

# New Jersey Department of Education

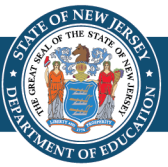


## Adoption Level

# N.J.A.C. 6A:5, Regulatory Equivalency and Waiver Readoption with Amendments

Office of the State Board of Education

November 6, 2024





# Purpose



- The chapter provides regulatory flexibility for school districts and other applicable entities to meet the requirements of State education regulations in Title 6A of the New Jersey Administrative Code (N.J.A.C. 6A).
- The Commissioner, with authority delegated by the State Board, may approve on a case-by-case basis a waiver or equivalency to a specific rule so school districts or other entities can provide effective and efficient programs.



# Equivalency versus Waiver



- “Equivalency” means approval to achieve the intent of a specific rule through an alternate means that is different from, yet judged to be comparable to or as effective as, those prescribed within the rule.
- “Waiver” means approval to avoid compliance either with the specific procedures or the substantive requirements of a specific rule for reasons that are judged educationally, organizationally, and fiscally sound.



# Criteria



An equivalency or waiver to a specific rule must meet the following:

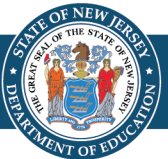
1. Spirit and intent of State education laws (N.J.S.A. 18A), applicable Federal laws and regulations, and N.J.A.C. 6A are served by granting the equivalency or waiver.
2. The provision of a thorough and efficient education to students is not compromised as a result of the equivalency or waiver; and
3. There will be no risk to student health, safety, or civil rights by granting the equivalency or waiver.



# Proposed Amendments *(slide 1 of 3)*



- Add “educator preparation programs” because they can seek relief from rules that apply to their operations and all students in a program (N.J.A.C. 6A:9A, New Jersey Educator Preparation Programs);
- Proposed rule will state that no equivalencies or waivers related to N.J.A.C. 6A:14, Special Education, shall be granted. Prohibition already exists in Chapter 14 but will be repeated in Chapter 5; and
- Proposed rule will state that the Department shall not accept any application that seeks relief from any title of the New Jersey Statutes or any title of administrative code other than Title 6A.





# Proposed Amendments *(slide 2 of 3)*



- Existing rules require chief school administrator to sign the application and the district board of education to approve it.
  - Proposed rule will state current practice for chief school administrator to submit equivalency or waiver application to executive county superintendent (ECS) and will require the submitted materials to include the approved district board of education resolution, or other documentation indicating the district board of education's approval of the application.





# Proposed Amendments *(slide 3 of 3)*



- Adding that the executive county superintendent (ECS) shall review the application for compliance with Section 1.3 and forward, to the State Board Office (SBO), the application submitted and ECS's recommendation.
- Adding that an educator preparation program shall submit its application directly to the SBO.
- Existing rule states that any party seeking to challenge an action by a district board of education on the grounds that the action violates school laws shall initiate a contested case pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
  - Adding “as that term is defined at N.J.A.C. 6A:3-1.2” after “district board of education” to clarify which entities are subject to N.J.A.C. 6A:3.





# Thank You!



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New Jersey Department of Education:

[nj.gov/education](https://nj.gov/education)

Equivalencies and Waivers:

[www.nj.gov/education/sboe/ew/](https://www.nj.gov/education/sboe/ew/)

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