

# New Jersey Department of Education



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

Readoption with Amendments:  
First Discussion

May 5, 2021

Please note that this presentation has been modified from its original version to be more accessible.



# Key Components of Chapter 32



These regulations assist school districts in governing the daily operation of schools and provide guidance in the development of school policies, procedures, and services to meet staffing and operational needs. Below are topics contained in the chapter.

- Provide Code of Ethics requirements for district, charter and renaissance school administrators and board of education/advisory board members;
- Specify requirements for employment of teaching staff, establish the minimum assessments for school employee physical or psychiatric examinations, determining seniority;
- Specify requirements for student recordkeeping;
- Require schools to maintain a student attendance register;
- Specify procedures for the management of athletic programs;
- Provide requirements for operation of summer school programs;
- Require procedures for the withdrawal from a regional school district; and
- Provide guidance in the operation of kindergarten programs.



# Seniority



Establishes how a district calculates seniority for teaching staff members.

- Clarifying the types of leaves of absences that qualify or do not qualify for credit toward seniority.
  - Qualified Leave: Periods of unpaid absences not exceeding 30 calendar days in one academic or calendar year, leaves of absence at full or partial pay, and unpaid absences granted for study or research; and
  - Unqualified Leave: Suspension from confirmed discipline.



# School Employee Physical Examinations



Establishes the minimum standard for district boards of education in requiring physical examinations of candidates for employment or physical and psychiatric examinations of school district employees.

- Adding “psychiatric” to the subchapter title to align with the underlying statute, N.J.S.A. 18A:16-2.
- Clarifying that both physical and psychiatric examinations may be required of current employees, while only physical examinations can be required of candidates for employment.
- Adding new rules at N.J.A.C.6A:32-6.2(a) to require district policies for notification of the physical examinations and procedures to ensure confidentiality during the collection, transmission, and storage of medical records for candidates for employment.



# Withdrawal from Regional School Districts



Establishes the procedures that school districts and the Department must take to consider withdrawal from a regional school district and for the dissolution of a limited-purpose regional school district.

- Reorganizing two sections of the rule text for clarity.
  - District's application process and accompanying data for the executive county superintendent review; and
  - The investigation and report of the executive county superintendent on the advisability of withdrawal or dissolution of a regional school district.



# Kindergarten Programs



Establishes the educator certification and programmatic requirements for approved kindergarten programs, as well as maximum enrollment for kindergarten classes.



# Student Records

Describes the general operational procedures for student records, including access to records and what must be included in the student record.

- Emphasizing that student health records be maintained separately from student records until graduation.
- Clarifying that a parent or adult student can challenge the contents of a student record.
- Clarifying that approved private schools for students with disabilities (APSSDs) and private agencies are not responsible to fulfill OPRA requests or retain student records.



# Student Records



## Proposed New Rules

- Establishes procedures that allow district boards of education or charter school or renaissance school project board of trustees to produce student records under OPRA following the removal of personally identifiable information. The section will further clarify that a student record no longer meets the definition of a “record” once all student identifying information is removed.





# Personally Identifiable Information

*(slide 1 of 2)*



Means, but is not limited to:

- The student's name;
- The name of the student's parent(s) or other family members;
- The address of the student or the student's family;
- The email address of the student, the student's parent(s), or other family members;
- The telephone number of the student, the student's parent(s), or other family members;
- A personal identifier, such as the student's Social Security number, student number, or biometric record;



# Personally Identifiable Information

*(slide 2 of 2)*



Means, but is not limited to:

- A photo of the student;
- The location and times of class trips;
- Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or
- Information requested by a person who the district board of education, or private agency that provides educational services by means of public funds, reasonably believes knows the identity of the student to whom the student record relates.



# Student Attendance and Accounting



Establishes the methods by which district boards of education track student enrollment and attendance.

- Overarching clarification made to this subchapter to clearly differentiate between student attendance and district accounting of student attendance.
- Separating the existing rules pertaining to a school day versus student attendance and absences.



# School Enrollment

- Deleting the requirement that the school register must be kept by grade span and program type.
- Defining more clearly the age limitations for a student enrollment in the school register.
  - Over five years of age in accordance with the attendance in school, N.J.S.A. 18A:38-1;
  - Kindergarten older than four and younger than six;
  - State-funded preschool program: at least three years of age and younger than five years; and
  - Preschool students with disabilities: at least three years of age and younger than five years.



# Proposed: Day in Session



- Clarifying the purpose of the section by changing the title from “School Attendance” to “Day in Session.” This clarification separates individual student attendance and a school day.
- “Day in session” means a school is scheduled to be open and students are under the guidance and direction of a teacher(s) engaged in the teaching process for not less than four hours, exclusive of recess and lunch periods and it will count toward the 180-day requirement.



# Student Attendance



- Defining that a student will be recorded for State submissions as present, absent or excused for a State-excused absence.
- Defining State-excused absences.
- Clarifying that students are marked present in the school register if the student is present for at least half of the day in session.
- Differentiating the reporting of attendance for State purposes versus district policies for locally approved excused absences and the expectations and consequences for truancy, student conduct, promotion, retention, and the award of course credit.



# Average Daily Attendance



Proposing a new subchapter to clearly define the calculations used average daily attendance for districts, schools, programs of instruction and students.

- For districts, schools and programs of instruction, the calculation is total number of the days present of all enrolled students, divided by the number of days in membership of all enrolled students.
- For students, the calculation is total number of days that a student is present in school divided by the total possible number of days in session.



# Absentee and Chronic Absenteeism Rates



- Establishing how a student's absentee rate is determined and how to identify whether a student is chronically absent.
- Describing how chronic absenteeism is calculated and used in the identification of a student who is chronically absent. This section also specifies the district's requirement to develop a corrective action plan to improve absenteeism rates if any school has 10 percent or more of its enrolled students identified as chronically absent, in alignment with the statute.





# Virtual or Remote Instruction



The Department is proposing a new subchapter to align with [P.L. 2020, c.27](#), which allows for a district board of education to utilize a Department-approved program for virtual or remote instruction during a school closure for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure and count those days toward the 180-day requirement established by N.J.S.A. 18A:7F-9.b.

