



**New Jersey Administrative Code:**

**SUBCHAPTER 3. PROGRAMS AND SERVICES FOR STUDENTS IN HIGH POVERTY AND IN HIGH NEED SCHOOL DISTRICTS**

**6A:13-3.1 Class size in high poverty districts**

(a) A high poverty school district as used in this chapter means a district in which 40 percent or more of the students are "at-risk" as defined in P.L. 2007, c. 260.

(b) Class size in school districts in which 40 percent or more of the students are "at-risk" as defined in P.L. 2007, c. 260 shall not exceed 21 students in grades kindergarten through three, 23 in grades four and five and 24 students in grades six through 12; provided that if the district chooses to maintain lower class sizes in grades kindergarten through three, class sizes in grades four and five may equal but not exceed 25. Exceptions to these class sizes are permitted for some physical education and performing arts classes, where appropriate.

(c) School districts previously subject to N.J.A.C. 6A:10A and 6A:10 shall implement the class size requirements set forth in this section during the 2008-2009 school year and all other school districts to which this section applies shall plan to implement the class size requirements beginning in the 2009-2010 school year and implement in the 2010-2011 school year.

Excerpt from the court case:

**ELIZABETH EDUCATION ASSOCIATION, ROSE  
CARRETO AND MARIA G. DEJESUS DIAS,**

Petitioners,

v.

**BOARD OF EDUCATION OF THE CITY OF  
ELIZABETH, UNION COUNTY,**

Respondent.

OAL DKT. NO. EDU 01637-09

"can only be heard" through their parents, through the concerned citizens and taxpayers of the City of Elizabeth, and through their teachers. I **CONCLUDE** that the Board's contention that petitioners lack standing is meritless.

**ORDER**

Based on the foregoing, it is **ORDERED** that the Board immediately comply with the requirements of N.J.A.C. 6A:13-3.1 relative to class size.