

Public Notice

Education

State Board of Education

Notice of Receipt and Action on Petition for Rulemaking

Preparticipation Physical Evaluation Form Required for Student-Athletes; Certification Statement

N.J.S.A. 18A:240-41.7

Petitioner: Mary Mannion.

Take notice that on November 10, 2021, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the petitioner requesting the State Board to amend a provision at N.J.S.A. 18A:40-41.7.b that requires the physical examination of student athletes to be conducted within 365 days prior to the first day of official practice in an athletic season and to be conducted by a licensed physician, advanced practice nurse, or physician assistant. The provision is part of the Scholastic Student-Athlete Safety Act, N.J.S.A. 18A: 40-41.6 et seq. (P.L. 2013, c. 71).

The petition states that the 365-day requirement and the interpretation by schools to mandate the physical examination before team tryouts, and not before the team's first practice, penalizes economically disadvantaged families whose insurance will not pay for physicals until a complete year has lapsed. The petition also states that certain school districts do not provide, in a timely fashion to students and parents, information for alternatives to utilizing their own physician.

The petition states that the law needs to be amended to allow schools the ability to accept from parents/caregivers/pediatricians documentation that physicals are scheduled within a reasonable time frame so that children may participate in tryouts. The petition also states that the

law needs to be amended to require the documentation after a student has been selected for a team. The petition further states that, due to privacy rights, only a school nurse should know whether a child is cleared to play a sport until the child makes the team.

The petition also states that the process for being cleared for sports does not appear to put the children's safety first and, instead, encourages rushed physicals and physical reviews. The petition further states that the current practice forces parents to go against their best judgement and, at times, the advice of their children's pediatricians to satisfy a deadline. The petition also contends that the current system assumes that parents will pay out of pocket for unnecessary medical evaluations and that pediatricians should rush their process to satisfy a school district's insurance company.

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.