

## LEGISLATIVE HISTORY CHECKLIST

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### *LAWS of 1999*

**CHAPTER:** 87

**NJSA:** 18A:1-1 et al  
(Athletic trainers - certification)

**BILL NO:** S1176 (Substituted for A2222 - 1<sup>st</sup> Reprint)

**SPONSOR(S):** Martin & Baer

**DATE INTRODUCED:** June 11, 1998

**COMMITTEE:**

*ASSEMBLY:* ---

*SENATE:* Education

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**

*ASSEMBLY:* March 15, 1999

*SENATE:* February 25, 1999

**DATE OF APPROVAL:** May 3, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** 1<sup>st</sup> Reprint  
(Amendments during passage denoted by superscript numbers)

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**S1176**

**SPONSORS STATEMENT:** Yes  
(Begins on page 5 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *Yes*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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**A2222**

**SPONSORS STATEMENT:** *Yes*

(Begins on page 5 of original bill)

Bill and Sponsor's Statement identical to S1176

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *Yes*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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**GOVERNOR'S ACTIONS**

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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**THE FOLLOWING WERE PRINTED:**

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

§§4,5  
C. 18A:26-2.4  
&  
18A:26-2.5  
§6  
Note To §§1-5

P.L. 1999, CHAPTER 87, *approved May 3, 1999*  
Senate, No. 1176 (*First Reprint*)

1 AN ACT concerning school athletic trainers and amending and  
2 supplementing various sections of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. N.J.S.18A:1-1 is amended to read as follows:

9 18A:1-1. As used in this title, unless the context requires another  
10 meaning, the following words and phrases shall have the following  
11 meaning:

12 "Academic year" means the period between the time school opens  
13 in any school district or under any board of education after the general  
14 summer vacation until the next succeeding summer vacation;

15 "All purpose regional district" shall have the meaning assigned to  
16 it in subsection a. of section 18A:13-2;

17 "Board" means the board of education;

18 "Commissioner" means the Commissioner of Education;

19 "County superintendent" means the County Superintendent of  
20 Schools;

21 "Department" means the State Department of Education;

22 "District" means a school district;

23 "Employee" includes the holder of any position or employment;

24 "Employment" includes employment in a position;

25 "Full membership" of any board or body means the number of  
26 members of the board or body when all the members' seats are filled  
27 and a "majority of the full membership" of any board or body means  
28 a majority of such number;

29 "Higher education" means that education which is provided by any  
30 or all of the public institutions of higher education as herein defined  
31 and any or all equivalent private institutions;

32 "Limited purpose regional district" shall have the meaning assigned  
33 to it in subsection b. of section 18A:13-2;

34 "Local school district" means any school district comprising within  
35 its territorial boundaries the territory comprised in one or more  
36 municipalities, except a regional school district;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate floor amendments adopted October 22, 1998.**

1 "Private school" means a school, under college grade, which does  
2 not derive its support entirely or in part from public funds;

3 "Public institution of higher education" shall have the meaning  
4 assigned to it in section 18A:62-1;

5 "Public school" means a school, under college grade, which derives  
6 its support entirely or in part from public funds;

7 "Public school system" means the system of public schools of the  
8 State;

9 "Residence" means domicile, unless a temporary residence is  
10 indicated;

11 "School nurse" shall mean and include any school nurse, school  
12 nurse supervisor, head school nurse, chief school nurse, school nurse  
13 coordinator or any other nurse performing school nursing services in  
14 the public schools;

15 "State board" means the State Board of Education;

16 "Teaching staff member" means a member of the professional staff  
17 of any district or regional board of education, or any board of  
18 education of a county vocational school, holding office, position or  
19 employment of such character that the qualifications, for such office,  
20 position or employment, require him to hold a valid and effective  
21 standard, provisional or emergency certificate, appropriate to his  
22 office, position or employment, issued by the State Board of  
23 Examiners and includes a school nurse and a school athletic trainer.  
24 (cf: P.L.1994, c.48, s.34)

25

26 2. N.J.S.18A:28-4 is amended to read as follows:

27 18A:28-4. No teaching staff member shall acquire tenure in any  
28 position in the public schools in any school district or under any board  
29 of education, who is not the holder of an appropriate certificate for  
30 such position, issued by the state board of examiners, in full force and  
31 effect, except that no board of education shall terminate the  
32 employment or refuse to continue the employment or reemployment  
33 of

34 a. any school nurse appointed prior to May 9, 1947 for the reason  
35 that such nurse is not the holder of such a certificate and the state  
36 board of examiners shall make no rule or regulation which will affect  
37 adversely the rights of any such nurse under any certificate issued  
38 prior to said date; ~~or~~

39 b. a school athletic trainer appointed prior to the effective date of  
40 P.L. , c. (C. )(now pending before the Legislature as this bill) for  
41 the reason that the school athletic trainer is not the holder of a  
42 certificate <sup>1</sup>, provided that the person is registered with the New  
43 Jersey State Board of Medical Examiners as an athletic trainer. That  
44 person shall be issued the new certificate without being required to  
45 meet any additional qualifications, and any periods of employment as  
46 an athletic trainer prior to the effective date of that act shall count

1 toward the acquisition of tenure to the same extent as employment  
2 after the effective date of that act<sup>1</sup>.

3 (cf: N.J.S.18A:28-4)

4

5 3. N.J.S.18A:28-5 is amended to read as follows:

6 18A:28-5. The services of all teaching staff members employed in  
7 the positions of teacher, principal, other than administrative principal,  
8 assistant principal, vice-principal, assistant superintendent, and all  
9 school nurses including school nurse supervisors, head school nurses,  
10 chief school nurses, school nurse coordinators, and any other nurse  
11 performing school nursing services, school athletic trainer and such  
12 other employees as are in positions which require them to hold  
13 appropriate certificates issued by the board of examiners, serving in  
14 any school district or under any board of education, excepting those  
15 who are not the holders of proper certificates in full force and effect  
16 and school business administrators shared by two or more school  
17 districts, shall be under tenure during good behavior and efficiency  
18 and they shall not be dismissed or reduced in compensation except for  
19 inefficiency, incapacity, or conduct unbecoming such a teaching staff  
20 member or other just cause and then only in the manner prescribed by  
21 subarticle B of article 2 of chapter 6 of this Title, after employment in  
22 such district or by such board for:

23 (a) Three consecutive calendar years, or any shorter period which  
24 may be fixed by the employing board for such purpose; or

25 (b) Three consecutive academic years, together with employment  
26 at the beginning of the next succeeding academic year; or

27 (c) The equivalent of more than three academic years within a  
28 period of any four consecutive academic years.

29 For purposes of this chapter, tenure in any of the administrative or  
30 supervisory positions enumerated herein shall accrue only by  
31 employment in that administrative or supervisory position. Tenure so  
32 accrued shall not extend to any other administrative or supervisory  
33 position and nothing herein shall limit or restrict tenure rights which  
34 were or may be acquired pursuant to N.J.S.18A:28-6 in a position in  
35 which the individual actually served.

36 (cf: P.L.1996, c.111, s.3)

37

38 <sup>1</sup>[4. N.J.S.18A:28-14 is amended to read as follows:

39 18A:28-14. The services of any teaching staff member who is not  
40 the holder of an appropriate certificate, in full force and effect, issued  
41 by the state board of examiners under rules and regulations prescribed  
42 by the state board of education may be terminated without charge or  
43 trial, except that any school nurse appointed prior to May 9, 1947, and  
44 any school athletic trainer appointed prior to the effective date of  
45 P.L. , c. (C. )(now pending before the Legislature as this bill),  
46 shall be protected in [her] his position as is provided in [section]

1 N.J.S. 18A:28-4 [of this title].

2 (cf: N.J.S.18A:28-14)]<sup>1</sup>

3

4 <sup>1</sup>[5.] 4.<sup>1</sup> (New section) To be eligible for appointment by a board  
5 of education as a school athletic trainer in any public school, an  
6 applicant shall possess an educational services certificate issued by the  
7 State Board of Examiners.

8 Notwithstanding the provisions of this section, any person who is  
9 employed as a school athletic trainer in a public school prior to the  
10 effective date of P.L. , c. (C. )(now pending before the  
11 Legislature as this bill) may continue to be so employed <sup>1</sup>pursuant to  
12 the provisions of N.J.S.18A:28-4<sup>1</sup>.

13

14 <sup>1</sup>[6.] 5.<sup>1</sup> (New section) The State Board of Education shall  
15 promulgate rules pursuant to the "Administrative Procedure Act," P.L.  
16 1968, c.410 (C.52:14B-1 et seq.) setting forth the certification and  
17 endorsement requirements of a school athletic trainer which shall  
18 include, but need not be limited to, the satisfactory completion of the  
19 requirements established by the State Board of Medical Examiners for  
20 registration as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-  
21 37.35 et seq.).

22

23 <sup>1</sup>[7.] 6.<sup>1</sup> This act shall take effect <sup>1</sup>[ 90 days] on the 91st day<sup>1</sup>  
24 after enactment <sup>1</sup>but the State Board of Education shall take such  
25 anticipatory administrative action in advance as shall be necessary for  
26 the implementation of the act<sup>1</sup>.

27

28

29

30

31 Provides for the certification of athletic trainers employed in public  
32 school districts.

**SENATE, No. 1176**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED JUNE 11, 1998

**Sponsored by:**

**Senator ROBERT J. MARTIN**

**District 26 (Essex, Morris and Passaic)**

**Senator BYRON M. BAER**

**District 37 (Bergen)**

**SYNOPSIS**

Provides for the certification of athletic trainers employed in public school districts.

**CURRENT VERSION OF TEXT**

As introduced.



S1176 MARTIN, BAER

2

1 AN ACT concerning school athletic trainers and amending and  
2 supplementing various sections of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. N.J.S.18A:1-1 is amended to read as follows:

9 18A:1-1. As used in this title, unless the context requires another  
10 meaning, the following words and phrases shall have the following  
11 meaning:

12 "Academic year" means the period between the time school opens  
13 in any school district or under any board of education after the general  
14 summer vacation until the next succeeding summer vacation;

15 "All purpose regional district" shall have the meaning assigned to  
16 it in subsection a. of section 18A:13-2;

17 "Board" means the board of education;

18 "Commissioner" means the Commissioner of Education;

19 "County superintendent" means the County Superintendent of  
20 Schools;

21 "Department" means the State Department of Education;

22 "District" means a school district;

23 "Employee" includes the holder of any position or employment;

24 "Employment" includes employment in a position;

25 "Full membership" of any board or body means the number of  
26 members of the board or body when all the members' seats are filled  
27 and a "majority of the full membership" of any board or body means  
28 a majority of such number;

29 "Higher education" means that education which is provided by any  
30 or all of the public institutions of higher education as herein defined  
31 and any or all equivalent private institutions;

32 "Limited purpose regional district" shall have the meaning assigned  
33 to it in subsection b. of section 18A:13-2;

34 "Local school district" means any school district comprising within  
35 its territorial boundaries the territory comprised in one or more  
36 municipalities, except a regional school district;

37 "Private school" means a school, under college grade, which does  
38 not derive its support entirely or in part from public funds;

39 "Public institution of higher education" shall have the meaning  
40 assigned to it in section 18A:62-1;

41 "Public school" means a school, under college grade, which derives  
42 its support entirely or in part from public funds;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**



1 "Public school system" means the system of public schools of the  
2 State;

3 "Residence" means domicile, unless a temporary residence is  
4 indicated;

5 "School nurse" shall mean and include any school nurse, school  
6 nurse supervisor, head school nurse, chief school nurse, school nurse  
7 coordinator or any other nurse performing school nursing services in  
8 the public schools;

9 "State board" means the State Board of Education;

10 "Teaching staff member" means a member of the professional staff  
11 of any district or regional board of education, or any board of  
12 education of a county vocational school, holding office, position or  
13 employment of such character that the qualifications, for such office,  
14 position or employment, require him to hold a valid and effective  
15 standard, provisional or emergency certificate, appropriate to his  
16 office, position or employment, issued by the State Board of  
17 Examiners and includes a school nurse and a school athletic trainer.  
18 (cf: P.L.1994, c.48, s.34)

19

20 2. N.J.S.18A:28-4 is amended to read as follows:

21 18A:28-4. No teaching staff member shall acquire tenure in any  
22 position in the public schools in any school district or under any board  
23 of education, who is not the holder of an appropriate certificate for  
24 such position, issued by the state board of examiners, in full force and  
25 effect, except that no board of education shall terminate the  
26 employment or refuse to continue the employment or reemployment  
27 of

28 a. any school nurse appointed prior to May 9, 1947 for the reason  
29 that such nurse is not the holder of such a certificate and the state  
30 board of examiners shall make no rule or regulation which will affect  
31 adversely the rights of any such nurse under any certificate issued  
32 prior to said date; or

33 b. a school athletic trainer appointed prior to the effective date of  
34 P.L. , c. (C. )(now pending before the Legislature as this bill) for  
35 the reason that the school athletic trainer is not the holder of a  
36 certificate .

37 (cf: N.J.S.18A:28-4)

38

39 3. N.J.S.18A:28-5 is amended to read as follows:

40 18A:28-5. The services of all teaching staff members employed in  
41 the positions of teacher, principal, other than administrative principal,  
42 assistant principal, vice-principal, assistant superintendent, and all  
43 school nurses including school nurse supervisors, head school nurses,  
44 chief school nurses, school nurse coordinators, and any other nurse  
45 performing school nursing services, school athletic trainer and such  
46 other employees as are in positions which require them to hold

1 appropriate certificates issued by the board of examiners, serving in  
2 any school district or under any board of education, excepting those  
3 who are not the holders of proper certificates in full force and effect  
4 and school business administrators shared by two or more school  
5 districts, shall be under tenure during good behavior and efficiency  
6 and they shall not be dismissed or reduced in compensation except for  
7 inefficiency, incapacity, or conduct unbecoming such a teaching staff  
8 member or other just cause and then only in the manner prescribed by  
9 subarticle B of article 2 of chapter 6 of this Title, after employment in  
10 such district or by such board for:

11 (a) Three consecutive calendar years, or any shorter period which  
12 may be fixed by the employing board for such purpose; or

13 (b) Three consecutive academic years, together with employment  
14 at the beginning of the next succeeding academic year; or

15 (c) The equivalent of more than three academic years within a  
16 period of any four consecutive academic years.

17 For purposes of this chapter, tenure in any of the administrative or  
18 supervisory positions enumerated herein shall accrue only by  
19 employment in that administrative or supervisory position. Tenure so  
20 accrued shall not extend to any other administrative or supervisory  
21 position and nothing herein shall limit or restrict tenure rights which  
22 were or may be acquired pursuant to N.J.S.18A:28-6 in a position in  
23 which the individual actually served.

24 (cf: P.L.1996, c.111, s.3)

25

26 4. N.J.S.18A:28-14 is amended to read as follows:

27 18A:28-14. The services of any teaching staff member who is not  
28 the holder of an appropriate certificate, in full force and effect, issued  
29 by the state board of examiners under rules and regulations prescribed  
30 by the state board of education may be terminated without charge or  
31 trial, except that any school nurse appointed prior to May 9, 1947, and  
32 any school athletic trainer appointed prior to the effective date of  
33 P.L. , c. (C. )(now pending before the Legislature as this bill).  
34 shall be protected in [her] his position as is provided in [section]  
35 N.J.S. 18A:28-4 [of this title].

36 (cf: N.J.S.18A:28-14)

37

38 5. (New section) To be eligible for appointment by a board of  
39 education as a school athletic trainer in any public school, an applicant  
40 shall possess an educational services certificate issued by the State  
41 Board of Examiners.

42 Notwithstanding the provisions of this section, any person who is  
43 employed as a school athletic trainer in a public school prior to the  
44 effective date of P.L. , c. (C. )(now pending before the  
45 Legislature as this bill) may continue to be so employed.

1       6. (New section) The State Board of Education shall promulgate  
2 rules pursuant to the "Administrative Procedure Act," P.L. 1968,  
3 c.410 (C.52:14B-1 et seq.) setting forth the certification and  
4 endorsement requirements of a school athletic trainer which shall  
5 include, but need not be limited to, the satisfactory completion of the  
6 requirements established by the State Board of Medical Examiners for  
7 registration as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-  
8 37.35 et seq.).

9

10       7. This act shall take effect 90 days after enactment.

11

12

13

#### STATEMENT

14

15       This bill provides for the certification of athletic trainers employed  
16 in public school districts. However, currently employed school  
17 athletic trainers would not be required to be certified in order to  
18 continue employment.

19       Pursuant to the bill, the State Board of Education would  
20 promulgate rules setting forth the certification and any endorsement  
21 requirements for employment as a school athletic trainer. The  
22 requirements must include, but need not be limited to, the satisfactory  
23 completion of the requirements established by the State Board of  
24 Medical Examiners for registration as an athletic trainer pursuant to  
25 P.L.1984, c.203 (C.45:9-37.35).

26       The bill would take effect 90 days after the date of enactment.

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 1176**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 24, 1998

The Senate Education Committee reports favorably Senate Bill No. 1176.

This bill provides for the certification of athletic trainers employed in public school districts. However, currently employed school athletic trainers would not be required to be certified in order to continue employment.

The bill requires the State Board of Education to promulgate rules setting forth the certification and any endorsement requirements for employment as a school athletic trainer. The requirements must include, but need not be limited to, the satisfactory completion of the requirements established by the State Board of Medical Examiners for registration as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-37.35).

The provisions of the bill would take effect 90 days after the date of enactment.

STATEMENT TO  
**SENATE, No. 1176**

with Senate Floor Amendments  
(Proposed By Senators MARTIN and BAER)

ADOPTED: OCTOBER 22, 1998

These amendments clarify that a board of education may not terminate the employment or refuse to continue the employment or reemployment of a school athletic trainer appointed prior to the effective date of the act for the reason that the athletic trainer is not the holder of a certificate, provided that the person is registered with the New Jersey State Board of Medical Examiners as an athletic trainer. The amendments provide that the person would be issued the new certificate without the requirement to meet any additional qualifications, and further provide that any periods of employment as an athletic trainer prior to the effective date of the act would count toward the acquisition of tenure to the same extent as employment after the effective date of the act. An amendment to the effective date requires the State Board of Education to take anticipatory administrative action as necessary to implement the act prior to the effective date of the act which is the 91st day after enactment.

**ASSEMBLY, No. 2222**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED JUNE 18, 1998

**Sponsored by:**

**Assemblyman DAVID W. WOLFE**

**District 10 (Monmouth and Ocean)**

**Assemblyman JOSEPH V. DORIA, JR.**

**District 31 (Hudson)**

**SYNOPSIS**

Provides for the certification of athletic trainers employed in public school districts.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning school athletic trainers and amending and  
2 supplementing various sections of Title 18A of the New Jersey  
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. N.J.S.18A:1-1 is amended to read as follows:

9 18A:1-1. As used in this title, unless the context requires another  
10 meaning, the following words and phrases shall have the following  
11 meaning:

12 "Academic year" means the period between the time school opens  
13 in any school district or under any board of education after the general  
14 summer vacation until the next succeeding summer vacation;

15 "All purpose regional district" shall have the meaning assigned to  
16 it in subsection a. of section 18A:13-2;

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19 "County superintendent" means the County Superintendent of  
20 Schools;

21 "Department" means the State Department of Education;

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24 "Employment" includes employment in a position;

25 "Full membership" of any board or body means the number of  
26 members of the board or body when all the members' seats are filled  
27 and a "majority of the full membership" of any board or body means  
28 a majority of such number;

29 "Higher education" means that education which is provided by any  
30 or all of the public institutions of higher education as herein defined  
31 and any or all equivalent private institutions;

32 "Limited purpose regional district" shall have the meaning assigned  
33 to it in subsection b. of section 18A:13-2;

34 "Local school district" means any school district comprising within  
35 its territorial boundaries the territory comprised in one or more  
36 municipalities, except a regional school district;

37 "Private school" means a school, under college grade, which does  
38 not derive its support entirely or in part from public funds;

39 "Public institution of higher education" shall have the meaning  
40 assigned to it in section 18A:62-1;

41 "Public school" means a school, under college grade, which derives  
42 its support entirely or in part from public funds;

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 "Public school system" means the system of public schools of the  
2 State;

3 "Residence" means domicile, unless a temporary residence is  
4 indicated;

5 "School nurse" shall mean and include any school nurse, school  
6 nurse supervisor, head school nurse, chief school nurse, school nurse  
7 coordinator or any other nurse performing school nursing services in  
8 the public schools;

9 "State board" means the State Board of Education;

10 "Teaching staff member" means a member of the professional staff  
11 of any district or regional board of education, or any board of  
12 education of a county vocational school, holding office, position or  
13 employment of such character that the qualifications, for such office,  
14 position or employment, require him to hold a valid and effective  
15 standard, provisional or emergency certificate, appropriate to his  
16 office, position or employment, issued by the State Board of  
17 Examiners and includes a school nurse and a school athletic trainer.  
18 (cf: P.L.1994, c.48, s.34)

19

20 2. N.J.S.18A:28-4 is amended to read as follows:

21 18A:28-4. No teaching staff member shall acquire tenure in any  
22 position in the public schools in any school district or under any board  
23 of education, who is not the holder of an appropriate certificate for  
24 such position, issued by the state board of examiners, in full force and  
25 effect, except that no board of education shall terminate the  
26 employment or refuse to continue the employment or reemployment  
27 of

28 a. any school nurse appointed prior to May 9, 1947 for the reason  
29 that such nurse is not the holder of such a certificate and the state  
30 board of examiners shall make no rule or regulation which will affect  
31 adversely the rights of any such nurse under any certificate issued  
32 prior to said date; or

33 b. a school athletic trainer appointed prior to the effective date of  
34 P.L. , c. (C. )(now pending before the Legislature as this bill) for  
35 the reason that the school athletic trainer is not the holder of a  
36 certificate .

37 (cf: N.J.S.18A:28-4)

38

39 3. N.J.S.18A:28-5 is amended to read as follows:

40 18A:28-5. The services of all teaching staff members employed in  
41 the positions of teacher, principal, other than administrative principal,  
42 assistant principal, vice-principal, assistant superintendent, and all  
43 school nurses including school nurse supervisors, head school nurses,  
44 chief school nurses, school nurse coordinators, and any other nurse  
45 performing school nursing services, school athletic trainer and such  
46 other employees as are in positions which require them to hold



1 appropriate certificates issued by the board of examiners, serving in  
2 any school district or under any board of education, excepting those  
3 who are not the holders of proper certificates in full force and effect  
4 and school business administrators shared by two or more school  
5 districts, shall be under tenure during good behavior and efficiency  
6 and they shall not be dismissed or reduced in compensation except for  
7 inefficiency, incapacity, or conduct unbecoming such a teaching staff  
8 member or other just cause and then only in the manner prescribed by  
9 subarticle B of article 2 of chapter 6 of this Title, after employment in  
10 such district or by such board for:

11 (a) Three consecutive calendar years, or any shorter period which  
12 may be fixed by the employing board for such purpose; or

13 (b) Three consecutive academic years, together with employment  
14 at the beginning of the next succeeding academic year; or

15 (c) The equivalent of more than three academic years within a  
16 period of any four consecutive academic years.

17 For purposes of this chapter, tenure in any of the administrative or  
18 supervisory positions enumerated herein shall accrue only by  
19 employment in that administrative or supervisory position. Tenure so  
20 accrued shall not extend to any other administrative or supervisory  
21 position and nothing herein shall limit or restrict tenure rights which  
22 were or may be acquired pursuant to N.J.S.18A:28-6 in a position in  
23 which the individual actually served.

24 (cf: P.L.1996, c.111, s.3)

25

26 4. N.J.S.18A:28-14 is amended to read as follows:

27 18A:28-14. The services of any teaching staff member who is not  
28 the holder of an appropriate certificate, in full force and effect, issued  
29 by the state board of examiners under rules and regulations prescribed  
30 by the state board of education may be terminated without charge or  
31 trial, except that any school nurse appointed prior to May 9, 1947, and  
32 any school athletic trainer appointed prior to the effective date of P.L.  
33 , c. (C. )(now pending before the Legislature as this bill), shall be  
34 protected in **[her] his** position as is provided in **[section] N.J.S.**  
35 **18A:28-4 [of this title].**

36 (cf: N.J.S.18A:28-14)

37

38 5. (New section) To be eligible for appointment by a board of  
39 education as a school athletic trainer in any public school, an applicant  
40 shall possess an educational services certificate issued by the State  
41 Board of Examiners.

42 Notwithstanding the provisions of this section, any person who is  
43 employed as a school athletic trainer in a public school prior to the  
44 effective date of P.L. , c. (C. )(now pending before the Legislature  
45 as this bill) may continue to be so employed.

1       6. (New section) The State Board of Education shall promulgate  
2 rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
3 (C.52:14B-1 et seq.) setting forth the certification and endorsement  
4 requirements of a school athletic trainer which shall include, but need  
5 not be limited to, the satisfactory completion of the requirements  
6 established by the State Board of Medical Examiners for registration  
7 as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-37.35 et  
8 seq.).

9

10       7. This act shall take effect 90 days after enactment.

11

12

13

#### STATEMENT

14

15       This bill provides for the certification of athletic trainers employed  
16 in public school districts. However, currently employed school  
17 athletic trainers would not be required to be certified in order to  
18 continue employment.

19       Pursuant to the bill, the State Board of Education would  
20 promulgate rules setting forth the certification and any endorsement  
21 requirements for employment as a school athletic trainer. The  
22 requirements must include, but need not be limited to, the satisfactory  
23 completion of the requirements established by the State Board of  
24 Medical Examiners for registration as an athletic trainer pursuant to  
25 P.L.1984, c.203 (C.45:9-37.35).

26       The bill would take effect 90 days after the date of enactment.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2222**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 15, 1998

The Assembly Education Committee favorably reports Assembly Bill No. 2222 with committee amendments.

As amended by committee, this bill provides for the certification of athletic trainers employed in public school districts.

The bill requires the State Board of Education to promulgate rules setting forth the certification and any endorsement requirements for employment as a school athletic trainer. The requirements must include, but need not be limited to, the satisfactory completion of the requirements established by the State Board of Medical Examiners for registration as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-37.35).

The bill further provides that a currently employed school athletic trainer who is registered with the New Jersey State Board of Medical Examiners is to be issued the new certificate without being required to meet any additional qualifications and any periods of employment as an athletic trainer prior to the bill's effective date would count toward the acquisition of tenure to the same extent as employment after the bill's effective date.

The provisions of the bill would take effect 90 days after the date of enactment.

The committee amended the bill to provide for the award of a certificate to a school athletic trainer appointed prior to the bill's effective date without requiring the trainer to meet any additional qualifications, and to provide that any periods of employment as an athletic trainer prior to the bill's effective date would count toward the acquisition of tenure to the same extent as employment after the bill's effective date.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2222**

with Assembly Floor Amendments  
(Proposed By Assemblyman WOLFE )

ADOPTED: DECEMBER 17, 1998

These floor amendments provide that the State Board of Education may take such administrative action as may be necessary to implement the bill prior to the bill's effective date. The amendments also make clarifying language and technical corrections to the bill.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
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609-777-2600

RELEASE: January 25, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**S-452**, sponsored by Senators Wynona M. Lipman (D-Essex/Union) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Assembly Members Tom Smith (R-Monmouth) and John E. Rooney (R-Bergen), appropriates \$90,000 and establishes a "Fost-Adopt Demonstration Program for Boarder Babies and Children" in the Division of Youth and Family Services in the Department of Human Services. Initially, the program will be established in Essex County to support the DHS existing efforts with federal funding in that county, and expire two years after its enactment. Within six months of the expiration of the program, the commissioner of DHS must report to the Governor regarding the effectiveness of the demonstration program and make recommendations for a state-wide expansion, as appropriate.

**S-1176**, sponsored by Senators Robert J. Martin (R-Essex/Morris/Passaic) and Byron M. Baer (D-Bergen), provides for the certification of public school athletic trainers by the Department of Education. The bill grandfatheres school athletic trainers appointed prior to the effective date of the act from the certification requirements. The bill also provides that school athletic trainers are teaching staff members and that as such are entitled to tenure protection under current statute.

**S-1543**, sponsored by Senators William L. Gormley (R-Atlantic) and John A. Lynch (D-Middlesex/Somerset/Union) and Assembly Member David C. Russo (R-Bergen/Passaic), amends current law to provide that all employees of the of the State Commission of Investigation (SCI) shall be confidential employees for the purposes of the New Jersey Employer-Employe Relations Act. Under the provisions of that act, confidential employees are not eligible to organize into collective bargaining units.

**S-1679**, sponsored by Senators Henry P. McNamara (R-Bergen/Passaic) and Joseph F. Vitale (D-Middlesex) and Assembly Member Steve Corodemus (R-Monmouth), amends the Underground Storage Tank Financing Act to clarify that conditional hardship grants for owners or operators of underground storage tanks used to store heating oil at the applicant's primary residence shall not be repaid. The act currently requires that residential homeowners obtaining conditional hardship grants pay them back to the Economic Development Authority. The bill also increases the amount of the Corporate Business Tax allocated for underground storage tank remediation from 10 percent to one-third. Furthermore, there would be no limitation on the percentage of funds to be used as grants between January 1, 1999 and March 31, 2000.

**A-148**, sponsored Assembly Members Christopher "Kip" Bateman (R- Morris) and Wilfredo Caraballo (D-Essex), revises and codifies certain criminal laws. The bill implements a number of recommendations made by the New Jersey Law Revision Commission, which was established to review New Jersey laws to correct inconsistent statutes, and to update obsolete statutes. The bill addresses anomalies left in the law following the enactment of the Criminal Code in 1979 and the Comprehensive Drug Reform Act in 1986. Specifically, the legislation places various criminal provisions, which were previously found in Titles 2A and 24 of the New Jersey Statutes, in Title 2 C, thereby making them part of the New Jersey Criminal Code. It also repeals sections of the Sunday closing laws and recodifies those provisions in Title 40A of the New Jersey Statutes, which deals with counties and municipalities. Lastly, the bill repeals various provisions that are obsolete or superseded by other provisions in the law.

**A-808**, sponsored by Assembly Members Charlotte Vandervalk (R- Bergen) and John E. Rooney (R-Bergen) and Senator William E. Schluter (R-Warren/Hunterdon), establishes the Office of Disability Services (ODS) in the Department of Human Services (DHS). Specifically, the office shall: (1) operate a toll-free telephone service to provide a comprehensive information and referral system; (2) operate as the state-level coordinating body between all state agencies providing services to persons with disabilities; (3) serve as the primary liaison within state government to the county offices for the disabled; (4) work with those counties which do not maintain an office for the disabled to establish such an office; and (5) administer the personal assistance services program in DHS and seek to coordinate all publicly-funded programs which provide personal assistance or other home-based services to persons with disabilities. The bill further requires the commissioner of the DHS to establish an advisory and policy development board to make recommendations to the director of the ODS.

**A-974**, sponsored by Assembly Members Kenneth C. LeFevre (R- Atlantic) and Francis J. Blee (R-Atlantic) and Senator Robert W. Singer (R-Burlington/Monmouth/Ocean) and Martha W. Bark (R-Atlantic/Burlington/Camden), requires the Division of Taxation to allow income tax filers to make voluntary contributions to the Korean Veterans' Memorial Fund. Revenue generated by these contributions will be used to help finance the construction and maintenance of a memorial to Korean War veterans, which will be built in Atlantic City.

**A-1441**, sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Gary W. Stuhltrager (R- Salem/Cumberland/Gloucester), defines who may qualify as a farmer for the purpose of obtaining a fee exemption provided to farmers and their close relatives for deer-hunting permits. The bill extends the permit fee exemption to both resident and non-resident farmers who own or lease their farms, as well as their spouses and children who reside in their households. No more than five permits in total shall be issued for each household. The bill defines a farmer eligible for the permit fee exemption as one who owns or leases a farm on which that person resides that is valued, assessed and taxed as land actively devoted to agricultural or horticultural use pursuant to the Farmland Assessment Act of 1964. If the farmer does not reside

on the farm he owns or leases, to qualify for the exemption, the bill requires that the person actively farm at least 30 tilled, non-woodland acres and the farm.

**A-1635**, sponsored by Assembly Members Joel M. Weingarten (R- Essex/Union) and Kevin J. O'Toole (R-Essex/Union) and Senator Anthony R. Bucco (R-Morris), simplifies employer reporting and payment of gross income tax withholding and wages for household workers. The bill streamlines the process by allowing employers to report and remit annually to the Division of Revenue, on a combined basis, both (1) gross income tax withheld, and (2) wage taxes. The annual reporting and payment requirement will replace the current more burdensome law which required several reports and payments each year for both gross income tax withheld and wage taxes.

**A-1773**, sponsored by Assembly Member Paul DiGaetano (R- Bergen/Essex/Passaic), amends the criminal statute concerning theft and criminal mischief to make the offense of tampering with a grave, crypt, mausoleum or other site where human remains are stored a third-degree crime punishable by a three-to-five-year term of imprisonment or a fine of \$15,000 or both. The bill also amends the theft statute to include the theft of human remains as a crime of the second degree. A second-degree crime is punishable by a term of imprisonment of five to ten years or a fine of \$10,000 or both.

**A-2306**, sponsored by Assembly Members Paul DiGaetano (R- Bergen/Essex/Passaic) and Joseph V. Doria (D-Hudson) and Senator Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union), allows elected officials to retire from the Police and Firemen's Retirement System (PFRS) and remain in office if retirement allowance is not based solely on that service. Under current law, elected officials who are members of Public Employees' Retirement System (PERS) are allowed to retire from PERS and remain in the office to which they are elected so long as the PERS retirement allowance is not based solely on service in that elected office. This means that the elected official is entitled to retire from PERS and collect a pension while receiving a salary as an elected official as long as the pension is not based solely on service in that elected office. On the other hand, elected officials enrolled in PFRS are not allowed to retire from PFRS and collect a pension while receiving a salary in that elected office. This bill addresses the disparity by offering elected officials enrolled in PFRS the same option currently provided to elected officials enrolled in PERS.

**A-2536**, sponsored by Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. LeFevre (R-Atlantic) and Senator William L. Gormley (R-Atlantic), authorizes the state treasurer to sell certain surplus property in Galloway Township, Atlantic County and to grant certain easements for access to such property. The bill authorizes the treasurer, on behalf of Richard Stockton College of New Jersey to (1) sell land and improvements used as the colleges' potable water supply, treatment, storage and distribution system (specifically including five-plus acres of land, two wells, the treatment and pumping plant, the storage tank and distribution system); (2) grant permanent easements for the operation, maintenance and repair of the land and property and for any future system expansion; and (3) provide for the transfer of the water allocation diversion permit issued by the Department of Environmental Protection and held by the college for the operation

of the two wells. The sale, easements and transfer will be made to the New Jersey American Water Company. The anticipated \$2 million in proceeds will be retained in a special account for allocation to Stockton College.

**A-2921**, sponsored by Assembly Members Richard H. Bagger (R- Middlesex/Morris/Somerset /Union) and Joseph Charles, Jr. (D-Hudson) and Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Bernard F. Kenny, Jr. (D- Hudson), permits informational displays of appropriations within the annual appropriations act. The bill will allow the act to incorporate charts or displays summarizing the various appropriations. It is anticipated that such a chart would be included along with each department's budget section.