

PUBLIC NOTICE

EDUCATION

STATE BOARD OF EDUCATION

Notice of Receipt and Action on Petition for Rulemaking

Indoor School Recess

N.J.S.A. 18A:35-5

Petitioner: Deborah Esposito.

Take notice that on October 13, 2019, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner requesting the State Board to create a new rule pursuant to N.J.S.A. 18A:35-5 to require elementary schools to provide an indoor recess option for students who are injured or are recovering from an illness. The petitioner's request indicates that students at some public schools in New Jersey are required to go outside for recess even when injured or sick.

After reviewing the petition, the Department of Education (Department) has concluded the State law cited by the petitioner does not govern recess for a student in public schools. Rather, N.J.S.A. 18A:35-5 requires district boards of education to conduct courses in health, safety, and physical education that must be adapted to the ages and capabilities of students. Furthermore, the State Board does not have the authority to amend State law as that is the responsibility of the New Jersey Legislature.

Therefore, the petitioner's request is denied.