

Notice of Rule Waiver/Modification/Suspension

Pursuant to Executive Order No. 103 (Murphy)(March 9, 2020), Executive Orders No. 117 (Murphy) (April 7, 2020) and Executive Order No. 151 (Murphy) (June 4, 2020)

COVID-19 State of Emergency

Temporary Rule: **Modification and Suspension of N.J.A.C. 6A:9B-7.6**

Date: January 6, 2021

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy) (“EO 103”)

Effective Date: January 6, 2021

Expiration Date: Concurrent with end of the COVID-19 public health emergency

This is an emergency adoption of a temporary modification of the rule governing the time in which a substitute nurse can serve in a position within a school district. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Commissioner of Education is modifying Department of Education (Department) rules as follows:

Current Department rules limit the length of time that a substitute non-instructional school nurse may serve in the same position in one school district during the school year. The Department limits the time to a total of 60 instructional days. The public health emergency has shined a light on the invaluable role that school nurses play in ensuring the health and safety of our students. Unfortunately, the public health emergency has also highlighted the shortage of school nurses that exists throughout the State.

In order to provide additional flexibility to school districts and alleviate some of the burdens of meeting the growing school nursing shortage, the Department is extending the time limitation in which a substitute school nurse can serve in one school district to the end of the 2020-2021 school year.

Full text of the modified rule text follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 7. Substitute Credential

6A:9B-7.6 Substitute credential for positions not requiring instructional certificates

- (a) The executive county superintendent may issue a substitute credential to serve as a substitute school nurse/non-instructional to the holder of a valid New Jersey registered

professional nurse license.

1. A substitute school nurse/non-instructional may serve a total of 60 instructional days in the same position in one school district during the school year. **For the 2020-2021 school year, there is no limitation on the number of instructional days that a substitute school nurse/non-instructional may serve in any one position in a single school district.**

(b) (No change.)

The Commissioner of Education finds that the modification of the rule above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

January 6, 2021
Date

Dr. Angelica Allen-McMillan
Acting Commissioner
Department of Education