

N.J.A.C. 6A:16

Programs to Support Student Development



Proposal for Readoption with Amendments:
First Discussion

Division of Field Services
November 4, 2020



Please note that this PowerPoint presentation has been modified from its original version to be more accessible.

Timeline



First Discussion
Nov. 2020

Second Discussion
Dec. 2020

Proposal
Jan. 2021

Adoption
June 2021

Note: Chapter 16 Sunsets on February 18, 2021





Overview of N.J.A.C. 6A:16

► Purpose: To specify the minimum standards for district boards in establishing policies and procedures and in operating programs to support the social, emotional, and physical development of students.

Subchapter 1: General Provisions	Subchapter 7: Student Conduct
Subchapter 2: General Provisions for School Health Services	Subchapter 8: Intervention and Referral Services
Subchapter 3: Comprehensive Alcohol, Tobacco, and other Drug Abuse Programs	Subchapter 9: Alternative Education Programs
Subchapter 4: Procedures for Alcohol and Other Drug Abuse Intervention	Subchapter 10: Home or Out-of-School Instruction
Subchapter 5: School Safety and Security	Subchapter 11: Reporting Potentially Missing, Abused, or Neglected Children and Attempted or Completed Suicide
Subchapter 6: Law Enforcement Operations for Alcohol, Other Drugs, Weapons and Safety	

Subchapter 1: General Provisions—Definitions (slide 1 of 4)

Amendment: N.J.A.C. 6A:16-1.3

- Add three new terms and definitions.

Proposed Rule Text:

Multi-Tiered System of Supports (MTSS) means a framework used by school-based teams for prevention, intervention, and enrichment. Student data are used to inform the provision of appropriate instruction, support, and interventions based on a continuum of student needs in academics and behavior. With MTSS, student supports are typically provided via three tiers, with tier one consisting of core programs and practices provided to all students; tier two consisting of group-based interventions; and tier three consisting of intensive, individualized interventions. MTSS models typically include the following three components: utilization of universal screening to evaluate needs; implementation of diagnostic and progress monitoring assessments to identify students' improvement or ongoing needs; and use of regular data-based decision making to inform ongoing planning for each tier of support.



Subchapter 1: General Provisions—Definitions (slide 2 of 4)

Amendment: N.J.A.C. 6A:16-1.3

- Add three new terms and definitions.

Proposed Rule Text:

Response to Intervention (RTI) means a framework for intervention and prevention that focuses on collecting data to identify students’ instructional and behavioral needs, providing appropriate interventions (typically within a multi-tiered system of support), and monitoring progress over time to make ongoing adjustments to student supports/services.

Student with a disability means a student who has been determined to be eligible for special education and related services according to N.J.A.C. 6A:14-3.5 or 3.6. In Subchapters 4 and 5 and N.J.A.C. 6A:16-7.2, 7.3, and 7.4, “student with a disability” includes students identified as possibly having a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., and 34 C.F.R. § 300.534.



Subchapter 1: General Provisions—Definitions (slide 3 of 4)

Amendment: N.J.A.C. 6A:16-1.3

- Delete the term and definition for “parent surrogate”.
- Replace the term “foster parent” with “resource family parent” to align to the Every Student Succeeds Act (ESSA).

Proposed Rule Text:

Parent means the natural parent(s), adoptive parent(s), legal guardian(s), [foster] **resource family** parent(s), or [parent surrogate(s)] **surrogate parent(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.



Subchapter 1: General Provisions—Definitions (slide 4 of 4)

Amendment: N.J.A.C. 6A:16-1.3

- Replace the term and definition for the Electronic Violence and Vandalism Reporting System with the Student Safety Data System.

Proposed Rule Text:

Student Safety Data System (SSDS) means the electronic system, or other similar system developed by the Department, used to collect information from school districts to fulfill the requirements of N.J.S.A. 18A:17-46 and 48, as amended by P.L. 2010, c. 122.

Note: This amendment will be applied throughout the chapter.



Subchapter 2: School Health Services

Amendment: N.J.A.C. 6A:16-2.3(b)3xi

- Clarify the responsibility of the school nurse is to provide information to the child study team.

Proposed Rule Text:

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



Subchapter 3: Comprehensive Alcohol, Tobacco, & Other Drug Abuse Programs

Amendment: N.J.A.C. 6A:16-3.1(a)5

- Add statute which outlines responsibilities of the student assistance coordinator.
- Delete regulation that is not applicable to the rule.

Proposed Rule Text:

(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.

5. [Student] **Pursuant to N.J.S.A. 18A:40A-18.c, student** assistance coordinators employed by district boards of education shall assist school districts in the effective implementation of N.J.S.A. 18A:40A-1 through 18 [and N.J.A.C. 6A:9B-12.2].



Subchapter 5: School Safety and Security

Amendment: N.J.A.C. 6A:16-5.3(a)

- Clarify that school employees must report incidents to the school principal, rather than to the Department.
- Require school employees to report additional types of incidents (vandalism; possession, use or sale or distribution of weapon) to align with Federal and State reporting requirements.

Proposed Rule Text:

(a) For purposes of reporting information [to] **at** the [Department, pursuant to N.J.S.A. 18A:17-46] **school level**, any school employee who observes or has direct knowledge from a participant or victim of an act of violence, including harassment, intimidation, and bullying [,]; **vandalism; possession, use, or sale or distribution of a weapon;** 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.



Subchapter 5: School Safety and Security (1 of 4)

Amendment: N.J.A.C. 6A:16-5.3(d)1i

- Change the name of the Department's incident reporting system.
- Change the due date to prevent duplicative reporting for incidents occurring on January 1.

Proposed Rule Text:

(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 [EVRVS] **SSDS**.

i. The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and [January 1] **December 31** 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.



Subchapter 5: School Safety and Security (2 of 4)

Amendment: N.J.A.C. 6A:16-5.3(g)

- Replace the name “private schools for the disabled” with “approved private schools for students with disabilities.”
- Replace the name “public-college-operated programs for the disabled” with “public-college-operated programs for students with disabilities.”

Proposed Rule Text:

(g) [Private] **Approved private** schools for [the disabled] **students with disabilities** and public-college-operated programs for [the disabled] **students with disabilities** 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.

Note: This amendment will be applied throughout the chapter.



Subchapter 5: School Safety and Security (3 of 4)

Amendment: N.J.A.C. 6A:16-5.5(a)1 through 3

- Align procedures for removal of students for firearms offenses with Federal and State statute.
- Clarify that the policies and procedures apply in each listed scenario.

Proposed Rule Text:

(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] **or**
3. Found knowingly in possession of a firearm on school grounds.



Subchapter 5: School Safety and Security (4 of 4)

Amendment: N.J.A.C. 6A:16-5.5(b)

- Rules currently specify procedures for removal of a student for firearms offenses.
- Move “a student” to the beginning of the rule to clarify intent.
- Remove “other than a student with a disability” from these rules because specific procedures for removal of a student with a disability for firearms offenses is already included in a separate section of rules (N.J.A.C. 6A:16-5.5(c)).

Proposed Rule Text:

(b) Each district board of education shall immediately remove **a student** 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.



Subchapter 7: Student Conduct

Amendment: N.J.A.C. 6A:16-7.1(c)2

- Align rule with State statute.
- Require school districts to add a provision in their Code of Student Conduct policy which restricts the use of suspensions and expulsions.

Proposed Rule Text:

- (c) The code of student conduct shall include, at a minimum:
2. A description of behaviors that result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2, **including restrictions on suspensions and expulsions for students in kindergarten through grade two, pursuant to N.J.S.A. 18A:37-2a;**



Subchapter 8: Intervention & Referral Services

Amendment: N.J.A.C. 6A:16-8.1(a)

- Align rule with other chapters in N.J.A.C. 6A.
- Add the names of models that school districts may utilize to satisfy the requirements of Intervention & Referral Services.

Proposed Rule Text:

(a) District boards of education shall establish and implement in each school building in which general education students are served a coordinated system for planning and delivering intervention and referral services designed to assist students who are experiencing learning, behavior, or health difficulties, and to assist staff who have difficulties in addressing students' learning, behavior, or health needs. District boards of education shall choose the appropriate multidisciplinary team approach, **such as Response to Intervention (RTI) or a Multi-Tiered System of Support (MTSS) model**, for planning and delivering the services required under this subchapter.



Amendments to Align Rules to Individuals with Disabilities Education Act (IDEA)

Amendment:

- Add reference to IDEA citation regarding Federal rules related to student removals.
- Clarifies for school district officials that students with disabilities and students identified as potentially having a disability are afforded additional protections prior to being removed from their education program.

Proposed Amendment Applies to the Following Rules

4.3	Procedures for Students Suspected of Being Under the Influence of Alcohol or Other Drugs
5.5	Removal of Students for Firearms Offenses
5.6	Removal of Students for Assaults with Weapons Offenses
5.7	Assaults on District Board of Education Members or Employees
7.2	Short-Term Suspensions
7.3	Long-Term Suspensions
7.4	Expulsions



Sample Application of Amendment: Short-Term Suspensions

N.J.A.C. 6A:16-7.2(d)

(d) For a student with a disability, the provisions of this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14 **and the IDEA, 20 U.S.C. §§ 1400 et seq.**

Note: The text of the proposed amendment as displayed above is identical in all of the sections identified on the previous slide.



Amendments to Remove Gender Specific Pronouns

Amendments:

- Replace “he or she” with “the student.”
- Replace “his or her” with the appropriate subject.

Sample Application of Amendments

N.J.A.C. 6A:16-5.6(h)

If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which [he or she] **the student** was removed.

N.J.A.C. 6A:16-4.3(a)7ii

The report’s findings shall verify whether the student's alcohol or other drug use interferes with [his or her] **the student’s** physical and mental ability to perform in school.

