

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

Controversies and Disputes

N.J.A.C. 6A:3

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 at N.J.A.C. 6A:3 to require school districts to allow for due process before banning a parent from a school. The petitioner's request stated that the new rule would require that both sides of an incident must be heard prior to permanently banning a parent(s). The petitioner also requested that the new rule include checks and balances around a ban's scope so banning a parent is not abused or implemented for other reasons. The petitioner's request further stated that the State Board and the Commissioner of Education need to assign a committee to oversee and regulate school district decisions.

The statutory authority for N.J.A.C. 6A:3 arises from N.J.S.A. 18A:6-9, which states that the "commissioner shall have jurisdiction to hear and determine, without cost to the parties, all controversies and disputes arising under the school laws." N.J.A.C. 6A:3 sets out rules of procedure for filing petitions arising under school laws. The requested amendments to N.J.A.C. 6A:3 extend well beyond the statutory authority and are not related to filing procedures.

Title 6A of the New Jersey Administrative Code contains the rules that implement State education laws and regulate school districts, and the 13-member State Board is charged with

adopting the rules in Title 6A (with the exception of a few chapters that fall under the Commissioner of Education's authority). Furthermore, N.J.A.C. 6A:3 already establishes the process by which an interested party can challenge a school district's final decision in a matter under State education law.

Therefore, the petitioner's request is denied.