

Proposed Amendments at N.J.A.C. 6A:32, School District Operations

The following is the accessible version of the proposed amendments at N.J.A.C. 6A:32. The proposal level document includes three sections – [comments and responses](#), a [summary of the proposed amendments](#) and the [rule text of the proposed amendments](#).

**State Board of Education
Administrative Code
Comment/Response Form**

This comment and response form contains comments from the January 8, 2025, meeting of the State Board of Education when the rulemaking was considered at Second Discussion Level.

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| Topic: | School District Operations | Meeting Date: | February 5, 2025 |
| Code Citation: | N.J.A.C. 6A:32 | Level: | Proposal |
| Division: | Field Support and Services | Completed by: | Field Support and Services |

Summary of Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Barbara Eames, Working Together for New Jersey
2. Marcella Simadiris
3. Jean Public
4. Catherine Volk, Student and participant in Energizing Young Voters

1. **Comment:** The commenter expressed support for the Department's proposed amendments at N.J.A.C. 6A:32-2.1 and 8.4(e). **(2)**

Response: The Department appreciates the support.

2. **Comment:** The commenter expressed support for the proposed amendment at N.J.A.C. 6A:32-8.4(e)7 because it will promote wider civic engagement across all schools. The commenter stated that the commenter's organization aims to promote civic engagement and teach students how to contribute to the civic vitality of their communities. The commenter also stated that having the opportunity to participate in civic engagement events in middle and high school greatly shaped the commenter's experience. The commenter further stated that students who learn about civic engagement display greater involvement in civic activities in the future because they are provided opportunities to contact legislators and testify before government bodies. The commenter also stated that many students do not know where to find civic engagement opportunities and requested that the State Board of Education provide resources to school districts about civic engagement events that will provide equal opportunity or all students to expand their civic role in their communities. **(4)**
Response: The Department appreciates the commenter's support. However, the Department declines to provide school districts resources about civic engagement events in their communities because appropriate local civic events would be best determined by the district board of education and chief school administrator. The proposed amendments provide a clear definition to assist school districts in choosing resources that best suit the community and comply with the definition of "civic event."

3. **Comment:** The commenter expressed opposition to the proposed amendments at N.J.A.C. 6A:32. (3)
Response: The Department acknowledges the commenter’s position.
4. **Comment:** The commenter expressed opposition to the Department’s proposed amendment at N.J.A.C. 6A:32-8.4(e). The commenter contended that there is room within the current limits on school absences to allow a student, if a parent wished, to participate in a civic event. The commenter also expressed concern that a State-excused absence for a civic event can be used for multiple purposes, including protests and political rallies during school time. the commenter stated that the proposed amendment will lead to students missing more instructional time, controversy surrounding possible school-sanctioned events, and the indoctrination of children to become activists without parental consent or knowledge. (1)
Response: The Department disagrees with the commentators’ assertions. A student’s absence from school is not excused for the purpose of the Department’s calculation of chronic absenteeism unless the reason is a State-excused absence listed at N.J.A.C. 6A:32-8.4(e). N.J.S.A. 18A:36-33.2 allows a public school student in grades six through 12 to have one State-excused absence each school year for the purpose of attending a civic event; therefore, the list at N.J.A.C. 6A:32-8.4(e) must be amended to align with the statute. The proposed amendments at N.J.A.C. 6A:32 will encourage eligible students to extend their learning outside the classroom for a civic event without being penalized for the absence. The proposed amendment at N.J.A.C. 6A:32-2 clearly defines a “civic event” as an event sponsored by a government entity, a community-based organization, or a nonprofit organization that incorporates elements of service learning whereby students learn and develop through organized service. The proposed definition, which mirrors the definition at N.J.S.A. 18A:36-33.1, also states that the civic event must address an issue of public concern such as community health and safety or environmental, economic, or community well-being. N.J.S.A. 18A:36-33.2 requires a student’s parent or guardian to provide a signed written notice of an intended excused absence to attend a civic event at least five school days in advance of the intended excused absence and such other documentation as the superintendent deems necessary to prove that the student meets the requirements for an excused absence. Therefore, a student cannot utilize a State-excused absence to attend a civic event without the knowledge of the student’s parent or guardian.
5. **Comment:** The commenter questioned why N.J.A.C. 6A:32-8.4(e)3, which allows a State-excused absence for participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33, applies to students who likely cannot vote. The commenter stated students can be taught civic education by letting them run mock school elections and tally and record results. (1)
Response: N.J.A.C. 6A:32-8.4(e)3 is required pursuant to N.J.S.A. 18A:36-33.
6. **Comment:** The commenter expressed disappointment that additional amendments at N.J.A.C. 6A:32 were not proposed to reinforce equity. The commenter stated that strengthening the language around ethics can help minimize corruption or nepotism that occurs with district boards of education.
The commenter also questioned how the Department can ensure that school buildings operate according to statutory time requirements . The commenter provided an example of an elementary school that does not provide the minimum requirement for physical education and stated the students are only able to practice notetaking. The commenter further asserted that this is quite common in urban school districts where

students lack access to quality physical education and arts. The commenter questioned if the Department can propose amendments at N.J.A.C. 6A:32 to foster change. **(2)**

Response: The comments are outside the scope of this rulemaking, which is proposed to implement N.J.S.A. 18A:36-33.1 and 33.2.



Proposal Level
February 5, 2025

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF EDUCATION
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KEVIN DEHMER
Acting Commissioner

To: Members, State Board of Education

From: Kevin Dehmer
Acting Commissioner

Subject: N.J.A.C. 6A:32, School District Operations

Reason for Action: Amendments

Authority: P.L. 2023, c. 274

Sunset Date: June 6, 2029

Summary

The Department of Education (Department) proposes to amend N.J.A.C. 6A:32, School District Operations. The Department proposes to amend N.J.A.C. 6A:32-2.1, Definitions, and N.J.A.C. 6A:32-8.4 to align the chapter with P.L. 2023, c. 274, which allows public school students in grades six through 12 to have one State-excused absence each school year for the purpose of attending a civic event.

The following is a summary of the proposed amendments.

Subchapter 2. Definitions

N.J.A.C. 6A:32-2.1 Definitions

This section provides definitions for terms used throughout N.J.A.C. 6A:32.

The Department proposes the term “civic event” to mirror the definition at N.J.S.A. 18A:36-33.1.

Subchapter 8. Student Attendance and Accounting

N.J.A.C. 6A:32-8.4 Student attendance

This section defines student attendance for recording purposes in the school register. This section also sets forth the types of State-excused absences that are established by State statutes: religious observances, participation in observance of Veterans Day, and participation in district board of election membership activities.

The Department proposes new N.J.A.C. 6A:32-8.4(e)7 to include participation in a civic event, up to one day per year for students in grades six through 12, pursuant to N.J.S.A. 18A:36-

33.2, in the list of State-excused absences. The proposed amendment will permit a State-excused absence once per year for students in grades six through 12 who attend a civic event. As in the past, district boards of education can establish student attendance policies that allow for excused absences that extend beyond N.J.A.C. 6A:32-8.4(e).

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department anticipates that the proposed amendments will have a positive social impact by encouraging students to engage in meaningful civic events. The proposed amendments will ensure consistency in reporting of student attendance and chronic absenteeism rates, both of which can be used as catalysts to improve school climate and culture and student attendance.

Economic Impact

The Department does not anticipate that the proposed amendments will create additional expenses for district boards of education, school leaders, or individual educators. The proposed amendments do not change the responsibilities of district boards of education, charter and renaissance school boards of trustees, and school leaders regarding the daily operation of schools and school districts.

Federal Standards Statement

The proposed amendments will not be inconsistent with or exceed Federal requirements or standards as there are no Federal requirements or standards related to State-excused absences.

Jobs Impact Statement

The Department anticipates that the proposed amendments will have no impact on the generation or loss of jobs in the State.

Agriculture Industry Impact

The proposed amendments will have no impact upon the agriculture industry in the State.

Regulatory Flexibility Analysis

The proposed amendments will not change the existing reporting, recordkeeping, or other compliance requirements or place new requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impact district boards of education, charter and renaissance school projects boards of trustees, approved private schools for students with disabilities (APSSDs), and clinics and agencies. APSSDs and clinics and agencies could be considered small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

There is an extreme unlikelihood that the proposed amendments will have any impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the proposed amendments

will evoke a change in the average costs associated with housing because the proposed amendments concern the daily operations of schools, school districts, charter schools, renaissance school projects, APSSDs, and private agencies that provide educational services by means of public funds.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant to no impact on smart growth. There is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments apply only to the operation of school districts, charter schools, renaissance school projects, APSSDs, and private agencies that provide educational services by means of public funds.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood that the proposed amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the proposed amendments apply only to the operation of school districts, charter schools, renaissance school projects, APSSDs, and private agencies that provide educational services by means of public funds. Accordingly, no further analysis is required.

Full text of the proposed amendments follows (additions indicated in boldface, **thus**; deletions indicated in brackets, [thus]):

Chapter 32. School District Operations

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:

...

“Civic event” means an event sponsored by a government entity, a community-based organization, or a nonprofit organization that incorporates elements of service learning whereby students learn and develop through organized service. A civic event shall address an issue of public concern, such as community health and safety or environmental, economic, or community well-being.

...

Subchapter 8. Student Attendance and Accounting

6A:32-8.4 Student attendance

- (a) For all State attendance submissions, a student shall be recorded as present, absent, or excused for a State-excused absence, pursuant to (e) below, on every day the school is in session after the student enrolls until the date the student is transferred to another school or officially leaves the school district.
- (b) A record of attendance of all students shall be kept in accordance with N.J.A.C. 6A:32-8.1(c). The employee designated by the chief school administrator shall keep the attendance records according to this subchapter and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c).

- (c) A student enrolled in a school shall be recorded in the school register as present if the student participates in instruction or instruction-related activities for at least half a day in session whether the student is physically on school grounds, at an approved off-grounds location, or in a virtual or remote instruction setting, pursuant to N.J.A.C. 6A:32-13.
- (d) A student enrolled in a school who is not participating in instruction or instruction-related activities pursuant to (c) above shall be recorded in the school register as absent, unless the student is recorded as a State-excused absence, pursuant to (e) below.
- (e) State-excused absences shall be as follows:
1. Religious observance, pursuant to N.J.S.A. 18A:36-14, 15, and 16.
 - i. The Commissioner, with approval of the State Board of Education, 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*;
 2. Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;
 3. Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;
 4. Take Our Children to Work Day;
 5. College visit(s), up to three days per school year for students in grades 11 and 12; [and]
 6. Closure of a busing school district that prevents a student from having transportation to the receiving school[.]; **and**
 7. **Participation in a civic event, up to one day per year for students in grades six through 12, pursuant to N.J.S.A. 18A:36-33.1 and 33.2.**
- (f) For absences that do not meet the criteria at (e) above, district boards of education may adopt policies that establish locally approved or excused absences consistent with N.J.A.C.

6A:16-7.6 for the purposes of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit. However, an absence designated as excused by the district board of education pursuant to N.J.A.C. 6A:16-7.6 shall be considered as an absence in the submission to the State for the purpose of chronic absenteeism reporting, as set forth at N.J.A.C. 6A:32-8.6.