies approved by the Department;
6. To fulfill its legal responsibility, a district board of education shall have access through the chief school administrator or his or her designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student;
7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;
8. Accrediting organizations to carry out their accrediting functions;

9. The Commissioner and Department staff members who are assigned responsibility that necessitates the review of such records;
10. Officials of other district boards of education within the State or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:
 - i. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;
 - ii. Original mandated student records that a district board of education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;
 - iii. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19a, shall be sent to the chief school administrator or his or her designee of the school district to which the student has transferred within 10 school days after the transfer has been verified by the requesting school district;
 - iv. The chief school administrator or his or her designee shall request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
 - v. Upon request, the chief school administrator or his or her designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

- vi. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district;
11. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;
12. Officers and employees of a State agency responsible for protective and investigative services for students referred to the agency pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, district boards of education shall ask the State agency for its cooperation in sharing the findings of an investigation;
13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L).
14. Organizations, agencies and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;
15. Organizations, agencies, and individuals outside the school, other than those specified in this section, upon the presentation of a court order; and
16. Bona fide researchers who explain to the chief school administrator the nature of the research project and the relevance of the records sought. Researchers also shall satisfy the chief school administrator or his or her designee that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the chief school administrator prior to the release of information to the researcher.

- (f) Nothing in this section shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.
- (g) In complying with this section, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq., the Open Public Records Act (OPRA) and 20 U.S.C. §1232g; 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

6A:32-7.6 Conditions for access to student records

- (a) All authorized organizations, agencies, and persons defined in this subchapter shall have access to the records of a student, subject to the following conditions:
 - 1. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.
 - 2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the chief school administrator or his or her designee the request in writing together with any required authorization.
 - 3. The chief school administrator or his or her designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, students, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student record of the name(s) of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied, and the purposes for which the data will be used.

4. Prior to disclosure of student records to organizations, agencies, or persons outside the school district pursuant to a court order, the district board of education shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. Such notification shall be provided in writing, if practicable. Only records related to the specific purpose of the court order shall be disclosed.
 - i. Notice to the parent shall not be required when he or she is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. § 1232g(b)(2)(B).
5. A record may be withheld from a parent or from an adult student only when the district board of education obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court order shall be withheld. When the district board of education has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of his or her request that access to the record has been denied and that the person has the right to appeal the decision to the court issuing the order.

6A:32-7.7 Rights of appeal for parents and adult students

- (a) Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies and persons. The parent or adult student may seek to:
 1. Expunge inaccurate, irrelevant or otherwise improper information from the student record;

2. Insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or
 3. Request an immediate stay of disclosure pending final determination of the challenge procedure as described in this subchapter.
- (b) To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, a parent or adult student shall notify in writing the chief school administrator of the specific issues relating to the student record. Within 10 school days of notification, the chief school administrator or his or her designee shall notify the parent or adult student of the school district's decision. If the school district disagrees with the request, the chief school administrator or his or her designee shall meet with the parent or adult student to resolve the issues set forth in the appeal. If the matter is not satisfactorily resolved, the parent or adult student has 10 school days to appeal this decision the district board of education. If appeal is made to the district board of education, a decision shall be rendered within 20 school days. The decision of the district board of education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.
- (c) Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of (b) above.
- (d) Regardless of the outcome of an appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal. Such statements shall be maintained as part of the student record as long as the contested

portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

6A:32-7.8 Retention and disposal of student records

- (a) A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.
 - 1. The school district shall retain the student health record and the health history and immunization record according to the school district records retention schedule, as determined by the New Jersey State Records Committee.
- (b) Student records of currently enrolled students, other than that described in (e) below, may be disposed of after the information is no longer necessary to provide educational services to a student. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.
- (c) Upon graduation or permanent departure of a student from the school district:
 - 1. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.
 - 2. Information in student records, other than that described in (e) below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted, or after reasonable attempts at such notification and

reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.

- (d) No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
- (e) The New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

SUBCHAPTER 8. STUDENT ATTENDANCE AND ACCOUNTING

6A:32-8.1 School register

- (a) This subchapter applies to all district boards of education and private agencies that provide educational services by means of public funds.
- (b) District boards of education shall be required to carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic form of the school's choosing.
- (c) The Commissioner shall issue and publish on the Department's website school register guidance for recording student attendance in all public schools of the State operated by district boards of education, except adult high schools.
- (d) Student attendance shall be recorded in the school register during school hours on each day school is in session.

- (e) School registers shall be kept for students attending preschool, kindergarten, grades one through five, grades six through eight, grades nine through 12, each preschool class for the disabled, each class for the disabled, shared-time classes for regular students, shared-time classes for students with disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by district boards of education.
- (f) A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences shall be recorded for the student while on home instruction, providing the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

6A:32-8.2 School enrollment

- (a) The enrollment in a class, a school, or a school district shall be the total number of original entries plus the number of re-entries, less the number of transfers, withdrawals, or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals, or dropouts, in all classes and schools of a school district shall constitute the school enrollment for the district board of education during any school year.
- (b) No student attending a school operated by a district board of education shall be enrolled in more than one school register in any school district during a school year. All students shall be enrolled as of the first day of attendance for the year.

- (c) No student shall be enrolled in a school register until the student has reached the following legal school age:
1. Kindergarten: more than four years and less than six years;
 2. Regional day school: more than five years; and
 3. Preschool disabled: more than three years and less than five years.
- (d) Within 10 school days of the start of the school year, a school district shall determine whether a student who attended the previous year but not the current school year has an excused absence or has transferred, withdrawn, or dropped out of the school district.
- (e) Any student enrolled in a school district who moves to another school district in the same school year shall be included in the register in the new school district upon enrollment.
- (f) The average daily enrollment in a school district for a school year shall be the sum of the days present and absent of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily enrollment for the classes or schools of a school district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual classes or schools.
- (g) The average daily attendance in a school district for a school year shall be the sum of the days present of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily attendance for the classes or schools of a school district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes or schools.

6A:32-8.3 School attendance

- (a) For purposes of school attendance, a day in session shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes and inclement weather shall not be considered as days in session.
- (b) A school day shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day in kindergarten.
- (c) An approved kindergarten shall meet the following requirements:
1. Each kindergarten teacher shall be properly certified pursuant to N.J.A.C. 6A:9B, State Board of Examiners and Certification and in accordance with the *Abbott v. Burke* decision, *Abbott v. Burke*, 153 N.J. 480 (1998) ("*Abbott V*"); 177 N.J. 578 (2003) ("*Abbott X*").
 2. A balanced program in an approved facility with adequate equipment, materials and supplies shall be provided each child. This program is to be designed to meet the individual needs of every child and may include instruction in reading and other subjects when it has been determined that a child is ready for such instruction by the teacher of the class; and
 3. The maximum enrollment for a kindergarten class shall be 25 students per teacher and 21 students in an former Abbott school districts, in accordance with the *Abbott v. Burke* decision, *Abbott v. Burke*, 153 N.J. 480 (1998) ("*Abbott V*"); 177 N.J. 578 (2003) ("*Abbott X*"), and N.J.A.C. 6A:13-3.1 and 3.2 and 6A:13A-3.1(d). The executive county superintendent of schools may give permission to increase the number of students in a non-Abbott classroom provided another teacher, an auxiliary teacher, or a teacher aide is employed full-time to provide for the increased size.
- (d) A day of attendance shall be one in which a student is present for the full day under the guidance and direction of a teacher while school is in session. Whenever over-crowded

conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.

- (e) A half-day class shall be considered the equivalent of a full day's attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.
- (f) A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner.
- (g) No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.
- (h) A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.
- (i) A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.
- (j) The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.
- (k) The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with these rules. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is

in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

SUBCHAPTER 9. ATHLETICS PROCEDURES

6A:32-9.1 General requirements

- (a) A district board of education may adopt a program of activities of sports that complies with N.J.S.A. 18A:36-37.
- (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 the owner to provide adequate safeguards for players and spectators. 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 students or teams of one or more schools of the same or other school districts, whether conducted on public or private facilities. Said policy shall be disseminated to appropriate personnel.
- (d) A student representing his or her school in interscholastic athletic competition shall sign a form furnished by the district board of education, the wording of which shall embody a request to be enrolled as a candidate for a place on a school team in a specified sport. The parent or adult student shall execute an acknowledgement that physical hazards may be encountered.

- (e) Each candidate for a place on the school athletic squad or team shall submit a form furnished by the district board of education conveying the consent of his or her parent or the adult student to participate.

SUBCHAPTER 10. SUMMER SCHOOL SESSIONS

6A:32-10.1 General

- (a) A summer school session shall be operated by a district board of education in compliance with N.J.S.A. 18A:11-15.
- (b) Remedial, advancement and enrichment courses may be offered to meet student needs.
- (c) Summer school sessions shall be separate from “extended school year services” as defined in N.J.A.C. 6A:14-1.3.
- (d) All school districts operating elementary and/or secondary summer school sessions shall conduct fire and school security drills pursuant to N.J.S.A. 18A:41-1.

6A:32-10.2 Costs and tuition

- (a) For students domiciled within the school district, the district board of education may charge tuition for any course provided during a summer school session to a student who resides in the school district in accordance with N.J.S.A. 18A:11-15.
- (b) For students not domiciled within the school district, the district board of education may charge tuition for any course provided during a summer school session at an amount determined by the district board of education.

6A:32-10.3 Staffing

- (a) In each school, a member of the administrative, supervisory or teaching staff who is certified as an administrator shall be assigned the responsibilities of administration and supervision of the summer session.
- (b) Teachers in summer school sessions conducted by district boards of education shall possess valid certificates for subjects taught. Curriculum enrichment may involve resource persons serving for specific periods of time under the supervision of a certified administrator, supervisor, or teacher.

6A:32-10.4 Student assignment and credit

- (a) The assignment of students in a summer school session for remedial courses shall be based upon the recommendation of the principal of the school the student regularly attends, in accordance with policies established by the district board of education. The principal's recommendation shall state in writing the name of the subject(s) the student may take and the purpose for which each subject is taken.
- (b) An evaluation and a description of work completed shall be included in the student's cumulative record, and the principal of the sending school shall determine the grade placement of the student.
- (c) To receive advanced credit for a subject not previously taken, the student shall receive class instruction in summer session under standards equal to those during the regular term.
- (d) Full-year subjects given for remediation that carry credit or placement consequences for students shall be conducted for 60 hours of instruction under standards equal to during the regular term or through an established number of curricular activities as determined by the district board of education.

- (e) Credit for work taken in an approved elementary or secondary school summer session shall be transferable in the same manner as work taken in any approved elementary or secondary school, in accordance with district board of education policy.
- (f) The principal shall give prior approval for work to be taken at other educational institutions or environments, which shall include, but not be limited to, other public and private schools, institutions of higher education, and online courses.
- (g) The amount of time a student spends in receiving class instruction shall become part of his or her permanent record and shall be included whenever the record is transferred to another school.

SUBCHAPTER 11. WITHDRAWAL FROM REGIONAL SCHOOL DISTRICTS

6A:32-11.1 Application and data for investigation of advisability of withdrawal or dissolution

- (a) Any district board of education constituting part of a limited-purpose regional school district or the governing body of such school district, or the governing body of any municipality constituting part of an all-purpose regional school district, may apply to the executive county superintendent to investigate the advisability of withdrawal of such constituent school district or municipality from the regional school district. A majority of the boards of education of the school districts that constitute a limited-purpose regional school district and a majority of the governing bodies of the municipalities that constitute the constituent school districts of a limited-purpose regional school district may apply, by separate resolutions, to the executive county superintendent to investigate the advisability of the dissolution of the regional district. Such resolutions shall be adopted by a recorded roll call vote of the majority of the full membership requesting that the executive county

superintendent make such investigation. The resolution request(s) submitted to the executive county superintendent shall include the following information:

1. A general description of the regional school district and of the withdrawing constituent school district, including, but not limited to, the type of educational system, number of schools, grade levels served, community population, and geographical characteristics;
 2. Enrollment data, including, but not limited to, the number of students enrolled as reported by grade on the Annual Application for State School Aid and estimated projected enrollments, by grade level, for the succeeding five school years for both the withdrawing school district or municipality and the remaining regional school district, based on growth factors using average percentages for the last three school years;
 3. The racial composition of the withdrawing school district's or municipality's student population enrolled in the regional school district, and the effect of such withdrawal upon the racial composition of the remaining student population of the regional school district;
 4. Two appraisals of each school site that is part of the regional school district prepared by qualified appraisers. If two or more constituent school districts or municipalities request such a study, the selection of the appraisers and the cost of the required appraisals shall be made jointly and shared; and
 5. The proposed educational plan for the students from the withdrawing school district or municipality presently enrolled in the school(s) of the regional school district.
- (b) Within 21 days following adoption of the resolution, such body shall confer with the remaining constituent school districts and/or the governing bodies of the constituent municipalities, the regional district board of education, and the executive county

superintendent to review the procedure required for withdrawal from a regional school district. Such conference may be called by the executive county superintendent at the request of a constituent school district or municipality prior to its adoption of the resolution.

6A:32-11.2 Investigation and report by executive county superintendent

- (a) The executive county superintendent shall investigate the advisability of the withdrawal of the requesting constituent district from, or the dissolution of, the regional school district upon receipt of the resolution(s) and accompanying data pursuant to N.J.A.C. 6A:32-11.1. Within 60 days after receipt of such request, the executive county superintendent shall issue a report, in accordance with N.J.S.A. 18A:13-52 or 18A:13-67, to governing bodies of the municipalities constituting the regional school district and the board of education of the regional school district. If the executive county superintendent's report addresses the withdrawal of a constituent school district(s) from, or the dissolution of, a limited purpose regional school district, the report shall also be issued to the boards of education of the constituent school districts. When the executive county superintendent has begun such investigation, no action shall be taken upon a subsequent request from another constituent school district or municipality of the same regional school district until the investigation, report, and action have been completed. The report shall be based on data supplied by the petitioning school district(s) or municipality(ies), including, but not limited to, the following:
1. A general description of the regional school district, including the number of constituent school districts, school buildings, area of the total school district, and area of the withdrawing school district or municipality;

2. Enrollment data, including the number of students enrolled as reported by grade on the Annual Application for State School Aid and estimated projected enrollment, by grade level, for the succeeding five school years for both the withdrawing school district or municipality and the remaining regional school district. The estimated projected enrollments shall be based on growth factors using average percentages for the last three school years and a review of municipal planning documents (master plan elements, zoning maps), including any annual reports or summaries of land-use approvals within the past five years;
3. Enrollment data, by grade level, showing the racial composition of the present regional student population and the resulting racial composition for both the withdrawing school district or municipality and the remaining regional school district if withdrawal were to be approved;
4. The operating expenses of the regional school district for the present school year including the distribution of such current operating expenses among the constituent school districts or municipalities;
5. The equalized valuation of each constituent school district or municipality of the regional school district as set forth in N.J.S.A. 18A:7F-45;
6. The average equalized valuations of the real property of each constituent school district or municipality of the 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.

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.

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.

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.

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 accordance 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.

6A:32-12.2 Guidance and counseling

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

SUBCHAPTER 13. (RESERVED)

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.

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.

SUBCHAPTER 15. (RESERVED)