

child is currently enrolled for as long as the child and his or her parent remain homeless.

1. When the State assumes fiscal responsibility for the tuition of a homeless child, the State shall pay to the school district in which the child is enrolled the appropriate T & E amount, pursuant to N.J.S.A. 18A:7F-3, and any appropriate additional cost factor for special education, pursuant to N.J.S.A. 18A:7F-19.

Amended by R.2004 d.185, effective May 3, 2004.
See: 35 N.J.R. 5469(a), 36 N.J.R. 2195(b).

Substituted "origin" for "residence" throughout.
Amended by R.2007 d.146, effective May 7, 2007.
See: 38 N.J.R. 5217(a), 39 N.J.R. 1698(a).

Inserted "school" preceding "district" throughout.

SUBCHAPTER 3. EDUCATIONAL PROGRAMS FOR STUDENTS IN STATE FACILITIES

6A:17-3.1 Scope

These rules shall apply to all educational programs provided by the Department of Corrections, the Department of Children and Families, the Department of Human Services and the Juvenile Justice Commission in accordance with N.J.S.A. 18A:7B-1. Educational programs and services shall be provided to those students in State facilities ages five through 20 and for students with disabilities ages three through 21. Programs and services shall be provided to students in State facilities who do not hold a high school diploma or who are not enrolled in a General Educational Development or adult education program as defined in N.J.A.C. 6:30-2 or a college degree program.

Amended by R.2007 d.146, effective May 7, 2007.
See: 38 N.J.R. 5217(a), 39 N.J.R. 1698(a).

Substituted "Department of Corrections, the Department of Children and Families, the Department of" for "Departments of Corrections and", and deleted "educational" preceding "disabilities".

6A:17-3.2 Definitions

The following words and terms, when used in this subchapter, will have the following meanings unless the context clearly indicates otherwise:

"School district of residence" means the school district in which the parent or guardian with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.

"State agency" means the New Jersey Department of Human Services, the New Jersey Department of Corrections, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission as identified in N.J.S.A. 18A:7B-1.

"State facility" means residential and day programs operated by or contracted with the Department of Human

Services, the Department of Corrections, the Department of Children and Families or the Juvenile Justice Commission.

Amended by R.2007 d.146, effective May 7, 2007.
See: 38 N.J.R. 5217(a), 39 N.J.R. 1698(a).

Substituted definition "School district of residence" for definition "District of residence"; in definition "School district of residence" inserted "school" preceding "district"; in definition "State agency", inserted ", the New Jersey Department of Children and Families,"; and in definition "State facility", inserted ", the Department of Children and Families".

6A:17-3.3 Educational program objectives and requirements

(a) Each State agency shall develop educational programs to complement the primary mission of that State agency and provide educational opportunities that meet the identified needs of students in each State facility. These programs shall be delivered through traditional or individualized education strategies. Individualized programs, which allow high school credit to be awarded through alternative learning experiences, shall be provided in accordance with program completion authorized in N.J.A.C. 6A:8-5.1(a)ii.

(b) Each State agency shall utilize the following program objectives for achieving the legislative goal as stated in N.J.S.A. 18A:7B-1 et seq., of providing a thorough and efficient education and as the framework for developing educational experiences which meet the specialized needs of all students in each State facility under the State agency's jurisdiction. The educational programs as provided for under the State Facilities Education Act shall:

1. Provide instruction in the Core Curriculum Content Standards and assist students in working toward fulfilling the high school graduation requirements contained in N.J.A.C. 6A:8-5.1; and

2. Provide relevant job training and enhance occupational competencies through vocational education programs where appropriate, pursuant to N.J.A.C. 6A:19, Career and Technical Education Programs and Standards.

(c) Attendance in educational programs is compulsory for all students, except for a student aged 16 or above who may explicitly waive this right. For a student between the ages 16 and 18, a waiver is not effective unless accompanied by consent from a student's parent or guardian. Such a waiver may be revoked at any time by the former student.

(d) All education programs, with the exception of home instruction pursuant to N.J.A.C. 6A:16-10.1, shall be available at least four hours per day, five days a week, 220 days each year.

(e) The actual number of days a student must attend the educational program shall be determined by the individualized program plan under program completion pursuant to N.J.A.C. 6A:8-5.1(a)iii and the individualized education program for students with disabilities in accordance with N.J.A.C. 6A:14-3.7.

(f) Each State agency shall ensure that home instruction is provided pursuant to N.J.A.C. 6A:16-10.1.

(g) Each State agency shall ensure that activities are not scheduled that conflict with educational programs.

(h) Each State agency shall ensure that students are not excused from attending educational programs except for reasons of illness, religious observance, court appearance or other compelling personal circumstances.

(i) Each State agency shall ensure that all students in that agency's State facilities shall comply with all rules established by the facility pursuant to N.J.S.A. 18A:37-1 and 18A:37-2.

(j) Each State agency shall establish procedures for continued education in a different setting in cases where a student is guilty of ongoing defiance of the rules, and the student's continued participation in the program is disruptive to the ongoing educational process.

(k) For a student in a State facility who has an identifiable school district of residence as defined by N.J.S.A. 18A:7B-12, the district board of education shall grant a State endorsed diploma in accordance with N.J.A.C. 6A:8-5.1 and 6A:14-4.11.

(l) For a student in a State facility who does not have an identifiable school district of residence as defined by N.J.S.A. 18A:7B-12, the applicable State agency must certify that the student has successfully completed all graduation requirements contained in N.J.A.C. 6A:8-5.1 in order that the Commissioner of Education may issue a State endorsed diploma.

Amended by R.2005 d.257, effective August 1, 2005.

See: 37 N.J.R. 848(a), 37 N.J.R. 2864(a).

In (b)2, substituted "6A:19" for "6:43".

Amended by R.2006 d.315, effective September 5, 2006.

See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

In (k), substituted "4.11" for "4.12".

Amended by R.2007 d.146, effective May 7, 2007.

See: 38 N.J.R. 5217(a), 39 N.J.R. 1698(a).

In (b)2, inserted "; Career and Technical Education Programs and Standards"; in (d), (f) and (k), updated N.J.A.C. references; in (e), deleted "educational" preceding "disabilities"; and in (k) and (l), inserted "school" preceding "district".

6A:17-3.4 Students with disabilities

(a) Each State agency shall ensure that all students with disabilities in that State agency's State facilities are provided a free and appropriate public education as set forth under the Individuals with Disabilities Education Act (P.L. 101-476, as amended by P.L. 108-446) and provide special education and related services as stipulated in the individualized education program (IEP) in accordance with the rules governing special education at N.J.A.C. 6A:14, Special Education.

1. The class size of special education programs serving solely students with disabilities shall be in accordance with N.J.A.C. 6A:14-4.

Amended by R.2007 d.146, effective May 7, 2007.

See: 38 N.J.R. 5217(a), 39 N.J.R. 1698(a).

Section was "Students with educational disabilities". In the introductory paragraph of (a), deleted "educational" preceding "disabilities", substituted "108-446" for "102-119" and "program" for "plan", and inserted "; Special Education"; and in (a)1, deleted "educational" preceding "disabilities".

6A:17-3.5 Staffing and class size

(a) Each State agency, either independently or through contractual agreements, shall employ the educational personnel required to ensure the provision of programs and services pursuant to this subchapter.

(b) The Office of Education in each State agency shall, with the approval of the Department of Education, ensure that all educational personnel possess the appropriate certification endorsement issued by the State Board of Examiners pursuant to N.J.S.A. 18A:6-38.

(c) Each State agency shall maintain the certification for all educational staff on file at the respective Office of Education and at the appropriate program site.

(d) The Office of Education in each State agency shall prepare and submit a plan for the required professional development for all teachers and educational services personnel employed by that State agency consistent with the requirements of N.J.A.C. 6A:9-15 and 16.

(e) Each State agency shall ensure the provision of classes for general education students that shall not exceed 12 students.

1. A State agency may request exceptions to this requirement as part of the annual approval process required by N.J.A.C. 6A:17-3.8(c).

2. The Department of Education shall grant exceptions on a case-by-case basis using the following criteria:

i. The requested exception justifies the need for an alternate program structure;

ii. The requested exception demonstrates that the specialized needs of the students served will continue to be met; and

iii. The requested exception insures the necessary supervision, security, and safety of the students served.

Amended by R.2005 d.257, effective August 1, 2005.

See: 37 N.J.R. 848(a), 37 N.J.R. 2864(a).

In (d), substituted "6A:9-15 and 16" for "6:11-13".

Amended by R.2007 d.146, effective May 7, 2007.

See: 38 N.J.R. 5217(a), 39 N.J.R. 1698(a).

In (d), updated N.J.A.C. references.

6A:17-3.6 Facilities

(a) Each State agency shall ensure that all buildings and facilities used for educational programs comply with the provisions of N.J.A.C. 6A:26, Educational Facilities, where applicable.