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*Law, **E**thics and **G**overnance for **A**ll **L**eaders, including an
Overview of **N**ew and **E**merging Issues*

Connecting the Dots: Moving the Athletic Program from an Island to a Team Approach

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Presentation Materials

Today's document(s) can be accessed at

<https://tinyurl.com/LO-NJSIAA-251217>



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2025-26 Series

October 29 – Enforcing Expectations Around Sportsmanship
November 11, 9:30 – 12 (In-Person)

November 11 – Athletics and Human Resources: Elevating Professionalism in Athletics (Virtual)

December 17, 9:30 - 12

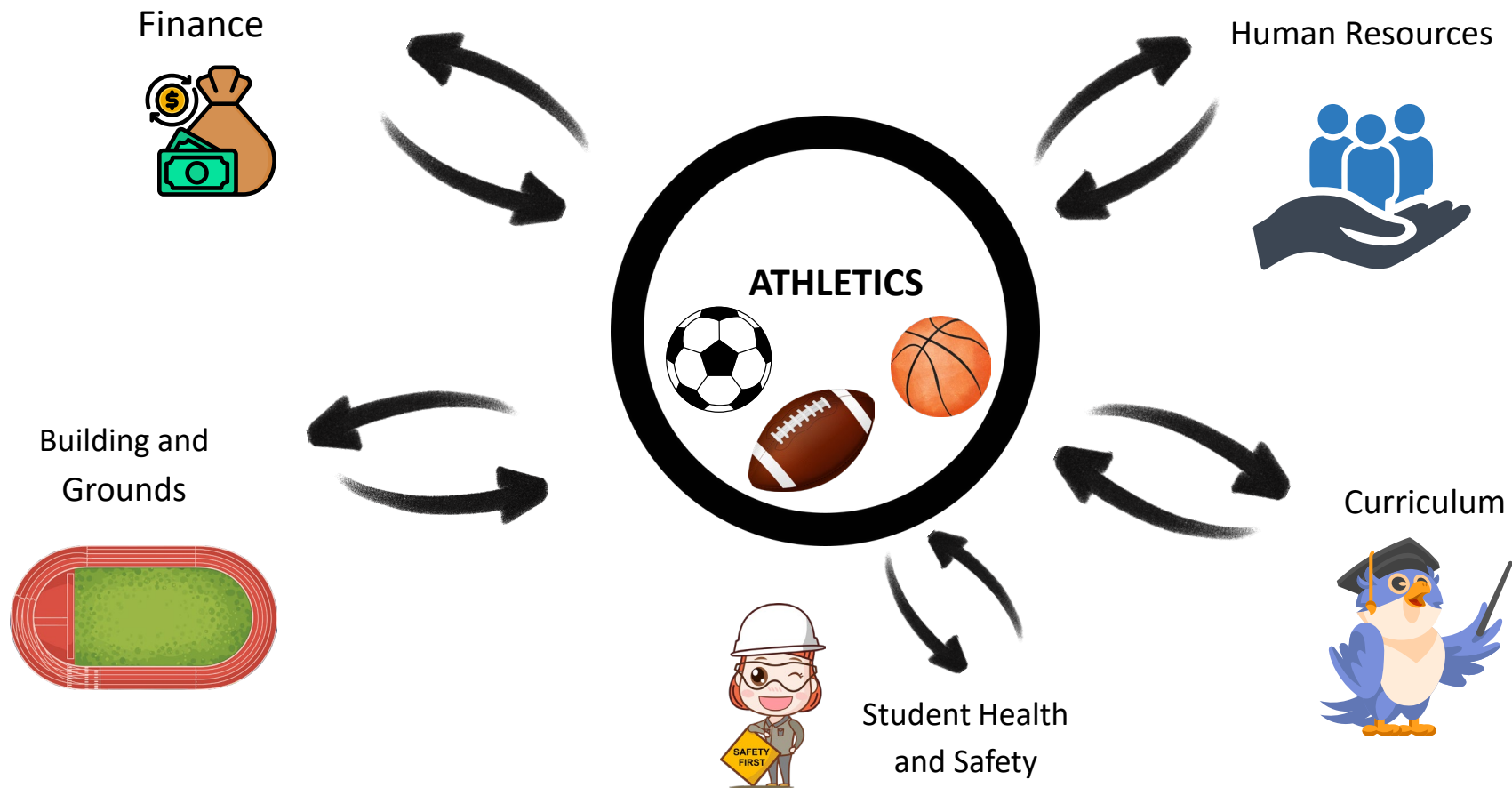
Connecting the Dots: Moving the Athletic Program from an Island to a Team Approach (Virtual)

January 14, 9:30 - 12

Athletics and School Finance (Virtual)

Key Topics

- Athletic Director role and Connections to Other Core District Operations
- Working with:
 - Title IX Coordinator
 - Director of Human Resources
 - Supervisor of Building and Grounds
 - Supervisor of Specialized Services
 - Supervisors of Curriculum and Instruction
 - School Principal and Assistant Principal
 - School Security
 - Director of School Counseling/School Counselors
 - School Nurse
 - School Safety/Climate Team



Group Discussion



What aspects of your role as Athletic Director require you to work closely with other departments in your school district?



What opportunities and challenges are created through this collaboration?



What steps have you taken as Athletic Director to enhance your collaborative efforts?

WHAT WOULD YOU DO???

Scenarios

- Scenario 1 - You have a male coach for the girls' cross-country team. How do you address locker room supervision?
- Scenario 2 - You have an upcoming football with a heated rival. Last year there were several fights in the stands after the game between students from the opposing schools. The head coach comes to you and says that a student just told him that there may “be real trouble this time” in the stands, but refused to say more. It's 2 pm and the game is this evening at 7 pm. What do you do?

Scenarios

- Scenario 3 - The girls' tennis coach ask to meet with you as AD. She says that her number one singles player seems to have developed “crippling anxiety” and has said she is considering withdrawing from the team. What do you do?
- Scenario 4 - The boys' lacrosse coach comes to see you and says that one of his players, Jeremy, mentioned to the coach that he sometimes gets “a little lightheaded” and that his mom wants him to make sure he has a snack with him “just in case.” The coach wants to know what he is supposed to do with that information. What do you do?
- Scenario 5 - The girls' soccer coach comes to you and says that she just learned from a member of the team that one of her players, Jenna, has been accused of bullying another player, Olivia. She doesn't know how to handle the situation. What do you do?

Scenarios

- Scenario 6 - You are a new AD (and new to the district). On your first day, you are approached by the girls' softball coach. She says that there is a growing resentment that the girls have developed towards the boys. The girls' team, which has a .500 record, is not given the same support as the boys' team, which consistently makes the playoffs. The coach notes that softball field is always in terrible shape, the equipment is second rate, and the girls' locker room is lucky to have one working shower on any given day. The coach says the girls feel like they are being discriminated against, and they think the school only cares about the baseball team.

TITLE IX COORDINATOR / AFFIRMATIVE ACTION OFFICER

Affordability

- Some students/families are unable to afford equipment or other costs related to athletics participation
- Role of AD in identifying ways to address students in need in a discrete manner
- Socioeconomic status may also correlate with race/ethnicity and potential discrimination claims

Affirmative Action Officer

- Oversees programs to ensure non-discrimination in all aspects of school district operations
- Ensures that investigations occur of alleged discrimination based on protected classes (for student issues typically ABS is investigator, but AAO must be notified)
- May or may not be the same person as the Title IX Coordinator
- Leads the Affirmative Action Team that develops and oversees the Comprehensive Equity Plan
- Note that bias-related acts also must be reported by the district to local law enforcement and county prosecutor's office per N.J.A.C. 6A:16-6.3(e)

Title IX

- Federal law
- Intended to ensure no gender-based discrimination in K-12 or higher education programs that receive federal funding
- Includes right to equitable access to athletic programs
- Includes protection from retaliation for those who raise concerns
- Sexual harassment and denial of equal access to athletics are two examples of potential Title IX issues

Jackson v. Birmingham Public Schools, 544 U.S. 167 (2005)

Facts of the Case

- In 1993, Roderick Jackson, a teacher, was hired by the Birmingham SD BOE to serve as a physical education teacher and girls' basketball coach.
- In August of 1999, Mr. Jackson was transferred to Ensley HS, and discovered:
 - “Girls’ team was not receiving equal funding and equal access to athletic equipment and facilities;
 - The lack of adequate funding, equipment, and facilities made it difficult for Mr. Jackson to perform his job as the team’s coach.”
- “In December 2000, Mr. Jackson began complaining to supervisors about the unequal treatment of the girls’ basketball team.” Id. at 171-172

Jackson v. Birmingham Public Schools, 544 U.S. 167 (2005)

Facts of the Case

- According to Mr. Jackson, his complaints were ignored, and the SD failed to fix the situation.
- After Mr. Jackson complained about his perceived problems pertaining to the Girls' Basketball Team, he “began to receive negative work evaluations and ultimately was removed as the girls' coach in May 2001”
- Mr. Jackson continued his employment as a teacher within the SD, “but he no longer receive(d) supplemental pay for coaching.” Id. at 171-172.

Jackson v. Birmingham Public Schools, 544 U.S. 167 (2005)

Facts of the Case

- After the BOE stripped Mr. Jackson of his coaching duties, he filed the Federal Court lawsuit claiming that the SD had violated Title IX by retaliating against him “for protesting the discrimination against the girls’ basketball team.” Id. at 172.
- The BOE moved to Dismiss the case claiming that Title IX’s private cause of action does not include claims of Retaliation. (Losing the coaching position and the negative evaluations after he complained...)
- Both the District Court and the 11th Circuit Court of Appeals dismissed Mr. Jackson’s Claims, and this case was appealed to the U.S. Supreme Court.

Key Protocols

- AD should work with AAO and Title IX Coordinator to ensure all coaches understand discrimination law and reporting obligations
- Identify and assess key metrics of participation in athletic program and work with AAO and Title IX Coordinator to address areas of concern
 - Key metrics may include levels of overall and sport by sport participation based on gender, race, ethnicity, disability, language proficiency, etc.

HUMAN RESOURCES

Key Takeaways from Last Session

- Recruiting, Screening, Hiring and Training Athletics Staff
- Addressing the Coach who is Not Your Full Time District Employee
- Establishing Clear Expectations and Protocols
- Ensuring Non-Discrimination and Reasonable Accommodations for Staff
- Engaging in Effective Evaluation and Progressive Supervision
- AD Collaborating with Human Resources

BUILDINGS AND GROUNDS

Duty to Supervise School Grounds

- **See** Duty of Care at School - *Dickens v. Township of Irvington BOE and Derek Strong* Docket No. ESX-L-006221-15 (N.J. Super. Ct. Sept. 18, 2017)
- **Facts:** 13 year-old girl fell and severely injured her left arm after jumping over a cable on her way to an athletic field for gym class.
- The cable had been erected to prevent vehicles from entering the athletic field
- Girl claimed that she had never been warned by teacher not to jump over cable, which she and her classmates had done previously on numerous occasions without incident

Dickens v. Irvington BOE cont'd

- **Outcome:** Jury found plaintiff 25 percent liable for her injuries and the district 75 percent liable. \$8 million award reduced accordingly to \$6 million. No liability was found against the teacher
- *Question*
 - *What reasonable measures could be taken to reduce potential for injury and legal liability?*

B & G Areas of Responsibility

- Maintaining school athletic fields and stands
- Maintaining locker rooms, restrooms
- Ensuring safety during periods when major work is being done
- Planning for immediate needs and long-term improvements
- Budgeting to address needs

Key Protocols

- AD meeting with head of buildings and grounds as needed to review ongoing projects, areas of concern, short and long-range plans
- Engage in process to annually assess needs related to maintenance and improvement of athletic fields, facilities and equipment
- Ensure proper steps are taken to address emergent needs and health and safety concerns
- Address rental of facilities and impact on proper condition of facilities after outside use
- Have clear protocols related to use of municipal facilities, working with private youth programs or other off-campus, externally controlled or shared facilities (e.g. sharing fields with Pop Warner program or municipal fields with AEDs that are not working)

SUPERVISORS OVERSEEING SPECIALIZED POPULATIONS

Examples

- Multilingual Learners
- Students with IEPs
- Students with 504 Plans

6A:15-1.14 Parent and Family Engagement

- Significant strengthening of language regarding communication in primary language of parent
- Requires district to ensure “**all information regarding an ML’s educational experience is available**” in parent’s primary language
- Gives examples (non-exhaustive list)
 - Policies, invitation letters, student discipline policies, registration and enrollment, report cards, requests for parent permission, parent-teacher conferences, parent handbooks, G & T programs
- Provides exception to requirement for parent advisory committee for district implementing English language services or ESL program
- Foreseeable Legal Issues:
 - Failure to comply with significant expansion of requirement to communicate in native language leading to denial of rights, loss of opportunities
 - Reliance on students, family members, unreliable technology for translations

Group Discussion

- What strategies do you use to ensure that coaches are able to effectively communicate with multilingual learners and their parents/guardians?
- When and how do you work with the Supervisor who oversees programs for MLs?

Access to Sports

- **Jan. 25, 2013** USDE Guidance issued on equal access to extracurricular athletics for students with disabilities.
- **Encouraged** school districts to:
 - Provide reasonable accommodations; and
 - Create opportunities if none existed.
- Acknowledged that **selective and competitive sports can continue**, if nondiscriminatory.
- Guidance didn't change Section 504 or IDEA.

Sports Participation

- No qualified student with a disability can be denied the opportunity to participate in physical education and athletic activities:
 - Schools **cannot prejudge** a student's participation in athletics because of a disability;
 - **Courts** generally favor allowing qualified athletes with physical disabilities to participate;
 - Students and parents **must understand the risks** of participation and consent to same.

Sports Participation

- This means making **reasonable modifications** and providing those aids and services that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program.
 - Alexander v. Choate, Southeastern Cmty. Coll. V. Davis, 442 U.S. 397 (1979)

Appropriate Skill Level

- Equal opportunity **does NOT mean:**
 - that every student with a disability is guaranteed a spot on an athletic team for which other students must try out.

What is a Fundamental Alteration?

... it alters such an **essential aspect of the activity** or game that it would be unacceptable even if it affected all competitors equally.

Example – shortening the length of a football playing field; making a football 3x as large so sight impaired can better see it.

Remember!

- Even if a specific modification would constitute a fundamental alteration...
 - The school is **still required to determine if other modifications might be available** that would permit the student's participation.



Beware!



- Separate is not equal.....
- The provision of **unnecessarily** separate or different services is discriminatory.

34 C.F.R. pt. 104, App. A § 104.4 at 367 (2012); 34 C.F.R. pt. 104, App. A § 104.37 at 376 (2012).

Additional Opportunities

Students with disabilities who cannot participate in the school's existing extracurricular athletics program- even with reasonable modifications or aids and services- should still have an **equal opportunity** to receive the benefits of extracurricular athletics.

School Districts Can Also:

1. Develop **district-wide or regional teams** for students with disabilities as opposed to a school-based team in order to provide competitive experiences;
2. **Mix male and female students** with disabilities on teams together;
3. Offer “**allied**” or “**unified**” **sports** teams on which students with disabilities participate with students without disabilities.

But, be careful.... Only if they can't participate in the regular team.

Also careful about need to properly manage and supervise

Group Discussion

- What is the role of the Athletic Director in ensuring that students with disabilities have equal opportunities to participate in athletics and that reasonable accommodations are provided?
- What is the role of the coaches?
- What protocols should be in place in this area?

Key Protocols

- Notice to coach that a student has an IEP or 504 plan when appropriate
- Consultation between coach and case manager to understand student needs and accommodations that may be necessary and to ensure that any potential health and safety concerns are addressed
- Ongoing and timely dialogue if accommodations in IEP or 504 plan are not working as planned

CURRICULUM AND INSTRUCTION

Group Discussion

- What role should the Athletic Director play in supporting and reinforcing various aspects of the district's curriculum and instruction?
- How can coaches be equipped with the knowledge and skills to serve as “teachers” in a way that supports district goals?

Examples and Opportunities

- Week of Respect
 - Anti-Bullying
 - Non-Discrimination
- Heritage Days/Cultural Awareness
- Character Education
- Social and Emotional Learning
- Self Care
- Resilience
- Role of coach in helping students maintain academic standards
- Fundraising for charitable causes/raising awareness and giving back

Key Protocols

- AD meetings with Curriculum and Instruction Supervisors to identify opportunity for reinforcement and extension of learning
- AD meeting with key school leaders to ensure coaches are included in district Professional Learning opportunities intended to address core aspects of curriculum and instruction that can be reinforced through athletics
- Coaches and teachers communicating where appropriate to address student educational needs

SCHOOL PRINCIPAL AND ASSISTANT PRINCIPAL

Group Discussion

- What are the key areas where the Athletic Director and the school principal need to collaborate?
- How about the AD and the Assistant Principal?
- How should student behavior issues impact the ability of a student to participate in athletics?

Key Areas of Collaboration

- Scheduling
- Transportation
- Security
- Finance
- Student Health
- Student Behavior
 - Consequence for code of student conduct violations may include suspension or removal from athletics

Addressing Conduct Away from School

- R.R. v. Shore Regional – student threatens another with a knife outside school, school able to take action
- Levy v. Mahanoy – SCOTUS decision, too far to remove from JV cheerleading squad and softball team for use of improper language online
- Anti-Bullying Bill of Rights – Is behavior outside school likely to cause substantial disruption in school
- N.J.A.C. 6A:16-7.6 – Code for conduct away from school grounds - Is it necessary to act to protect health and safety, maintain order in school
- G.D. M. v. Ramapo Indian Hills – school district's student athlete contract went too far, unenforceable where there is not sufficient nexus to district
 - See [LEGAL ONE Video](#) summarizing case and legal implications

Implications of Ramapo-Indian Hills decision for Board Policy

- Cannot suspend or remove a student from sports or other extra-curricular activities solely because the student was involved in use of alcohol or drugs off school grounds, or engages in criminal activity or juvenile delinquency
- **Need to show nexus between conduct off school grounds and school environment**
- Must meet standards in N.J.A.C. 6A:16-7.6
- Failure to revise policies could lead to significant liability for districts
- Requires changes in typical 24/7 policies in place in most districts for their high school athletes and in some districts for students involved in other extra-curricular activities
- **IT DOES NOT** change any requirements related to reporting on HIB, dating violence, or when a student is suspected of being under the influence

Student Discipline – First Amendment Rights

B.L., a minor, by and through her father Lawrence Levy and her mother Betty Lou Levy v. Mahanoy Area School District, Third Circuit C of A, June 30, 2020, U.S. Supreme Court, Decided 6/23/2021

- A frustrated cheerleader after having only made the JV team posted a picture to “snapchat” with a caption “F**k school f**k softball f**k cheer f**k everything.”
- The post circulated at least among her 250 “friends” on her feed.
- Student removed her from the team, claiming a violation of a school policy relative to extracurricular activities.
- Student challenged the discipline, school district upheld the discipline.
- Student brought action against school district, alleging that suspension based on her social media post, made on a Saturday, violated her First Amendment rights.
- **SUPREME COURT – Violation of First Amendment Rights**
- **NO HIB, NO THREATS, NOT ON SCHOOL GROUNDS, PRIVATE DEVICE**

Key Protocols

- Regular meetings with Principal/AP
- Immediate reporting of code of student conduct violations to principal or designee (not keeping within the team)
- Communicating when consequence for behavior impacts participation in athletics
- Identifying opportunities for coach to intervene, reinforce messages and/or support students involved in incidents
 - Coach may be more influential than principal, AP/VP, teacher, or counselor

SCHOOL SECURITY

Foreseeable Issues

- Coach may have important insights, be necessary to be part of a threat assessment.
- FERPA is often misunderstood, leads to both under-sharing and over-sharing information.
- External doors from locker rooms often propped open, created increased security threat.
- Firearms may be brought to an event by a spectator, sometimes due to gang activities.
- Community groups using facilities at the same time as a school district may have inconsistent emergency procedures, which could create chaos in a true emergency.
- Some events have less available staff than others, requiring available staff to assume additional responsibilities.
- A situation may arise where student athletes/staff/spectators are unable to reenter a building during a lockdown.
- Students with disabilities may not be properly supported during emergency situations.

Legal Requirements

- FERPA – 20 U.S.C. §1232g; 34 C.F.R. §99.31 - Parameters for Information Sharing
- School Safety and Security Plans - N.J.A.C. 6A:16-5.1
- School Fire and Security Drill Requirements - N.J.S.A. 18A:41-1
- Threat Assessment - N.J.S.A. 18A:17-43.4
- Reporting Credible Threats to Law Enforcement – N.J.A.C. 6A:16-6.3(e)

Key Protocols

- Determine if there are foreseeable issues between home and visiting schools that could raise potential security concerns
- Ensure coaches who are not otherwise district employees have training on your district'
- Ensure proper coordination between home and visiting schools for emergency response protocols (e.g., lockdowns)
- Debrief after events and assess any security gaps or concerns that may have arisen and plans for moving forward to address concerns
- Reach out to NJDOE Office of School Preparedness and Emergency Planning
 - Free training and security audit services are available
 - [Training or Technical Assistance Request](#)

SCHOOL SAFETY/CLIMATE TEAM

Group Discussion

- What impact does the school's athletic program have on school climate and culture?
- How can that impact be measured?
- What role can the Athletic Director play in supporting a positive school climate? How about the coaches? The players?

Role of School Safety/Climate Team

- Develop, foster, and maintain a positive school climate by focusing on the ongoing, systemic processes and practices in the school and to address school climate issues such as harassment, intimidation, or bullying
- Key terms/concepts?
- What do they mean in practical terms?

Role of SST (Continued)

- 1) receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- 2) receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- 3) identify and address patterns of harassment, intimidation, or bullying of students in the school;
- 4) review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;

Role of SST (cont'd)

- 5) educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- 6) participate in the training required pursuant to the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- 7) collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- 8) execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

Role of SST (cont'd)

- Shall meet at least 2 times per year
- Shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches
- Shall develop a School Climate Action Plan

Key Protocols

- Consider having a coach as a member of the School Climate/Safety Team
- Identify measurable items related to school climate and athletics that can be assessed over time
- Include goals related to athletics in the School Climate Action Plan developed by the school

SCHOOL COUNSELING, SCHOOL SOCIAL WORKERS, SCHOOL PSYCHOLOGISTS

Group Discussion

- What conversations should be taking place between the AD and supervisors who oversee school counselors, school social workers and school psychologists?
- When should information be shared about the mental health needs of student athletes?
- What protocols should be in place to ensure information sharing occurs while protecting confidentiality?

Mental Health Protected Characteristic

- Need to consider reasonable accommodations, engage in interactive process
 - *Accommodations cannot alter fundamental nature of sport (e.g. Using a visual symbol such as a flag for start of a track meet OK, but shortening base paths not OK)*
- Protected from Discrimination based on mental health status
 - NJLAD
 - IDEA / Section 504/ ADA

NJDOE Mental Health Resource Guide

- [NJDOE Memo February 9, 2022:](https://www.nj.gov/education/broadcasts/2022/feb/09/NewJerseyComprehensiveSchool-BasedMentalHealthResourceGuideRelease.pdf)
<https://www.nj.gov/education/broadcasts/2022/feb/09/NewJerseyComprehensiveSchool-BasedMentalHealthResourceGuideRelease.pdf>
- 200+ page guide, uses MTSS approach as framework
- Includes chapters addressing suicide prevention, risk assessment and response, substance use, reentry planning
- Wrote chapter, in collaboration with NJPN, addressing substance use and mental health
- Guide establishes expectations for best practice, **which raises potential legal liability if districts fail to consider those best practices**

Stress Amongst HS Athletes

- See [Prevalence of stress amongst high school athletes](#) published by NIH, [Health Psychol Res.](#) 2023; 11: 70167, Published online 2023 Feb 21. doi: [10.52965/001c.70167](#)
- Nearly all (91%) high school athletes experience some level of stress related to athletics
- About a third of the cohort (34%) reported stress positively affecting performance, while around a quarter (25.5%) reported stress negatively affecting performance

Perceived Reasons for Stress

- Fear of failure (64%)
- Self-pressure (66.5%);
- Judgment from others (45%),
- impractical expectations of themselves (35%),
- Coach pressure (34%),
- Parental pressure (21.5%)
- Females were significantly more likely to experience stress due to:
 - fear of failure,
 - parental pressure,
 - impractical expectations of themselves, and
 - fear of being judged by others

Strategies for Coping

- Exercise (43%)
- Meditation/Yoga (13%)
- Talking to someone (24%)
 - Less than 20% would speak to a teacher, coach or medical professional (Friend or family overwhelming choice)
- Nothing helps (20%)

Few are Getting Help

- About a quarter of the respondents who did not already see a medical professional and experienced some level of stress due to sports
- **Approximately 78% of respondents who were experiencing moderate to extreme stress did not receive help, and 27% of those same respondents wanted but did not receive help.**
- Reasons for not receiving help, despite wanting it, were being unsure where to go (46%), fearing judgment from others (35% of respondents), lacking access (27%), financial difficulties (27%), and being embarrassed (14%).
- NOTE - only 18% of respondents who experienced some level of stress reported they did not believe help would be beneficial to them

Involvement in Athletics

Generally Helps!

- **Results:** For males and females, involvement in sports was associated with lower levels of depression, compared to non-involvement. Consistent with previous research, females were more likely to report depressive symptoms than males. Females also were more likely to participate in arts and leadership activities.
- **Conclusion:** For males and females, sports participation, and for females, involvement in leadership activities, may represent protective factors against depressive symptoms during adolescence. However, clinicians might consider inquiring about depressive symptoms among adolescent males involved in art-related activities.
- See Waler, A., & Taliaferro, L. (2020). 102 Extracurricular Activity Involvement and Depression Among High School Students. *CNS Spectrums*, 25(2), 266-267.
doi:10.1017/S1092852920000206

Key Protocols

- Consideration of when and if coach needs information if student has experienced a traumatic event
- Streamlined communication lines for coaches to be able to communicate with student's school counselor when necessary
- Training for coaches in how to properly address emergent issues such as suicidal ideation, threat of harm to self or others

WORKING WITH THE SCHOOL NURSE AND ADDRESSING STUDENT HEALTH NEEDS

Foreseeable Issues

- Student injured during practice or game, coach blamed for failing to properly prepare student.
- Student concerned about loss of scholarship and/or letting teammates down, hides injury.
- Student is injured, feels detached from team, struggles with mental health.
- Athletic staff are unaware where and how to access critical medical equipment during an emergency, including AED, epi pen, and/or opioid antidote.
- Student has received medical clearance, so coaches or other athletic staff believe they are unable to address new information they have received that raises questions about student's physical and/or mental health.

Sports Pre-Participation Physical

- See May 22, 2024 NJDOE [Broadcast memo](#)
- There has been a change in the requirements for submission of the updated PPE. The History Form and the Physical Examination Form within the packet do not need to be submitted to the student's school. The History Form and the Physical Examination Form should be kept by the healthcare provider who completes the PPE. Only the completed Medical Eligibility Form should be submitted to the school.
- The Medical Eligibility Form provides space for the healthcare provider to share relevant health information with the school if necessary and includes a recommendation regarding the student's ability to participate in athletics.
- It is important to note that the PPE must be conducted by a licensed physician, advanced practice nurse, or physician assistant who has completed the student athlete cardiac assessment professional development module developed by the NJDOE.
- See also NJSIAA [Sports Medical Clearance Information](#) page

Permissible Disclosure to Protect Health and Safety

- FERPA permits disclosure of personally identifiable information in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- What constitutes an “emergency”?
 - Based on the “totality of the circumstances” is there “an articulable and significant threat to the health or safety of a student or other individuals”?
- School officials are given the benefit of the doubt!
 - “If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.” See 34 CFR 99.36.

Suspicion of Under Influence

Medical Exam

- See N.J.S.A. 18A:40A-12
- Nurse cannot be asked to make final determination and cannot overrule others – ALL STAFF have duty to report suspicion
- Must be MD or DO for medical exam for suspected under the influence. NOT PA or APN.
- Must arrange for immediate medical exam – window should be small (e.g. 2 hours)
- Drug testing requirement must be spelled out in district policy (not automatic under state law)
- NOTE from doctor must be provided to district within 24 hours (If exam took place and note is delayed then must allow to return to school)

NJDOE Concussion Protocol Guidance

- NJDOE [Broadcast Email – September 24, 2023](#)
- Outlines requirements in law
- Minimum Board policy requirements
- 6 step concussion protocol
- See NJDOE [Model Policy and Guidance for Districts on the Prevention and Treatment of Sports-Related Head Injuries and Concussions](#) (Aug. 2023)

Concussion 6-Step Protocol

- **Step 1: Back to regular activities** (such as school) - Athlete is back to their regular activities (such as school).
- **Step 2: Light aerobic activity** - Begin with light aerobic exercise only to increase an athlete's heart rate. This means about 5 to 10 minutes on an exercise bike, walking, or light jogging. No weightlifting at this point.
- **Step 3: Moderate activity** - Continue with activities to increase an athlete's heart rate with body or head movement. This includes moderate jogging, brief running, moderate-intensity stationary biking, moderateintensity weightlifting (less time and/or less weight from their typical routine).
- **Step 4: Heavy, non-contact activity** - Add heavy non-contact physical activity, such as sprinting/running, high-intensity stationary biking, regular weightlifting routine, non-contact sport-specific drills (in 3 planes of movement).
- **Step 5: Practice & full contact** - Young athletes may return to practice and full contact (if appropriate for the sport) in controlled practice.
- **Step 6: Competition** - Young athletes may return to competition.

Opioid Antidotes in Schools

- P.L. 2018, Chapter 106 – Requires Opioid Antidotes in Schools and Permits Emergency Administration by School Nurse or Trained Employee
 - **Effective date – December 1, 2018**
 - [NJDOE Guidelines](#) Issued in May 2019
 - Board policy required for emergency administration of Opioid Antidote to students, staff or others
 - Requires all Schools with any of grades 9 – 12 to obtain a standing order for these antidotes and to maintain a supply in a secure, unlocked, easily accessible location
 - Board determines quantities and types of antidotes in consultation with DOE and DOH

Procedures for Emergency Overdose

- 1) 9-1-1 called immediately
- 2) CSN called immediately (or designee if no CSN)
- 3) CSN or designee determine need for responses such as CPR, Rescue Breaths, AED)
- 4) Administer antidote to person (student, staff, parent, etc.) if good faith belief of overdose
- 5) Monitor person while waiting for emergency responders
- 6) Transport to hospital
- 7) Notify parent/guardian if student or emergency contact if staff
- 8) Superintendent notified

Janet's Law

- Who

- Janet Zilinski, 11 years old, cardiac arrest

- What

- An AED must be placed within “reasonable” proximity of the athletic field or event

- Every school must have an action plan in place
- 5 staff prepared to respond
- See NJDOE [FAQs on Janet's Law](#)

Paul's Law

- **P.L. 2019, c. 290 (1/9/2020)** - “Paul’s Law”; authorizes parent or guardian to request use of individualized health care plan for student with **epilepsy** or seizure disorder, **which includes specific actions for non-medical school staff**. Takes effect *immediately*.
- School nurse develops plan based on **parent submitted seizure action plan**.
- “Seizure action plan” means a comprehensive document provided by the student’s physician, advanced practice nurse, or physician’s assistant which includes, but is not limited to, information regarding presentation of seizures, seizure triggers, daily seizure medications, seizure first aid, and additional treatments.
- Annual authorization and update with training for all staff.

Paul's Law NJDOE Guidance

- NJDOE Guidance [Issued March 3, 2021](#)
- Includes information on available training for school staff
- Includes required elements that must be included in seizure action plans and emergency healthcare plans
- Need to consider how to adapt to address emergencies that occur during remote instruction

NJDOE Protocols/Guidance

- [Guidelines for the Care of Students with Diabetes in the School Setting](#)
- [Guidelines for the Management of Life-Threatening Food Allergies in Schools](#)
- [Guidelines for the Emergency Administration of an Opioid Antidote within Schools](#)
- [Model Policy and Guidance for Districts on the Prevention and Treatment of Sports-Related Head Injuries and Concussions](#) (Aug. 2023)
- [Model Policy and Guidance for Districts on Self-Administration of Medication and Delegation of Hydrocortisone Sodium Succinate for Students with Adrenal Insufficiency](#) (Oct. 2024)
- NJ Department of Human Services - [Opioid Overdose Response & Prevention Information](#)
- [Training Protocols for the Emergency Administration of Epinephrine](#)
- [NJDOE Mental Health Resource Guide](#)

Key Protocols

- AD meeting with Supervisor of School Nursing periodically
- AD ensuring strong collaboration and information sharing among the school nurse, school physician, family doctors and outside healthcare providers, the athletic trainer, coach, parent and student athlete
- Training for all coaches on required health-related protocols, including concussions, opioid overdose, suspicion of under the influence, seizures, allergic reactions, etc.
- One to one meetings between school nurse/others and coaches for students with unique needs, health plans and emergency plans

MOVING FORWARD

Key Takeaways

- Identify areas of common interest
- Proactively plan strategic meetings with key departments
- Ensure coaches understand need to collaboration and buy in to objectives
- Have protocols for emergent issues
- Constantly assess and adapt as needed

QUESTIONS

SNEAK PREVIEW!

SCHOOL FINANCE

Foreseeable Issues

- Inconsistent means for collecting, handling gate receipts.
- Improper, or lack of, controls over equipment supplies, maintenance, cleaning, etc.
- Ethics issues related to acceptance of gifts, meals, etc. from vendors
- Mixing of funds between school district and booster clubs, other outside entities

Circle System (Schutt) Case Study

- Background
- Modus operandi
 - Double billing – submits invoices & statements, schools often paid both
 - Provided fake price quotes from competitors
 - Made gifts and donations to schools, individuals, then recouped by inflating invoices
- Scope of scam – submitted fake quotes to at least 100 different schools, including more than 60 public schools in New Jersey and schools in 11 other states
- Conspired to defraud public schools
- Convictions under federal law – conspiracy to commit wire fraud, conspiracy to defraud public schools
- Penalties – Over \$1 million in restitution, prison sentences ranging up to maximum of 20 years

Conclusion

- Thank you for choosing professional development with LEGAL ONE!
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- Participants are authorized to use the LEGAL ONE materials provided in this training to offer turnkey training within the respective participant's school district or place of employment, provided that participants provide proper credit to LEGAL ONE for having developed said materials and further provided that such turnkey training is offered at no charge.
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4 ESSENTIAL PROGRAMS IN SCHOOL LAW EDUCATION

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04



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DATE

THURSDAY, JANUARY 22, 2026



TIME

9:00AM TO 1:00PM



PRESENTER

SANDRA L. JACQUES, ESQ., LL.M., *ASSISTANT
DIRECTOR OF LEGAL EDUCATION*



FEE

\$160 MEMBERS/NON MEMBERS



LOCATION

LIVE ONLINE



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Please take a few minutes to let us know what you thought of the session!