

**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:36-24, 18A:36-25, 18A:37-1 through 5, 18A:37-2.1, 18A:37-13 et seq., 18A:38-25 through 31, 18A:40A-7.1, and 18A:46A-1 et seq.; 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.2014 d.047, effective February 18, 2014.  
See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

**Chapter Expiration Date**

Chapter 16, Programs to Support Student Development, expires on February 18, 2021.

**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 readopted 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was renamed Home or Out-of-School Instruction; and Subchapter 11, Reporting Allegations of Child Abuse and Neglect, was repealed and Subchapter 11, Reporting Potentially Missing or Abused Children, was adopted as new rules, effective October 16, 2006.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: 38 N.J.R. 2294(a), 38 N.J.R. 4411(c).

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

Chapter 16, Programs to Support Student Development, was readopted as R.2014 d.047, effective February 18, 2014. As a part of R.2014 d.047, Subchapter 3, Comprehensive Alcohol, Tobacco and Other Drug Abuse Programs was renamed Comprehensive Alcohol, Tobacco, and Other Drug Abuse Programs, Subchapter 6, Law Enforcement Operations for Alcohol, Other Drugs, Weapons and Safety was renamed Law Enforcement Operations for Alcohol, Other Drugs, Weapons, and Safety, and Subchapter 11, Reporting Potentially Missing or Abused Children, was renamed Reporting Potentially Missing, Abused, or Neglected Children, effective March 17, 2014. See: Source and Effective Date. See, also, section annotations.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 6A:16-1.1 Purpose

The 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; physical examinations; 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; and home instruction and approved alternative education programs. Included in the 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.

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

##### 6A:16-1.2 Scope

The 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 students with disabilities acting under contract to provide educational services on behalf of New Jersey public school districts, unless otherwise indicated. Throughout the chapter, "district board of education" refers to

the governing authority for all of the agencies identified in this section, 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.

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Substituted "The" for "These", "students with disabilities" for "the disabled", "the chapter," for "this chapter", and "this section," for "N.J.A.C. 6A:16-1.2", and inserted a comma following the second occurrence of "commissions".

##### 6A:16-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter 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 a current license as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

"Alternative education program" means a comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in the general education program 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. The alternative education program shall provide a variety of approaches to meet the State-adopted standards, such as, through non-traditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students in N.J.A.C. 6A:8.

"Assessment" means 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 that extend beyond the general school program by virtue of learning, behavioral, or health difficulties of the student or the student's family.

"Asthma treatment plan" means a form approved by the Commissioner and 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 who suffers from asthma-related illnesses pursuant to N.J.S.A. 18A:40-12.8(b). The asthma treatment plan shall serve as an accompaniment to the student's Individualized Healthcare Plan.

"Case management" means advocacy for and coordination of student services, 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 certificate, school nurse or school nurse/non-instructional endorsement from the Department of Education pursuant to N.J.A.C. 6A:9B-12.3 and 12.4.

"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:16-7.5.

"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 automated external defibrillator (AED) to the student.

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device.

"Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services that 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.

"Firearms" means 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.

"Guided-learning experiences" mean structured learning tasks that are assigned to the student to perform without the teacher being present, aligned to the school district curriculum and State Core Curriculum Content Standards, and designed to help the student to learn new or reinforce prior knowledge, practice skills, integrate knowledge and skills, or demonstrate mastery.

"Harassment, intimidation, or bullying" means any gesture, any written, verbal, or physical act, or any electronic communication, whether it be a single incident or a series of incidents, in accordance with N.J.S.A. 18A:37-14, 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, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-14 and 15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property or placing a student in reasonable fear of physical or emotional harm to his or her person or damage to his or her property; has the effect of insulting or demeaning any student or group of students; or creates a hostile educational environment for a student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Home instruction" means the provision of one-to-one, small-group, or online instruction in the student's place of residence or other appropriate setting due to a health condition, need for treatment, court order, or exclusion from general education for conduct or safety reasons.

"Individualized emergency healthcare plan" means a plan written by the certified school nurse that specifies the delivery of healthcare accommodations and services needed by a student in the event of an emergency.

"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.

"Informal hearing" means a discussion between a school administrator and a student regarding the student's alleged misconduct, pursuant to N.J.A.C. 6A:16-7.2, Short-term suspensions, in which the student is informed of his or her alleged violation of the district board of education's code of student conduct, pursuant to N.J.A.C. 6A:16-7.1, Code of student conduct, and the basis for the accusation. During the informal hearing, the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

"Long-term suspension" means removal of a student for more than 10 consecutive 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, including NJ FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the 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 school nurse, noncertified nurse, advanced practice nurse, registered nurse, or licensed practical nurse.

"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 from an advanced practice nurse. Medication does not include herbal remedies.

"Noncertified nurse" means a person who holds a current license as a 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.

"Nursing services plan" means a plan that describes in detail the nursing services to be provided throughout the school district based on the needs of its students, potential emergency situations, basic nursing services requirements, and the assignment of medical staff to provide the services.

"Parent" means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When 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 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. 6A:32 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 by an advanced practice nurse. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

"Referral for evaluation" means programs and services suggested to a student or his or her family to make a positive determination regarding a student's need for services that extend beyond the general school program.

"Referral for treatment" means programs and services suggested to a student or to his or her family:

1. To help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; or

2. In response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or

3. In response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

"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. School grounds also includes school buses, school-sponsored functions, structures that support the 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 municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

"School-sponsored function" means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

"Short-term suspension" means removal of a student for one but not more than 10 consecutive school days 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 directives and protocols written by the school physician to carry out medical procedures for all students and staff.

"Student health record" means documented information relevant to the health of the student to manage the routine and emergency care of the student while school is in session.

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

"Truancy" means 10 or more cumulative unexcused student absences, as determined by the district board of education pursuant to N.J.A.C. 6A:16-7.6(a)3 and the definition of a school day, pursuant to N.J.A.C. 6A:32-8.3.

"Universal precautions" means a set of procedures designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus, and other bloodborne pathogens.

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

"Written order" means a directive and protocol written by the student's medical home to address a healthcare need or provide a medical service for a specific student.

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." Administrative correction.

See: 38 N.J.R. 2797(a).

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

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

Deleted definition "AIDS"; rewrote definitions "Alternative education program", "Certified school nurse", "Home instruction", "School Complex" and "Standing orders"; added definitions "Asthma Action Plan", "Case management", "Guided learning experiences", "HIV", "Individualized emergency healthcare plan", "Individualized healthcare plan", "Informal hearing", "Nursing Services Plan", "School-sponsored function", "Student health record" and "Written order"; substituted definition "Automated external defibrillator" for definition "Automatic external defibrillator"; in definition "Do Not Resuscitate order", substituted "automated" for "automatic"; in definitions "Long-term suspension" and "Short-term suspension", inserted "consecutive"; in definition "Medical staff", substituted "school nurse, noncertified nurse" for "or noncertified school nurse"; substituted definition "Noncertified nurse" for definition "Noncertified school nurse"; in definitions "Parent surrogate(s)" and "Truancy", updated N.J.A.C. references; and in definition "Physical examination", deleted "except N.J.A.C. 6A:16-2.2(g)" from the end.

Amended by R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

Added definitions "Abused children" and "Intern"; and substituted definition "Firearms" for definition "Firearm".

Amended by R.2007 d.383, effective December 17, 2007.

See: 39 N.J.R. 2579(a), 39 N.J.R. 5218(a).

Added definition "Random selection"; and rewrote definition "Referral for treatment".

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

Administrative change.

See: 46 N.J.R. 1743(a).

#### 6A:16-1.4 (Reserved)

Amended by R.2005 d.297, effective September 6, 2005.

See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Rewrote (a); in (c), substituted "entitled" for "titled" following "Part 98".

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

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

Section was "District policies and procedures". Rewrote the section.

Amended by R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

In (b)4, deleted "and" from the end; in (b)5, substituted "; and" for the period at the end; and added (b)6.

Repealed by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Section was "School district policies and procedures".

#### 6A:16-1.5 (Reserved)

Recodified to N.J.A.C. 6A:16-2.4 by R.2006 d.366, effective October 16, 2006.

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

Section was "Student health records".

### SUBCHAPTER 2. GENERAL PROVISIONS FOR SCHOOL HEALTH SERVICES

#### 6A:16-2.1 Health services policy and procedural requirements

(a) Each district board of education shall develop and adopt the following written policies, procedures, and mechanisms for the provision of health, safety, and medical emergency services, and shall ensure staff are informed as appropriate:

1. The review of immunization records for completeness pursuant to N.J.A.C. 8:57-4.1 through 4.20;
2. The administration of medication to students in the school setting by the following authorized individuals:
  - i. The school physician;
  - ii. A certified school nurse or noncertified nurse;
  - iii. A substitute school nurse employed by the school district;
  - iv. The student's parent;
  - v. A student approved to self-administer medication pursuant to N.J.A.C. 6A:16-2.1(a)5iii and 9 and N.J.S.A. 18A:40-12.3 and 12.4;
  - vi. Other school employees trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6; and
  - vii. Other employees designated as a delegate and trained to administer glucagon pursuant to N.J.S.A. 18A:40-12.14.
3. The review of DNR orders received from the student's parent or medical home;
4. The provision of health services in emergency situations, including:
  - i. The emergency administration of epinephrine via Epi-pen auto-injector pursuant to N.J.S.A. 18A:40-12.5;
  - ii. The emergency administration of glucagon pursuant to N.J.S.A. 18A:40-12.14;
  - iii. The care of any student who becomes injured or ill while at school or participating in school-sponsored functions;



- iv. The transportation and supervision of any student determined to be in need of immediate care; and
  - v. The notification to parents of any student determined to be in need of immediate medical care;
5. The treatment of asthma in the school setting, which shall include, but not be limited to, the following requirements:
- i. Each school nurse shall be authorized to administer asthma medication through use of a nebulizer pursuant to N.J.S.A. 18A:40-12.8(a);
  - ii. Each school nurse shall receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards, including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology, pursuant to N.J.S.A. 18A:40-12.8(a); and
  - iii. Each student authorized to use asthma medication pursuant to N.J.S.A. 18A:40-12.3 or a nebulizer shall have an asthma treatment plan prepared by the student's medical home and submitted to the certified school nurse. The treatment plan shall identify, at a minimum, asthma triggers and shall be included in the individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b), for meeting the medical needs of the student while attending school or a school-sponsored function;
6. Administration of student medical examinations, pursuant to N.J.S.A. 18A:40-4, N.J.S.A. 18A:35-4.8, and N.J.A.C. 6A:16-2.2;
7. Utilization of sanitation and hygiene when handling blood and bodily fluids pursuant to N.J.A.C. 12:100-4.2, Safety and Health Standards for Public Employees, and in compliance with 29 CFR 1910.1030, Public Employees Occupational Safety and Health Program (PEOSH) Blood-borne Pathogens Standards;
8. Provision of nursing services to nonpublic schools located in the school district as required by N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5;
9. Self-administration of medication by a student for asthma or other potentially life-threatening illness or life-threatening allergic reaction pursuant to N.J.S.A. 18A:40-12.3, 12.5, and 12.6, and the self-management and care of a student's diabetes as needed pursuant to N.J.S.A. 18A:40-12.15;
10. Development of an individualized healthcare plan and individualized emergency healthcare plan for students with chronic medical conditions, including diabetes, asthma, and life-threatening allergies, requiring special health services in accordance with N.J.S.A. 18A:40-12.11.c, 12.12, 12.13, and 12.15; and N.J.A.C. 6A:16-2.3(b)3xii; and
11. Management of food allergies in the school setting and the emergency administration of epinephrine to stu-

dents for anaphylaxis pursuant to N.J.S.A. 18A:40-12.6a through 12.6d.

- (b) Each district board of education shall annually adopt the school district's nursing services plan at a regular meeting.

Amended by R.2001 d.309, effective September 4, 2001.

See: 33 N.J.R. 1253(a), 33 N.J.R. 3032(b).

In (f), rewrote the introductory paragraph, substituted "one building or a group of" for "two or more" in 1, added a new 2, recodified former 2 as 3 and rewrote the paragraph.

Amended by R.2001 d.472, effective December 17, 2001.

See: 33 N.J.R. 2936(a), 33 N.J.R. 4330(a).

In (d), added 12.

Repeal and New Rule, R.2006 d.366, effective October 16, 2006.

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

Section was "Health services personnel".

Amended by R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

In (a)4ii, substituted "functions" for "activities".

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

#### Case Notes

School board did not violate N.J.S.A. 18A:40-3.3 by hiring a school health aide who did not hold a school nurse endorsement since no requirement existed that a school nurse be in a school building at all times during which a non-certified nurse was performing supplemental services to the certified school nurse. *Ramsey Teachers Ass'n v. Board of Educ. of Ramsey*, 382 N.J. Super. 241, 888 A.2d 499, 2006 N.J. Super. LEXIS 2 (App.Div. 2006).

#### 6A:16-2.2 Required health services

- (a) Each school district shall ensure immunization records are reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.24.

- (b) Each school district shall ensure a principal or his or her designee does not knowingly admit or retain in the school building a student whose parent has not submitted acceptable evidence of the child's immunization, according to the schedule specified in N.J.A.C. 8:57-4, Immunization of Pupils in School.

- (c) Each school district shall perform tuberculosis tests on students using methods required by and when specifically directed to do so by the New Jersey Department of Health based upon the incidence of tuberculosis or reactor rates in specific communities or population groups pursuant to N.J.S.A. 18A:40-16.

- (d) Each school district shall immediately report by telephone to the health officer of the jurisdiction in which the school is located any communicable diseases identified as reportable pursuant to N.J.A.C. 8:57-1, whether confirmed or presumed.

- (e) Each public and nonpublic school in the State shall have and maintain for the care of students at least one nebulizer in the office of the school nurse or a similar accessible location, pursuant to N.J.S.A. 18A:40-12.7.

(f) Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility, pursuant to N.J.S.A. 18A:40-4.

(g) The findings of required examinations under (h)1 through 5 below shall include the following components:

1. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;
2. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;
3. Health screenings including height, weight, hearing, blood pressure and vision; and
4. Physical examinations.

(h) Each school district shall ensure that students receive medical examinations in accordance with (f) above and:

1. Prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for students enrolled in any of grades six to 12;

i. The examination, in accordance with (g) above, shall be conducted within 365 days prior to the first practice session.

ii. The medical examination shall be reported pursuant to (g) above and shall include a health history questionnaire completed and signed by the parent.

(1) The report of health findings of the medical examination for participation shall be documented on the Athletic Preparticipation Physical Examination Form approved by the Commissioner of Education to determine whether the student had or currently has any of the following since his or her last physical:

- (A) Injuries;
- (B) Chronic or ongoing illness;
- (C) Need for prescribed medication;
- (D) Allergies;
- (E) Head-related conditions;
- (F) Heart-related conditions;
- (G) Eye, ear, nose, mouth or throat conditions;
- (H) Neuromuscular/orthopedic conditions; and
- (I) General or exercise-related conditions.

(2) The medical report shall include a determination concerning the student's participation that includes, at a minimum, the following normalities:

(A) Measurement of weight, height, and blood pressure;

(B) Examination of the skin to determine the presence of infection, scars from previous surgery or trauma, jaundice, a rash, and purpura;

(C) Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;

(D) Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;

(E) Examination of the nose to assess the presence of deformity that may affect endurance;

(F) Assessment of the neck, back, and spine to determine range of motion, the presence of pain associated with motion, and abnormal curvature of the spine;

(G) Examination of chest contour;

(H) Auscultation and percussion of the lungs;

(I) Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;

(J) Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;

(K) Examination of upper and lower extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;

(L) Examination of the testes to determine the presence and descent of testes, abnormal masses or configurations, or hernia;

(M) Assessment of physiological maturation; and

(N) Neurological examination to assess balance and coordination.

(3) The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, advanced practice nurse, or physician's assistant.

(4) An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.

iii. Each student whose medical examination was completed more than 60 days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination. This shall be completed and signed by the parent. The health history update shall include the following information:

- (1) Hospitalization/operations;

(2) Illnesses;

(3) Injuries;

(4) Care administered by a physician of medicine or osteopathy, advanced practice nurse or physician's assistant; and

(5) Medications.

iv. Each school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.

v. A student who does not have a completed Athletic Preparticipation Physical Examination Form shall not be permitted to participate;

2. Upon enrollment in school;

i. Each school district shall require parents to provide within 30 days of enrollment entry-examination documentation for each student.

ii. When a student transfers to another school, the sending school district shall ensure the entry-examination documentation is forwarded to the receiving school district pursuant to N.J.A.C. 6A:16-2.4(d).

iii. Students transferring into a New Jersey school from out-of-State or out-of-country may be allowed a 30-day period to obtain entry-examination documentation.

iv. Each school district shall notify parents through its website or other means about the importance of obtaining subsequent medical examinations of the student at least once during each developmental stage: at early childhood (preschool through grade three), pre-adolescence (grade four through six), and adolescence (grade seven through 12);

3. When applying for working papers;

i. Pursuant to N.J.S.A. 34:2-21.7 and 21.8(3), the school district may provide for the administration of a medical examination for a student pursuing a certificate of employment.

ii. The school district shall not be held responsible for the costs for examinations at the student's medical home or other medical providers;

4. For the purposes of the comprehensive child study team evaluation pursuant to N.J.A.C. 6A:14-3.4; and

5. When a student is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3.

i. If a student who is suspected of being under the influence of alcohol or controlled dangerous substances

is reported to the certified school nurse, the certified school nurse shall monitor the student's vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.

ii. No school staff shall interfere with a student receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances pursuant to N.J.A.C. 6A:16-4.3.

(i) The district board of education shall make accessible information regarding the NJ FamilyCare Program to students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

(j) Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.

(k) Each district board of education shall ensure that students receive health screenings.

1. Screening for height, weight and blood pressure shall be conducted annually for each student in kindergarten through grade 12.

2. Screening for visual acuity shall be conducted biennially for students in kindergarten through grade 10.

3. Screening for auditory acuity shall be conducted annually for students in kindergarten through grade three and in grades seven and 11 pursuant to N.J.S.A. 18A:40-4.

4. Screening for scoliosis shall be conducted biennially for students between the ages of 10 and 18 pursuant to N.J.S.A. 18A:40-4.3.

5. Screenings shall be conducted by a school physician, school nurse, or other school personnel properly trained.

6. The school district shall notify the parent of any student suspected of deviation from the recommended standard.

Amended by R.2003 d.326, effective August 4, 2003.

See: 35 N.J.R. 1503(a), 35 N.J.R. 3610(a).

In (f), substituted "A biennial" for "An annual" in the introductory paragraph and added 1 and 2.

Amended by R.2003 d.358, effective September 2, 2003.

See: 35 N.J.R. 1801(a), 35 N.J.R. 4052(a).

Rewrote (b); in (h)5, added the second and third sentences.

Repeal and New Rule, R.2006 d.366, effective October 16, 2006.

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

Section was "Required student medical examinations".

Amended by R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

In (i), substituted "district board of education" for "school district".

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

### 6A:16-2.3 Health services personnel

(a) The district board of education shall appoint a school physician pursuant to N.J.S.A. 18A:40-1.



1. The school district shall conduct a criminal history background check on any physician before entering into an agreement for delivery of services.

2. The school physician shall be currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and shall have a training and scope of practice that includes child and adolescent health and development.

3. The school physician shall provide, at a minimum, the following services:

i. Consultation in the development and implementation of school district policies, procedures and mechanisms related to health, safety and medical emergencies pursuant to N.J.A.C. 6A:16-2.1(a);

ii. Consultation to school district medical staff regarding the delivery of school health services, which includes special health care needs of technology-supported and medically fragile children, including students covered by 20 U.S.C. §§1400 et seq., Individuals with Disabilities Education Act;

iii. Physical examinations conducted in the school physician's office or other comparably equipped facility for students who do not have a medical home or whose parent has identified the school as the medical home for the purpose of the sports physical examination;

iv. Provision of written notification to the parent stating approval or disapproval of the student's participation in athletics based upon the medical report;

v. Direction for professional duties of other medical staff;

vi. Written standing orders that shall be reviewed and reissued before the beginning of each school year;

vii. Establishment of standards of care for emergency situations and medically related care involving students and school staff;

viii. Assistance to the certified school nurse or non-certified nurse in conducting health screenings of students and staff and assistance with the delivery of school health services;

ix. Review, as needed, of reports and orders from a student's medical home regarding student health concerns;

x. Authorization of tuberculin testing for conditions outlined in N.J.A.C. 6A:16-2.2(c);

xi. Review, approval, or denial with reasons of a medical home determination of a student's anticipated confinement and resulting need for home instruction; and

xii. Consultation with the school district certified school nurse(s) to obtain input for the development of

the school nursing services plan, pursuant to N.J.A.C. 6A:16-2.1(b).

(b) The district board of education shall employ a certified school nurse to provide nursing services while school is in session pursuant to N.J.S.A. 18A:40-1 and 3.3.

1. The certified school nurse shall work under the direction of the school physician and chief school administrator.

2. The certified school nurse shall receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology.

3. The role of the certified school nurse shall include, but not be limited to:

i. Carrying out written orders of the medical home and standing orders of the school physician;

ii. Conducting health screenings, which include height, weight, blood pressure, hearing, vision, and scoliosis pursuant to N.J.A.C. 6A:16-2.2; and monitoring vital signs and general health status for emergent issues for students suspected of being under the influence of alcohol and controlled dangerous substances pursuant to N.J.S.A. 18A:40-4 and 12;

iii. Maintaining student health records, pursuant to N.J.S.A. 18A:40-4 and N.J.A.C. 6A:16-2.4;

iv. Recommending to the school principal students who shall not be admitted to or retained in the school building based on a parent's failure to provide evidence of the child's immunization according to the schedules specified in N.J.A.C. 8:57-4;

v. Annually reviewing student immunization records to confirm with the medical home that the medical condition for the exemption from immunization continues to be applicable, pursuant to N.J.A.C. 8:57-4.3;

vi. Recommending to the school principal exclusion of students who show evidence of communicable disease, pursuant to N.J.S.A. 18A:40-7, 8, and 10;

vii. Directing and supervising the emergency administration of epinephrine and glucagon, and training school staff designated to serve as delegates, pursuant to N.J.S.A. 18A:40-12.6 and 12.14;

viii. Administering asthma medication through use of a nebulizer;

ix. Directing and supervising the health services activities of any school staff to whom the certified school nurse has delegated a nursing task;

x. Classroom instruction in areas related to health education pursuant to N.J.A.C. 6A:9B-12.3;

xi. Reviewing and summarizing available health and medical information regarding the student and transmitting a summary of relevant health and medical information to the child study team for the meeting pursuant to N.J.A.C. 6A:14-3.4(h);

xii. Writing and updating, at least annually, the individualized health care plans and the individualized emergency healthcare plans for students' medical needs, and instructing staff as appropriate;

xiii. Writing and updating, at least annually, any written healthcare provisions required under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794(a), for any student who requires them;

xiv. Assisting in the development of and implementing healthcare procedures for students in the event of an emergency;

xv. Instructing teachers on communicable disease and other health concerns, pursuant to N.J.S.A. 18A:40-3; and

xvi. Providing other nursing services consistent with the nurse's educational services certification endorsement as a school nurse issued by the State Board of Examiners and current license approved by the State Board of Nursing.

(c) School districts may appoint a noncertified nurse under the supervision of a certified school nurse to supplement the services of a certified school nurse provided that:

1. The noncertified nurse shall be assigned to the same school building or complex as the certified school nurse pursuant to N.J.S.A. 18A:40-3.3.a.

2. A noncertified nurse is limited to providing services only as permitted under the noncertified nurse's license issued by the State Board of Nursing.

Amended by R.2002 d.134, effective May 6, 2002.

See: 34 N.J.R. 355(a), 34 N.J.R. 1667(a).

In (e), amended N.J.A.C. reference; added (g) and (h).

Repeal and New Rule, R.2006 d.366, effective October 16, 2006.

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

Section was "Required school health services".

Amended by R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

In (d)3viii, deleted "educational services certification endorsement as a school nurse issued by the State Board of Examiners and" following "nurse's".

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

Administrative change.

See: 46 N.J.R. 1743(a).

#### Case Notes

School board did not violate N.J.S.A. 18A:40-3.3 by hiring a school health aide who did not hold a school nurse endorsement since no requirement existed that a school nurse be in a school building at all times during which a non-certified nurse was performing supplemental services to the certified school nurse. *Ramsey Teachers Ass'n v. Board*

of Educ. of Ramsey, 382 N.J. Super. 241, 888 A.2d 499, 2006 N.J. Super. LEXIS 2 (App.Div. 2006).

Board of Education possessed the legal authority to implement a shared services agreement for certified school nurse services and, correspondingly, to eliminate the nursing position held by the petitioner through a reduction in force for reasons of economy because the requirement in N.J.A.C. 6A:16-2.3(b) that a board employ a certified school nurse to provide services while school was in session per N.J.S.A. 18A:40-1 was satisfied by the board's execution of such an agreement. *Prezioso v. Bd. of Ed. of the Polytech Career Acad., Hunterdon Cnty.*, OAL Dkt. No. EDU 7005-10, AGENCY Dkt. No. 112-6/10, 2013 N.J. AGEN LEXIS 426, Final Decision (April 26, 2013).

ALJ assessed credibility and found that a school nurse left used needles in a common supply closet, failed to maintain the medical waste disposal box, failed to properly treat injured students, and turned out the lights, locked her office door, and failed to answer the door to treat a student having an asthma attack, warranting revocation of her certificates. *In re Certificates of Kersaint*, OAL Dkt. No. EDE 80-06, 2007 N.J. AGEN LEXIS 63, Initial Decision (February 23, 2007), adopted, SBE No. 0506-145 (N.J. State Bd. of Examiners June 7, 2007), *aff'd*, SB No. 16-07, 2007 N.J. AGEN LEXIS 965 (N.J. State Bd. of Educ. October 17, 2007).

#### 6A:16-2.4 Required student health records

(a) Each school district shall maintain for each student pursuant to N.J.A.C. 6A:32 a student health record that includes the following mandated records:

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

2. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.1, 4.3, and 4.4.

(b) Any district board of education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing information as required by Federal and State statutes and regulations.

1. Information that identifies a student as having HIV infection or AIDS shall be shared only with prior written informed consent of the student age 12 or greater, or of the student's parent as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the student.

2. Information obtained by the school's alcohol and other drug program that would identify the student as an alcohol or other drug user may be disclosed only for those purposes and under conditions permitted by 42 CFR Part 2.

3. Information provided by a secondary school student while participating in a school-based alcohol or other drug counseling program that indicates that a parent, guardian or other person residing in the student's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

(c) Access to and disclosure of information in the student health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7.

(d) The school district shall provide access to the student health record to licensed medical personnel not holding educational certification who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform his or her duties.

1. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to portions of the student health record necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

(e) Nothing in this section shall be construed to prohibit school personnel from disclosing to students or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of the student or other persons pursuant to N.J.A.C. 6A:32-7.4.

Recodified from N.J.A.C. 6A:16-1.5 and amended by R.2006 d.366, effective October 16, 2006.

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

Section was "Student health records". In (a), substituted "school district" for "district board of education"; in (a)1 and (a)2, substituted "pursuant to" for "as required in"; in (a)2, deleted "of" preceding "exception"; rewrote introductory paragraph of (b); deleted (b)1 and (b)2; added new (c), (d), (f), (g)1 and (h); recodified former (c) and (d) as present (e) and (g); in (e)1, deleted "or guardian" following "parent"; and in (g), substituted "The school" for "Each" and inserted "school" preceding the second occurrence of "district". Former N.J.A.C. 6A:16-2.4, Nursing services to nonpublic school students, repealed.

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

#### **6A:16-2.5 School health services to nonpublic schools**

(a) The district board of education having nonpublic schools within school district boundaries shall provide nursing services to students enrolled in a nonpublic school, pursuant to N.J.S.A. 18A:40-23 et seq., as follows:

1. The school district shall provide services to students who are enrolled full-time;
2. Services shall be made available only to students of a nonpublic school that provided to the district board of education a report of the type and number of services provided during the previous school year;
3. The provision of nursing services shall include:
  - i. Assistance with medical examinations including dental screening;
  - ii. Screening of hearing;
  - iii. Maintenance of student health records and notification of local or county health officials of any student who has not been properly immunized; and
  - iv. Scoliosis examinations of students between the ages of 10 and 18.

(b) The district board of education in which the nonpublic school is located shall provide for the extension of emergency care provided to public school students to full-time nonpublic school students who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-2.1(a)4.

(c) The district board of education having nonpublic schools within school district boundaries may provide to nonpublic students additional services to those required under (a) above under the following conditions:

1. Additional medical services may be provided only when all basic nursing services required under (a) and (b) above have been or will be provided;

2. Additional medical services may include necessary equipment, materials, and services for immunizing from diseases students who are enrolled full-time in the nonpublic school as required by N.J.A.C. 8:57-4;

3. Equipment comparable to that used in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district board of education; and

4. Costs of supplies comparable to that used in the school district and transportation may be charged to the funds allocated for each participating nonpublic school provided the costs are directly related to the required basic nursing services and the permitted additional medical services.

(d) Nursing services shall be provided by a registered nurse licensed in the State who is an employee of the school district or a third-party contractor, or is an independent contractor.

(e) The nursing services provided to nonpublic school students shall not include instructional services.

(f) A nonpublic school may decline nursing services required or permitted under this subchapter by submitting to the district board of education notification signed by the chief school administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29.

(g) A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under this subchapter shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

(h) The district board of education shall consider the provision of health services based upon the following:

1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;

2. The provision of services shall be only to students of a nonpublic school that provided to the district board of education a report of the type and number of services provided during the previous school year; and

3. The funds expended by the district board of education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.

(i) The chief school administrator or his or her designee of the school district in which a nonpublic school is located shall confer annually with the administrator of the nonpublic school for the following purposes:

1. To advise the nonpublic school of the amount of funds allocated to it by the Department or otherwise made available by the school district for the provision of health services for full-time students enrolled in the nonpublic school;

2. To agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;

3. If the chief school administrator or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the county office of education shall provide assistance;

4. To assure that each nonpublic school that receives nursing services has a copy of N.J.S.A. 18A:40-23 to 31 and this subchapter; and

5. To assure that a description of the provision of nursing services is reflected in the school district's nursing services plan.

(j) For the purposes of monitoring and recordkeeping, the district board of education providing health services to nonpublic schools shall submit to the executive county superintendent on or before October 1 annually the following information and shall provide a copy to the chief school administrator of each nonpublic school within school district boundaries:

1. A written statement verifying that the required conference was held with the nonpublic school;

2. A copy of the contract with another agency to provide services, if applicable, and approved minutes of the district board of education meeting approving the contract that describes the methods by which the health services will be provided to nonpublic school students for the ensuing year, including a rationale for the distribution of funds; and

3. A description of the type and number of services that were provided during the previous school year on a Commissioner-approved form.

New Rule, R.2006 d.366, effective October 16, 2006.

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

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

#### Case Notes

Department of Education's determination was not arbitrary, capricious, or unreasonable that an educational services commission (ESC) established under N.J.S.A. 18A:6-51 et seq., which had contracted with two school districts to provide Chapter 26 nursing services to a nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq., could not charge the payment of sick-leave benefits of one of its nurse employees as a separate 226 expense, nor could the ESC require the nonpublic school or the responsible school districts to set aside funds for this purpose; instead, the expense may be factored into the hourly rate an ESC charges for the service (adopting and supplementing Initial Decision, 2006 N.J. AGEN LEXIS 443). *Monmouth-Ocean Educ. Services Comm'n v. N.J. State Dep't of Educ., Div. of Finance*, OAL Dkt. No. EDU 10284-05, Commissioner's Decision (August 11, 2006).

When public schools make contracts with educational service commissions to provide nursing services, the nurses are considered "employees of a third-party contractor" under former N.J.A.C. 6A:16-2.4(b) (now N.J.A.C. 6A:16-2.5(d)). *Monmouth-Ocean Educ. Services Comm'n v. N.J. State Dep't of Educ., Div. of Finance*, OAL Dkt. No. EDU 10284-05, Commissioner's Decision (August 11, 2006).

### SUBCHAPTER 3. COMPREHENSIVE ALCOHOL, TOBACCO, AND OTHER DRUG ABUSE PROGRAMS

#### 6A:16-3.1 Establishment of comprehensive alcohol, tobacco, and other drug abuse programs

(a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for student alcohol, tobacco, and other drug abuse in the school district's public elementary and secondary schools, in accordance with N.J.S.A. 18A:40A-3, 10, and 15.

1. The purpose of the prevention component of the program shall be to:

i. Keep students from using alcohol, tobacco or other drugs;

ii. Reduce or eliminate the incidence and prevalence of student alcohol, tobacco and other drug abuse;

iii. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;

iv. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;

v. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and

vi. Actively involve staff, students, parents, and other community members in the development and implementation of prevention program plans.



opment of the school district's plans, procedures, and mechanisms for school safety and security.

1. The plans, procedures, and mechanisms shall be consistent with the provisions of this section and the format and content established by the Domestic Security Preparedness Task Force, pursuant to N.J.S.A. App. A:9-64 et seq., and the Commissioner.

2. The plans, procedures, and mechanisms shall be reviewed annually and updated as appropriate.

(c) The district board of education shall disseminate to its employees a copy of the school safety and security plan.

1. New district board of education employees shall receive a copy of the school safety and security plan, as appropriate, within 60 days of the effective date of their employment.

2. All district board of education employees shall be notified in writing, as appropriate, regarding updates and changes to the school safety and security plan.

(d) The district board of education shall develop and provide an in-service training program for all district board of education employees to enable them to recognize and appropriately respond to safety and security concerns, including emergencies and crises, consistent with the district board of education's plans, procedures, and mechanisms for school safety and security and the provisions of this section.

1. New district board of education employees shall receive the in-service training within 60 days of the effective date of their employment.

2. The in-service training program for all district board of education employees shall be reviewed annually and updated as appropriate.

Recodified from N.J.A.C. 6A:16-5.2 and amended by R.2005 d.297, effective September 6, 2005.

See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Rewrote the section. Former N.J.A.C. 13:35-5.1 recodified as N.J.A.C. 13:35-7.1.

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

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

Section was "School safety plans". Inserted "and security" throughout; in introductory paragraph of (a), substituted "school district" for "district board of education"; in (a)1, inserted "security"; in introductory paragraph of (b), deleted "other" preceding "school", inserted "other" preceding "community" and substituted "school district's" for "district board of education's"; in (b)1, substituted "Domestic Security Preparedness Task Force, pursuant to N.J.S.A. App. A:9-64 et seq." for "Attorney General"; added (b)2; in introductory paragraph of (d), inserted "all" and substituted "district board of education's" for "school district's"; and rewrote (d)2.

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the introductory paragraph of (a); in the introductory paragraph of (b), inserted a comma following "planners"; in the introductory paragraph of (b), (b)1, (b)2, and the introductory paragraph of (d), inserted a comma following "procedures"; in (b)1, deleted "of Education" following "Commissioner"; in (b)2, deleted a comma following "updated"; in the introductory paragraph of (c), inserted "to its employees" and deleted "to all district board of education employees" following "plan"; in (c)2, substituted "notified" for "briefed"; in (d)1,

deleted "as appropriate," following "training", and in (d)2, deleted a comma following "updated".

## 6A:16-5.2 School Violence Awareness Week

Each district board of education annually shall observe "School Violence Awareness Week" during the week beginning with the third Monday in October by organizing activities to prevent school violence according to N.J.S.A. 18A:36-5.1.

New Rule, R.2005 d.297, effective September 6, 2005.

See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Former N.J.A.C. 13:35-5.2 recodified as N.J.A.C. 13:35-5.1 and amended.

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

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

In introductory paragraph of (a), inserted "during the week beginning with the third Monday in October of each year".

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Deleted designation (a); deleted (a)1 through (4), and (b); and inserted "annually" and deleted "of each year" following "October".

## 6A:16-5.3 Incident reporting of violence, vandalism and alcohol and other drug abuse

(a) For purposes of reporting information to the Department, pursuant to N.J.S.A. 18A:17-46, any school employee who observes or has direct knowledge from a participant or victim of an act of violence, including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, pursuant to N.J.S.A. 18A:40A-12, shall file with the principal a report describing the incident.

1. The report shall be on a form adopted for such purposes by the district board of education.

i. The form shall include all information necessary for complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) and verification of the incident detail, including an incident description, and offender and victim information.

(b) The district board of education shall not discharge or subject to any manner of discrimination a school employee who files a report pursuant to this section.

(c) The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, including harassment, intimidation, and bullying, and vandalism pursuant to N.J.S.A. 18A:17-46.

1. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe the safety of a school staff member is at risk.

(d) The chief school administrator shall:

1. Submit to the Commissioner reports of each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the EVVRS.

i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46.

ii. Prior to submission, the chief school administrator shall verify the accuracy of the reported information.

iii. The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner pursuant to N.J.S.A. 18A:17-46.

2. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in this section.

(e) Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, the chief school administrator shall report to the district board of education at a public hearing all acts of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, according to the provisions of N.J.S.A. 18A:17-46.

(f) Each district board of education shall adopt and implement procedures regarding a school employee who knowingly falsifies reported information on acts of violence or vandalism or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, including the establishment of grievance procedures of section 8 of N.J.S.A. 34:13A-5.3 and 34:13A-29.

(g) Private schools for the disabled and public-college-operated programs for the disabled shall take action regarding a school employee who knowingly falsifies the reporting of violence, including harassment, intimidation, and bullying, vandalism, and alcohol or other drug abuse required under N.J.S.A. 18A:17-46, which may be in accordance with the provisions set forth in (f) above.

(h) Each district board of education shall submit and implement a corrective action plan for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner.

Amended by R.2003 d.326, effective August 4, 2003.

See: 35 N.J.R. 1503(a), 35 N.J.R. 3610(a).

In (e), substituted "hearing pursuant to N.J.S.A. 18A:17-46" for "meeting"; added (f).

Amended by R.2005 d.297, effective September 6, 2005.

See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Rewrote section, added (h) and (i).

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

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

Section was "Incident reporting of violence, vandalism and substance abuse". In (a), substituted "alcohol and other drugs" for "substances"; in (a)1i, substituted "are" for "is"; rewrote introductory paragraph of (b); in (b)1, substituted "demographics and incident location" for "demographics, and location of incident"; in (e)1, introductory paragraph of (f) and (i), substituted "alcohol and other drug" for "substance"; in (g)1, deleted "as to" preceding "regarding"; in (g)2iii, substituted "school" for "business"; and in (h), substituted "violence," for "violence and" and inserted "and alcohol or other drug abuse".

Amended by R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

Added (e)1i; and in (e)2, inserted "and in accordance with N.J.A.C. 6A:16-7.1(a)6".

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

#### 6A:16-5.4 Access to juvenile justice information

Each district board of education shall adopt and implement policies and procedures protecting access to information related to juvenile justice proceedings, pursuant to N.J.S.A. 2A:4A-60.

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Substituted "pursuant" for "according", and deleted "the requirements of" preceding "N.J.S.A..".

#### 6A:16-5.5 Removal of students for firearms offenses

(a) Each district board of education shall adopt and implement policies and procedures regarding student offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, pursuant to the Zero Tolerance for Guns Act, N.J.S.A. 18A:37-7 through 12. The policies and procedures shall apply to a student who is:

1. Convicted or adjudicated delinquent for possession of a firearm on school grounds;

2. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and

3. Found knowingly in possession of a firearm on school grounds.

(b) Each district board of education shall immediately remove from the school's general education program for a period of not less than one calendar year a student other than a student with a disability, as set forth in (a) above.

1. The chief school administrator may modify on a case-by-case basis the removal of a general education student.

i. The chief school administrator shall develop and maintain a written record of case-by-case modifications of the removal requirement in this subsection, which shall be made available to the Commissioner upon request.

(2) The multidisciplinary team that reviews the IPP shall include staff from the sending school and the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

(3) The student's parent shall be advised of revisions to the IPP.

4. For a student with a disability, the alternative education program shall be consistent with the student's Individualized Education Program (IEP), pursuant to N.J.A.C. 6A:14, Special Education.

5. Individualized instruction to students shall address the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1;

6. Instructional staff shall be appropriately certified, pursuant to N.J.A.C. 6A:9-3.3;

7. Compliance with attendance policies, pursuant to N.J.A.C. 6A:16-7.8 and 6A:32-8.3, shall be required;

8. Academic instruction sufficient to fulfill graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, shall be provided to high school students;

9. Comprehensive support services and programs shall address each student's health, social and emotional development and behavior;

10. Case management services including, but not limited to, monitoring and evaluating student progress and coordinating instructional and support services, pursuant to (a)5, 8, and 9 above, shall be provided;

11. Services to facilitate the transition of students returning to the general or special education program shall be provided; and

12. A minimum student enrollment period of not less than two complete marking periods shall be required.

i. If the student is enrolled with less than two complete marking periods remaining prior to the end of the school year, the decision regarding continued placement in the alternative education program shall be made in accordance with N.J.A.C. 6A:16-9.3(a).

ii. If the student is removed from the general education program and placed in an alternative education program as a result of a firearm or assault with a weapon offense, the chief school administrator may modify the term of removal or placement on a case-by-case basis, pursuant to N.J.A.C. 6A:16-5.5(b)1 and 5.6(b)1.

iii. For the student with a disability, the enrollment period shall be determined by appropriate school personnel in accordance with the provisions of N.J.A.C. 6A:14, Special Education, and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. §§1400 et seq.

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

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

Section was "Application process and approval criteria". Rewrote (a); and deleted (b).

### 6A:16-9.3 Student placements

(a) Student placement in an alternative education program, pursuant to N.J.A.C. 6A:16-1.3 and 9.1(a) and (b), shall be made as follows:

1. For the general education student, the district board of education shall make a determination of the student's risk for school failure and a decision regarding the student's placement in an alternative education program, at a minimum, based on the following:

i. The review of the student's academic, health and behavioral records, including the student's IPP, if one has been developed in accordance with N.J.A.C. 6A:16-9.2(a)3i through v, and the results of available testing, assessment or evaluation of the student;

ii. Consultation with and notice to the student's parent; and

iii. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services, pursuant to N.J.A.C. 6A:16-8, or other multidisciplinary team, as appropriate.

2. Decisions regarding the placement of the student with a disability in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) and (b), shall be based on the recommendation of appropriate personnel in accordance with N.J.A.C. 6A:14.

3. The district board of education shall provide mandatory placement for a student in an alternative education program for removal due to a firearms offense, pursuant to N.J.A.C. 6A:16-5.5 or an assault with weapons offense, pursuant to N.J.A.C. 6A:16-5.6.

i. If placement in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) or (b), is not available in the instance of a mandatory student placement, the student shall be provided home or out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, until placement in an alternative education program is available.

ii. For the student with a disability, placement in an alternative education program for a firearm offense or an assault with a weapon offense shall occur only upon a determination by appropriate school personnel to place the student in accordance with the provisions of N.J.A.C. 6A:14, Special Education Programs and the Individuals with Disabilities Act of 2004, 20 U.S.C. §§1400 et seq.

(b) If a district board of education places a student in an alternative education program approved by another district board of education, pursuant to N.J.A.C. 6A:16-9.1(a)1, or another approved agency, pursuant to N.J.A.C. 6A:16-9.1(b), the district board of education of the sending school district

shall be responsible for ensuring compliance with the requirements of this subchapter.

(c) Decisions regarding continued placement in an alternative education program or a change to a student's placement shall be made as follows:

1. For the general education student returning to the general education program, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, and (a)1 above.

2. For a student with disabilities, the continued placement decision shall be made in accordance with N.J.A.C. 6A:16-9.2(a)11, as appropriate, (a)2 above, and N.J.A.C. 6A:14, Special Education.

Amended by R.2005 d.297, effective September 6, 2005.

See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

In (b), updated N.J.A.C. cite.

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

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

Section was "Mandatory student placements". Rewrote the section.

## SUBCHAPTER 10. HOME OR OUT-OF-SCHOOL INSTRUCTION

### 6A:16-10.1 Home or out-of-school instruction due to a temporary or chronic health condition

(a) The district board of education shall provide instructional services to an enrolled student—whether a general education student in kindergarten through grade 12 or special education student age three to 21 - when the student is confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting, whether general education or special education.

1. To request home instruction due to a temporary or chronic health condition, the parent shall submit to the school district a request that includes a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for more than 10 consecutive school days or 20 cumulative school days during the school year.

i. The school district shall forward the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide to the district board of education reasons for denial.

2. The school district shall notify the parent concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.

3. The school district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the student's confinement, during the first week of the student's confinement to the home or out-of-school setting.

(b) The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, through online services, including any needed equipment, or through contract with another district board of education, educational services commission, jointure commission, or approved clinic or agency for the following categories of students:

1. A student who resides within the area served by the district board of education and is enrolled in a public school program; or

2. A student who is enrolled in a nonpublic school that is located within the area served by the district board of education pursuant to N.J.S.A. 18A:46A-1 et seq.

(c) Home or out-of-school instruction shall meet the following minimum standards:

1. The school district shall establish a written plan for delivery of instruction to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

2. The teacher providing instruction shall be a certified teacher.

3. The teacher shall provide instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate.

4. For a student with disabilities, the home instruction shall be consistent with the student's individualized education plan (IEP) to the extent appropriate and shall meet the Core Curriculum Content Standards. When the provision of home instruction will exceed 30 consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the student's IEP.

5. For a student without disability, the home instruction shall meet the Core Curriculum Content Standards, and the requirements of the district board of education for promotion to the next grade level. When the provision of home instruction will exceed 60 calendar days, the school physician shall refer the student to the child study team for evaluation, pursuant to N.J.A.C. 6A:14.

New Rule, R.2006 d.366, effective October 16, 2006.

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

Former N.J.A.C. 6A:16-10.1, Student placement, was recodified to N.J.A.C. 6A:16-10.2.

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

**6A:16-10.2 Home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition**

(a) The district board of education shall provide instructional services to an enrolled general education student at the student's home or other suitable out-of-school setting under the following conditions:

1. The student is mandated by State law and rule for placement in an alternative education program, but placement is not immediately available;
2. The student is placed on short- or long-term suspension from participation in the general education program; or
3. A court order requires the student to receive instructional services in the home or other out-of-school setting.

(b) The school district shall provide services no later than five school days after the student has left the general education program.

(c) The school district in which a student resides shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, or through online services, including any needed equipment, or through contract with another board of education, educational services commission, jointure commission, or approved clinic or agency.

(d) The services shall meet the following minimum standards:

1. The school district shall establish a written plan for delivery of instruction and maintain a record of instructional services and student progress.
2. The teacher providing instruction shall be a certified teacher.
3. The teacher shall provide one-on-one instruction for no fewer than 10 hours per week on three separate days of the week and no fewer than 10 hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom.
4. The instruction shall meet the Core Curriculum Content Standards and the district board of education's requirements for promotion and graduation.

(e) If instruction is delivered in the student's home, a parent or other adult 21 years of age or older who has been designated by the parent shall be present during all periods of home instruction.

Amended by R.2005 d.297, effective September 6, 2005.

See: 37 N.J.R. 1570(a), 37 N.J.R. 3295(b).

Technical changes to (a)2; and updated N.J.A.C. cite in (b)8.

Recodified in part from N.J.A.C. 6A:16-10.1 and amended by R.2006 d.366, effective October 16, 2006.

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

Section was "Student placement". Section combined with former N.J.A.C. 6A:16-10.2, Service requirement, and substantially amended. Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

**Case Notes**

An Administrative Law Judge concluded that a county board of education had violated the rights of the minor son of the petitioners by imposing a long-term out-of-school suspension on him without providing a formal hearing and written notice in compliance with N.J.A.C. 6A:16-7.3 and by failing to provide home instruction within five days of the start of that suspension as required by N.J.A.C. 6A:16-10.2(b). Even though the suspension as originally imposed was a short-term suspension that was governed by the more lenient standards in N.J.A.C. 6A:16-7.2 (and petitioners did not claim that the board had violated that provision), once the suspension was extended beyond the original five-day term by the administration, the board had a duty to comply with the applicable regulations. Petitioners were also entitled to relief in the form of an order requiring the board to expunge their son's records so that they reflected only the original five-day suspension. *L.K. & A.K. ex rel. L.K. v. N. Burlington Cnty. Reg'l Bd. of Educ.*, OAL Dkt. No. EDU 6071-12, AGENCY Dkt. No. 92-4/12, 2014 N.J. AGEN LEXIS 38, Initial Decision (January 27, 2014).

**SUBCHAPTER 11. REPORTING POTENTIALLY MISSING, ABUSED, OR NEGLECTED CHILDREN**

**6A:16-11.1 Adoption of policies and procedures**

(a) The district board of education shall develop and adopt policies and procedures for school district employees, volunteers, or interns to provide for the early detection of missing, abused, or neglected children through notification of, reporting to, and cooperation with appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. 18A:36-25 and 25.2, N.J.S.A. 9:6-8.10, and N.J.A.C. 6A:22-4.1(d). At a minimum, the policies and procedures shall include:

1. A statement indicating the importance of early detection of missing, abused or neglected children;
2. Provisions requiring school district employees, volunteers, or interns to immediately notify designated child welfare authorities of incidents of alleged missing, abused, and neglected children.
  - i. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification.
  - ii. The person notifying designated child welfare authorities shall inform the principal or other designated school official(s) of the notification, if such had not occurred prior to the notification;



(1) Notice to the principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment;

3. Provisions requiring the principal or other designated school official(s) to notify designated law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.

i. The school district shall identify the school district official(s) and his or her designees responsible for reporting to the designated law enforcement authorities.

ii. The school district policies and procedures shall be consistent with the memorandum of agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.

iii. Law enforcement authorities shall be notified about all reports by employees, volunteers, or interns working in the school district made pursuant to (a)2 above;

(1) The notification to designated law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's memorandum of agreement as required by N.J.A.C. 6A:16-6.2(b)13;

4. Under no condition shall the school district's policy require confirmation by another person to report the suspected missing-, abused-, or neglected-child situation;

5. Provisions for school district cooperation with designated child welfare and law enforcement authorities in all investigations of potential missing, abused, or neglected children including the following:

i. Accommodations permitting the child welfare and law enforcement investigators to interview the student in the presence of the school principal or other designated school official.

(1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school district whom he or she feels will be supportive and who will be allowed to accompany the student during the interview;

ii. Scheduling interviews with an employee, volunteer, or intern working in the school district who may have information relevant to the investigation;

iii. The release of all records of the student who is the subject of the investigation that are deemed relevant

to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19 and 9:6-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99;

iv. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:6-8.40, and N.J.A.C. 6A:32-7;

(1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required to cooperate in investigations pursuant to (a)2 and 3 above or by virtue of a court order.

(A) Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district chief school administrator or his or her designee;

v. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.

(1) Removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30; and

vi. The transfer to another school of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29;

6. A provision for the establishment of a school district liaison to designated child welfare authorities to act as the primary contact person between schools in the school district and child welfare authorities with regard to general information sharing, the development of mutual training and other cooperative efforts;

7. A provision for designating a school district liaison to law enforcement authorities to act as the primary contact person between schools in the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the memorandum of understanding, pursuant to N.J.A.C. 6A:16-6.2(b)13.

i. The designation of the school district liaison shall be consistent with the policies and procedures established by the district board of education for ensuring cooperation between school and law enforcement officials, pursuant to N.J.A.C. 6A:16-6.2(b)1;

8. Provisions for training employees, volunteers, and interns working in the school district on the school district's policies and procedures for reporting allegations of missing-, abused-, or neglected-child situations.

i. All new employees, volunteers and interns working in the school district shall receive the required information and training as part of their orientation;

9. Provisions regarding due process rights of an employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing-, abused-, or neglected-child situation.

i. Temporary reassignment or suspension of an employee, volunteer, or intern working in a school district named as a suspect pursuant to (a)2 above shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the school employee, volunteer, or intern and the student.

ii. All references to a notification to the designated child welfare authorities of a potential missing-, abused-, or neglected-child situation involving a school district employee shall be removed from the employee's per-

sonnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a; and

10. A statement that prohibits reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing-, abused-, or neglected-child situation pursuant to N.J.S.A. 9:6-8.13.

(b) The district board of education shall develop and adopt policies and procedures for school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or contemplated suicide, to report the information to the Department of Human Services, Division of Mental Health and Addiction Services, in a form and manner prescribed by the Division of Mental Health and Addiction Services pursuant to N.J.S.A. 30:9A-24.a.

Repeal and New Rule, R.2007 d.184, effective June 4, 2007.

See: 39 N.J.R. 294(a), 39 N.J.R. 2243(a).

Amended by R.2014 d.047, effective March 17, 2014.

See: 45 N.J.R. 987(a), 46 N.J.R. 505(a).

Rewrote the section.

Administrative correction.

See: 46 N.J.R. 2405(b).

Administrative correction.

See: 47 N.J.R. 781(d).