

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

Special Education

Fiscal Accountability, Efficiency, and Budgeting Procedures

Student Transportation

School District Operations

Student Records

N.J.A.C. 6A:14-3.7; 6A:23A-3.1, 5.2, 6.4, 6.6, 6.9, and 8.2; 6A:27-7.9; and 6A:32-3.2, 7.3, 7.4, 7.5, 7.8, and 7.9

Petitioner: Robert J. Chester, Esq.

Take notice that on August 28, 2020, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board of Education amend or add new rules at N.J.A.C. 6A:14, 23A, 27, and 32, related to student records. As the petition originally filed lacked the specific amendments and new rules sought, the petitioner provided the amendments and new rules on September 1, 2020.

The petitioner seeks amendments and new rules related to how school districts maintain student records, what constitutes student records, and how student records are redacted and made available under the Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et seq.). The petitioner also seeks other requirements related to security of student records, data breaches, individualized education program (IEP) meetings, and school buses. The petitioner further seeks to add provisions related to district board of education members asserting the educational rights of their children.

A notice acknowledging receipt of the petition was published in the October 5, 2020, New Jersey Register at 52 N.J.R. 1862(a). In accordance with applicable law, the Department of Education (Department) reviewed the petition and has determined that additional time is needed to deliberate about this petition. The Department needs additional time to consider the requested amendments due to their breadth and depth, plus the declared Public Health Emergency and State of Emergency in the State of New Jersey (see Executive Order No. 103 (2020)) and the resulting shift in the duties of Department employees to respond to the declared emergencies.

Accordingly, pursuant to N.J.A.C. 1:30-4.2(a)3 and 6A:6-4.2(b)3, this matter will be referred for further deliberation for a period not to exceed 90 days.

A copy of this public notice is being mailed to the petitioner.