

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; P.L. 2001, c. 246; 20 U.S.C. §1232g, 20 U.S.C. §1232h and 20 U.S.C. §1400; 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 34 CFR Part 98, 34 CFR Part 99, 42 CFR Part 2, and 45 CFR §160.

Source and Effective Date

R.2006 d.366, effective September 15, 2006.
See: 38 N.J.R. 2294(a), 38 N.J.R. 4411(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 16, Programs to Support Student Development, expires on September 15, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 16, Programs to Support Student Development, was adopted as R.2001 d.138, effective May 7, 2001. See: 33 N.J.R. 399(a), 33 N.J.R. 1443(a).

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).

Chapter 16, Programs to Support Student Development, was re-adopted as R.2006 d.366, effective September 15, 2006. As a part of R.2006 d.366, Subchapter 3, Comprehensive Substance Abuse Programs, was renamed Comprehensive Alcohol, Tobacco and Other Drug Abuse Programs; Subchapter 4, Procedures for Substance Abuse Intervention, was renamed Procedures for Alcohol and Other Drug Abuse Intervention; Subchapter 5, School Safety, was renamed School Safety and Security; Subchapter 6, Law Enforcement Operations for Substances, Weapons and Safety, was renamed Law Enforcement Operations for Alcohol, Other Drugs, Weapons and Safety; Subchapter 10, Home or Out-of-School Instruction for General Education Students, was renamed Home or Out-of-School Instruction; and Subchapter 11, Reporting Allegations of Child Abuse and Neglect, was repealed and Subchapter 11, Reporting Potentially Missing or Abused Children, was adopted as new rules, effective October 16, 2006. See: Source and Effective Date. See, also, section annotations.

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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 security, student discipline, reporting of potentially missing, abused or neglected child situations, home instruction and approved alternative education programs. Included in these rules are standards for the delivery of home instruction and school health services to nonpublic schools.

Amended by R.2006 d.366, effective October 16, 2006.

See: 38 N.J.R. 2294(a), 38 N.J.R. 4411(c).

Rewrote the section.

6A:16-1.2 Scope

These rules apply to the provision of programs and services for all students in kindergarten through grade 12 by New Jersey public school districts, charter schools, jointure commissions, educational services commissions and approved private schools for the disabled acting under contract to provide educational services on behalf of New Jersey public school districts, 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".

Amended by R.2006 d.366, effective October 16, 2006.

See: 38 N.J.R. 2294(a), 38 N.J.R. 4411(c).

Rewrote the section.

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.

"Abused children" means the categories of children enumerated in N.J.S.A. 9:6-8.21.

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

"Alternative education program" means a comprehensive educational program delivered in a non-traditional learning environment that is distinct and separate from the existing general or special education program. The alternative education program shall fulfill the program criteria pursuant to N.J.A.C. 6A:16-9.2 and be approved by the district board of education, pursuant to N.J.A.C. 6A:16-9.1(a), or by the Commissioner of Education pursuant to N.J.A.C. 6A:16-9.1(b), for the purpose of addressing the individual learning, behavior and health needs of students determined by the school district to be at risk of school failure or who have been mandated for removal from general education, pursuant to N.J.A.C. 6A:16-5.5, 5.6 and, as appropriate, 5.7.

"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.

"Asthma Action Plan" means a form approved by the Commissioner of Education, completed by the medical home, that is specifically designed to indicate differentiated symptoms and appropriate action to be taken by school staff to manage the care of a student that suffers from asthma-related illnesses. The Asthma Action Plan shall serve as an accompaniment to the student's Individualized Healthcare Plan. N.J.S.A. 18A:40-12.8(b) refers to the asthma action plan as the asthma treatment plan.

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

"Case management" means advocacy for and coordination of services to students including, but not limited to, counseling, health services, referrals to community-based agencies and monitoring of academic progress.

"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,