

## CHAPTER 16

### PROGRAMS TO SUPPORT STUDENT DEVELOPMENT

#### Authority

N.J.S.A. 2A:4A-60, 2A:170-25.9, 2C:5, 2C:12-1, 2C:33-19, 2C:39, 9:6-1, 10:4-6, 18A:40-12.5 to 12.6, 18A:17-46, 18A:35-4.8, 18A:37-2.1 to 2.5, 18A:37-7 to 12, 18A:38-1, 18A:38-25, 18A:38-31, 18A:40-1, 18A:40-3 to 4, 18A:40-7 to 18, 18A:40-23 to 31, 18A:40A-1 to 17, 18A:46-18.1, 24:21-2, 26:3d-17, 26:5C, 34:2-21.8(3), 34 CFR Part 98, 34 CFR Part 99, 42 CFR Part 2, 18 U.S.C. § 921 and 20 U.S.C. § 1400.

#### 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).

#### Executive Order No. 66(1978) Expiration Date

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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 pre-school 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.

### 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.

“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.

“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.

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

“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” means a written plan developed for a student who has been assigned to home instruction or to an alternative education program. The Individualized Program Plan (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.

“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 and school facilities, as defined in N.J.A.C. 6A:26-1.2, when used for the provision of academic or extracurricular programs by the district. School grounds includes playgrounds and recreational places. School grounds also includes that portion of land, school facilities, and other facilities owned by local

municipalities, private entities or other individuals during those times when the district has exclusive use of a portion of such land, school facilities, or other facilities for the provision of academic or extracurricular programs.

“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.

“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. 6:11-4.5.

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

“Suspension” means temporary exclusion of a student from school, following due process procedures.

“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”.

#### 6A:16-1.4 District policies and procedures

(a) Each district board of education shall approve written policies and programs governing the following school functions and services:

1. Care of any student who becomes injured or ill while at school or during participation in school sponsored activities;

2. Notification of parents or guardians of any student determined to be in need of immediate medical care;

3. Transportation and supervision of any student determined to be in need of immediate medical care;

4. Isolation, exclusion, and readmission of any student or employee suspected of having a communicable disease as required by N.J.S.A. 18A:40-7 to 12 and 18A:40-16 to 18;

5. Exclusion of any student from the school setting for failure to meet requirements for immunization against communicable disease as required in N.J.A.C. 8:57-4;

6. Exclusion of any student from athletic activities based upon the findings of required medical examination and health history pursuant to N.J.A.C. 6A:16-2.2(h);

7. Exclusion of any person from the school setting if the person has uncovered weeping skin lesions as required in N.J.A.C. 8:61-1.1;

8. Assurance that any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS is not excluded from general education, transportation services, extra-curricular activities, athletic activities, assigned to home instruction or classified as eligible for special education for reason of HIV infection as required in N.J.A.C. 8:61-1.1;

9. Administration of medication to students under a physician's written order;

10. Emergency administration of epinephrine via epipen to a student for anaphylaxis pursuant to N.J.S.A. 18A:40-12.5;

11. Provision of medical and nursing services to meet district requirements for health history, medical examination, and health screening as an alternative for students who do not have a medical home or have a religious objection to the required examinations pursuant to N.J.S.A. 18A:35-4.8;

12. Provision of intervention and referral services in each building that meet the requirements of N.J.A.C. 6A:16-7;

13. Development and implementation of a code of student conduct pursuant to N.J.A.C. 6A:16-5.1;

14. Emergency and crisis management plans as required by N.J.A.C. 6A:16-5.2;

15. Removal of students from general education for firearms offenses, assaults with weapon offenses and assaults on district board of education members or employees as required by N.J.A.C. 6A:16-5.5 through 5.7;

16. Prohibition of remotely activating paging devices pursuant to N.J.S.A. 2C:33-19 and N.J.A.C. 6A:16-5.8;

17. Cooperation with law enforcement operations for substances, weapons and safety pursuant to N.J.A.C. 6A:16-6;

18. Comprehensive substance abuse prevention, intervention and treatment referral programs pursuant to N.J.S.A. 18A:40A-8 through 18 and N.J.A.C. 6A:16-3 and 4;

19. Confidentiality related to juvenile justice proceedings pursuant to N.J.S.A. 2A:4A-60 and N.J.A.C. 6A:16-5.4, HIV identifying information pursuant to N.J.S.A. 26:5C-5 et seq., and drug and alcohol use information pursuant to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 through 7.2, and N.J.A.C. 6A:16-3.2;

20. Provision of nursing services to non-public schools located in the district as required by N.J.S.A. 18A:40-23 through 31 and N.J.A.C. 6A:16-2.4; and

21. Reporting of suspected child abuse and neglect to the Division of Youth and Family Services (DYFS) and cooperation in the investigation of child abuse and neglect pursuant to N.J.A.C. 6A:16-10.2.

(b) Each district board of education shall establish policies and procedures that satisfy the rules and regulations of the New Jersey Department of Health and Senior Services, New Jersey Department of Human Services and local boards of health.

(c) Each district board of education that engages in student testing, studies or surveys shall assure that its procedures and materials meet the Federal requirements of 34 CFR Part 98 titled Protection of Pupil Rights.

#### 6A:16-1.5 Student health records

(a) Each district board of education shall maintain student health records for each student, which include the following mandated records:

1. Findings of health histories, medical examinations and health screenings as required in N.J.A.C. 6A:16-2.2 and 4.3; and

2. Documentation of immunizations against communicable diseases or of exemption from these immunizations as required in N.J.A.C. 8:57-4.

(b) Each district board of education shall use forms and formats for documenting mandated health records as required below:

1. Student immunization records shall be maintained as required by N.J.A.C. 8:57-4.7(a).

i. The records shall be recorded on forms provided by the New Jersey Department of Health and Senior Services; and

ii. The forms shall be filed separately from other student health records for the purpose of immunization record review by local or State health officials.

2. Findings of student health histories, health screenings and required medical examinations that are relevant

to school participation shall be recorded on a form as specified by the Commissioner of Education.