

CHAPTER 16
PROGRAMS TO SUPPORT STUDENT
DEVELOPMENT

Authority

N.J.S.A. 2A:4A-60, 2C:33-19, 18:36-5.1, 18A:4-15, 18A:17-46, 18A:25-2, 18A:36-5.1, 18A:36-19, 18A:36-19a, 18A:37-1 through 5, 18A:37-2.1, 18A:37-13 et seq., 18A:38-25 through 31 and 18A:40A-7.1; 20 U.S.C. §1232g, 20 U.S.C. §1232h and 20 U.S.C. §1400; 34 CFR Part 98 and 34 CFR Part 99; 42 CFR Part 2; 45 CFR §160; Section 504 of the Rehabilitation Act of 1973, P.L. 107-110 (Title IV, Part A, Subpart 4, Section 415, and Title IX, Part E, Subpart 2, Section 9532); and P.L. 2001, c. 246.

Source and Effective Date

R.2001 d.138, effective May 7, 2001.
 See: 33 N.J.R. 399(a), 33 N.J.R. 1443(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 16, Programs to Support Student Development, expires on November 3, 2006. See: 38 N.J.R. 2294(a).

Chapter Historical Note

Chapter 16, Programs to Support Student Development, was adopted by R.2001 d.138, effective May 7, 2001. See: Source and Effective Date.

Subchapter 7, Student Conduct, adopted as new rules. Former Subchapter 7, Intervention and Referral Services, recodified as Subchapter 8; Subchapter 8, Alternative Education Programs, recodified as Subchapter 9; Subchapter 9, Home or Out-of-School Instruction for General Education Students, recodified as Subchapter 10; Subchapter 10, Reporting Allegations of Child Abuse and Neglect, recodified as Subchapter 11 by R.2005 d.297, effective September 6, 2005. See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:16-1.1 Purpose

These rules specify minimum standards for district boards of education in establishing policies and procedures and in operating programs to support the social, emotional and physical development of students. Programs to support student development include school health services, athletic programs, intervention and referral services, programs of substance use prevention, intervention and treatment referral, school safety and alternative education. Included in these rules are standards for the delivery of educational services to general education students who are excluded from the general school setting for disciplinary reasons.

6A:16-1.2 Scope

These rules apply to the provision of programs and services for all preschool students with disabilities and all students in kindergarten through grade 12 by New Jersey public school districts, charter schools, licensed schools acting under contract to provide educational services on behalf of New Jersey public school districts and school programs operated by or under contract with the New Jersey Departments of Corrections and Human Services and the Juvenile Justice Commission, unless otherwise indicated. Throughout this chapter, "district board of education" refers to the governing authority for all of the agencies identified in N.J.A.C. 6A:16-1.2, unless otherwise indicated.

Amended by R.2005 d.297, effective September 6, 2005.
See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Added " , unless otherwise indicated. Throughout this chapter, 'district board of education' refers to the governing authority for all of the agencies identified in N.J.A.C. 6A:16-1.2, unless otherwise indicated" following "Juvenile Justice Commission".

6A:16-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Advanced practice nurse" means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

"AIDS" means Acquired Immunodeficiency Syndrome.

"Alternative education program" means a non-traditional learning environment that addresses the individual learning styles and needs of disruptive or disaffected students at risk of school failure or mandated for removal from general education, that is based upon an Individualized Program Plan and New Jersey Core Curriculum Content Standards and has been approved by the Commissioner of Education, pursuant to N.J.A.C. 6A:16-9.

"Assessment" means those procedures used by school staff to make a preliminary determination of a student's need for educational programs, supportive services or referral for outside services which extend beyond the general school program by virtue of learning, behavioral or health difficulties of the student or the student's family.

"Automatic external defibrillator" means a device that automatically detects shockable cardiac arrhythmia and can provide defibrillation as part of basic life support in non-healthcare settings.

"Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement: School Nurse from the Department of Education.

"Code of student conduct" means standards, policies and procedures established by district boards of education for positive student development and student behavioral expectations on school grounds, including on school buses or at school-sponsored functions, and, as appropriate, conduct away from school grounds, in accordance with N.J.A.C. 6A:16-7.6.

"Commissioner" means the Commissioner of Education or his or her designee.

"Delegation" means the transfer of responsibility for performance of an activity from one individual to another, with the former retaining accountability for the outcome.

"Do Not Resuscitate order" or "DNR order" means a written directive signed by the parent or guardian of a student who, after consultation with the pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) to the student.

"Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the student or the student's family.

"Expulsion" means the discontinuance of educational services or the discontinuance of payment of educational services for a student.

“Firearm” means those items enumerated in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921.

“General education” means the educational programs and services provided to students other than students determined to be eligible for special education and related services pursuant to N.J.A.C. 6A:14-3.5 and 3.6.

“Harassment, intimidation or bullying” means any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student’s property or placing a student in reasonable fear of harm to his or her person or damage to his or her property; or has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

“Health history” means the record of a person’s past health events obtained by school staff from the individual, a parent or guardian or health care provider.

“Health screening” means procedures designed to detect previously unrecognized conditions as early as possible in order to provide early intervention and remediation and to limit potential disability or negative impact on scholastic performance.

“Home instruction” means the provision of one-to-one instruction in the student’s place of residence or other appropriate setting for disciplinary or safety reasons. Home instruction for reason of disability or medical condition is addressed in N.J.A.C. 6A:14-4.8 and 4.9.

“Independent contractor” means an individual whose employment criteria satisfy those requirements necessary for treatment as an independent contractor for Federal employment tax purposes.

“Individualized Program Plan” (IPP) means a written plan developed for a general education student who has been assigned by the district board of education to home instruction, an alternative education program or who is being provided other educational services either in or out of school that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25. The IPP sets forth the student’s present level of performance, measurable goals and short-term objectives or benchmarks that encompass behavioral and social competency as well as curriculum, and individually designed instructional activities to achieve the goals and objectives.

“Intervention” means those programs, services and actions taken to identify and offer help to a student at risk for learning, behavior or health difficulties.

“Long-term suspension” means removal of a student for more than 10 school days from the general education program, or the special education program when the appropriate procedures set forth in N.J.A.C. 6A:14-2.8 have been followed, but not the cessation of the student’s educational services.

“Medical home” means a health care provider and that provider’s practice site chosen by the student’s parent or guardian for the provision of health care.

“Medical staff” means employees of the district board of education serving as school physician, certified or noncertified school nurse, advanced practice nurse, registered nurse, licensed practical nurse, or certified athletic trainer.

“Medical examination” means the assessment of an individual’s health status.

“Medication” means a drug approved by the Federal Food and Drug Administration for preventing, caring for and assisting in the cure of disease and injury that has a written order from a physician licensed in medicine, dentistry or osteopathy or an advanced practice nurse. Medication does not include herbal remedies.

“Noncertified school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by a district board of education or nonpublic school, and who is not certified as a school nurse by the Department of Education.

“Parent” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Parent surrogate(s)” means an individual or individuals approved by the district board of education in accordance with N.J.A.C. 6:3-6.1 to act on behalf of a student whose parent(s) is not available to assure the student’s education rights.

“Physical examination” means the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse. The term includes very specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2, except N.J.A.C. 6A:16-2.2(g).

“Referral for evaluation” means those programs and services offered to a student or his or her family in order to make a positive determination regarding a student’s need for services which extend beyond the general school program.

“Referral for treatment” means those programs and services offered to a student or to his or her family to help implement the recommendations of an evaluation or in response to the family’s request for assistance with a learning, behavior or health difficulty.

“Registered professional nurse” means a person with a current license for this level of practice from the State Board of Nursing.

“Removal” means the exclusion of a student from the general education program in the school to which the student was assigned for the purpose of offering a thorough and efficient, free public education and assignment of the student to an alternative education setting or home instruction.

“School complex” means one building or a group of buildings identified for the purpose of assigning school nurses, pursuant to N.J.A.C. 6A:16-2.1(f)1.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

“School physician” means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of a New Jersey school district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-1.

“Short-term suspension” means removal of a student for 10 school days or fewer from the general education program or the special education program, in accordance with N.J.A.C. 6A:14-2.8, but not the cessation of the student’s educational services.

“Standing orders” means written orders, directives and protocols to carry out medical procedures.

“Substitute school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9-6.5(i).

“Supervision” means the active process of directing, guiding and influencing the outcome of an individual’s performance of an activity.

“Suspension” means either a removal of a student for 10 school days or fewer, pursuant to the definition of “short-term suspension” in this section and N.J.A.C. 6A:16-7.2, Short-term suspensions, or a removal of a student for more than 10 school days, pursuant to the definition of “long-term suspension” in this section and N.J.A.C. 6A:16-7.3, Long-term suspensions.

“Truancy” means 10 or more cumulative unexcused student absences, as determined by the district board of education pursuant to N.J.A.C. 6A:16-7.8(a)3 and the definition of a school day, pursuant to N.J.A.C. 6:3-9.3.

“Universal precautions” means a set of procedures designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus, and other bloodborne pathogens. Universal precautions involve the use of protective barriers such as gloves, masks or eyewear and procedures for use of sharps and needles to prevent exposure to human blood, other body fluids containing visible blood, semen, vaginal secretions, tissue and cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine and vomitus unless they contain visible blood. Universal precautions do not apply to saliva except in the dental setting where blood contamination of saliva is predictable.

“Weapon” means items that are enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f).

Amended by R.2001 d.309, effective September 4, 2001.
See: 33 N.J.R. 1253(a), 33 N.J.R. 3032(b).

In “School complex”, substituted “one building or a group of” for “two or more” preceding “buildings identified”.

Amended by R.2002 d.396, effective December 16, 2002.
See: 34 N.J.R. 3157(a), 34 N.J.R. 4433(a).

Added “School grounds”.

Amended by R.2003 d.175, effective May 5, 2003.
See: 34 N.J.R. 4336(a), 35 N.J.R. 1893(a).

Rewrote “School grounds”.

Amended by R.2005 d.297, effective September 6, 2005.
See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Added the definitions “Code of student conduct”, “Commissioner”, “Expulsion”, “General education”, “Harassment, intimidation or bullying”, “Long-term suspension”, “Short-term suspension”, and “Truancy”; rewrote definitions “Individual Program Plan”, and “Suspension”; amended N.J.A.C. cite in “Alternative education program,” and “Substitute school nurse;” amended “School grounds;” deleted “Removal.”

6A:16-1.4 District policies and procedures

(a) Each district board of education shall approve written policies, procedures, mechanisms or programs governing the following:

1. Care of any student who becomes injured or ill while at school or during participation in school sponsored activities;
2. Notification of parents of any student determined to be in need of immediate medical care;