

ADMINISTRATIVE ACTION TAKEN (e.g., hearings scheduled/held; policies or procedures modified; staff disciplined or terminated, etc.):

*\*This form is to be utilized to report incidents required by N.J.A.C. 13:92-7.6 including: the death of, and certain serious injuries to, juveniles and staff as soon as practicable, but no later than within 24 hours of the occurrence; all suicidal gestures as soon as practicable, but no later than within three days of the occurrence; all fires, attempted suicides, escapes, and attempted escapes as soon as practicable, but no later than within 24 hours of the occurrence; and other serious incidents, such as alleged sexual assaults, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situation that requires medical or mental health attention outside the facility for juveniles or staff, substantial damage to the facility, mechanical restraints beyond 30 minutes, staff shortages, possession of significant contraband, and instances when a juvenile is transferred to an adult facility, within three days of the occurrence. [such as deaths, suicide attempts, and physical suicidal gestures. This form should also be used to report escapes, attempted escapes, alleged sexual assaults by juveniles or staff, fires, outbreaks of contagious disease, group disturbances involving four or more juveniles, any situations that result in injury to juveniles or staff requiring medical attention outside of the facility, substantial damage to the facility, mechanical restraints beyond 30 minutes, and any instances when juveniles are transferred to an adult facility. Deaths, suicide attempts, physical suicidal gestures, fires, escapes, and serious injuries must be reported as soon as practicable, but no later than within 24 hours of the occurrence. All other incidents must be reported within three working days of occurrence.]*

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**(a)**

**JUVENILE JUSTICE COMMISSION  
 Manual of Standards for Juvenile Detention  
 Commitment Programs  
 Proposed Readoption with Amendments: N.J.A.C.  
 13:93**

Authorized By: Executive Board of the Juvenile Justice Commission, by the Honorable Matthew J. Platkin, Attorney General and Chair, through Derick D. Dailey, Attorney General Designee.

Authority: N.J.S.A. 2A:4A-37, 2A:4A-43, 2A:4A-44.1, 2A:4A-60, 18A:17B-5, 47:1A-1 et seq., 52:17B-169, 52:17B-170, 52:17B-171, 52:17B-171.1, 52:17B-171.2, 52:17B-171.3, 52:17B-171.5, 52:17B-171.7, 52:17B-171.11, 52:17B-171.13, and 52:17B-176.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-053.

Submit written comments by July 5, 2024, to:

Christina O. Broderick  
 Chief, Legal & Regulatory Affairs  
 New Jersey Juvenile Justice Commission  
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The agency proposal follows:

**Summary**

The Juvenile Justice Commission (Commission) is the New Jersey agency responsible for the planning, policy development, and provision of services in the juvenile justice system. For those youth under its care and custody, the Commission seeks to ensure that its facilities maintain a safe and respectful environment, while at the same time delivering effective educational and rehabilitative services individually tailored to each youth.

Pursuant to the Code of Juvenile Justice, part of the Commission’s responsibilities include specifying the places where young people may be detained. Part of this role includes the Commission’s development of standards for and oversight of county juvenile detention facilities, which also provide care and custody of detained and adjudicated youth. This responsibility includes designating the maximum capacity of juvenile

detention facilities and promulgating rules to establish minimum physical facility and program standards for juvenile detention facilities. The Commission is also charged with the development of appropriate standards, along with reviewing their sufficiency, and remediating issues, to ensure the thorough and efficient education of young people in county detention facilities. These standards and requirements, addressing numerous areas, including facilities, programs, care of young people, staff, and reporting, have been developed by the Commission to ensure the proper care and treatment of adjudicated youth who are committed to the care and custody of county facilities under the Juvenile Detention Commitment Program, and are set forth at N.J.A.C. 13:93, Manual of Standards for Juvenile Detention Commitment Programs. The Commission notes that N.J.A.C. 13:92, Manual of Standards for Juvenile Detention Facilities, is adopted by reference at N.J.A.C. 13:93-4.1(a), and county juvenile detention facilities must comply with both N.J.A.C. 13:92 and 13:93 to be certified to receive youth commitments pursuant to N.J.A.C. 13:93-4.1(b).

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 13:93 was scheduled to expire on June 20, 2024. As this notice of proposed readoption was filed prior to that date, this notice serves to extend the expiration date of N.J.A.C. 13:93 by 180 days to December 17, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Commission has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, in addition to minor clarifying and technical amendments that do not affect the substantive meaning of the rules, the Commission proposes to readopt the rules at N.J.A.C. 13:93 in their entirety, with proposed amendments to an education regulation, which is found at N.J.A.C. 13:93-11. The substantive provisions of the rules proposed to be readopted by the Commission are summarized below.

N.J.A.C. 13:93-1 sets forth general provisions, including the chapter’s purpose to promulgate standards pursuant to the Code of Juvenile Justice (N.J.A.C. 13:93-1.1); the scope of the chapter (N.J.A.C. 13:93-1.2); and relevant definitions applicable to the chapter (N.J.A.C. 13:93-1.3). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:93-2 describes legal provisions, including the legal authority for youth detention commitment (N.J.A.C. 13:93-2.1); and the Commission’s legal authority (N.J.A.C. 13:93-2.2). At N.J.A.C. 13:93-2.2(a), an amendment is proposed to include a county that contracts with a juvenile detention facility. Additionally, several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:93-3 addresses eligibility requirements, including county eligibility to participate in the Juvenile Detention Commitment Program (N.J.A.C. 13:93-3.1); and the Commission's eligibility standards (N.J.A.C. 13:93-3.2).

N.J.A.C. 13:93-4 addresses the adoption of the standards in the Manual of Standards for Juvenile Detention Facilities and compliance with those standards (N.J.A.C. 13:93-4.1). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:93-5 addresses population capacity, including capacity considerations for the Juvenile Detention Commitment Program (N.J.A.C. 13:93-5.1); and required population statistic reporting (N.J.A.C. 13:93-5.2). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:93-6 addresses monitoring, inspection, and evaluation, describing the Commission's ability to reduce or increase the number of available spaces based on need, population, and monitoring (N.J.A.C. 13:93-6.1); and the Commission's conducting of inspections and ability to modify or withdraw facility certification for noncompliance (N.J.A.C. 13:93-6.2).

N.J.A.C. 13:92-7 addresses program proposal submissions, describing the information that must be submitted to the Commission prior to a facility obtaining certification to receive youth commitments (N.J.A.C. 13:93-7.1).

N.J.A.C. 13:93-8 concerns admissions, describing statutory eligibility for admission into the Juvenile Detention Commitment Program (N.J.A.C. 13:93-8.1); the prohibition on admission of youth to a facility that has reached maximum capacity (N.J.A.C. 13:93-8.2); and the prohibition on admission of adjudicated and sentenced youth to a facility that has reached maximum capacity (N.J.A.C. 13:93-8.3). Several minor technical changes are proposed to this subchapter.

N.J.A.C. 13:93-9 addresses classification, including required evaluation and classification of young people upon admission (N.J.A.C. 13:93-9.1); and assignment for sleeping accommodations and program groups (N.J.A.C. 13:93-9.2). A minor technical change is proposed to this subchapter.

N.J.A.C. 13:93-10 addresses program descriptions, specifying the requirements of all considerations to be addressed in a written program plan (N.J.A.C. 13:93-10.1).

N.J.A.C. 13:93-11 addresses program requirements, describing items to be considered and included in a youth's rehabilitation plan along with other plan requirements (N.J.A.C. 13:93-11.1); the social services to be provided, including staff considerations (N.J.A.C. 13:93-11.2); the provision of medical services and staffing (N.J.A.C. 13:93-11.3); educational programming requirements, including staff, curriculum, attendance, and recordkeeping (N.J.A.C. 13:93-11.4); discipline and behavior management requirements and limitations (N.J.A.C. 13:93-11.6); and written grievance procedure requirements (N.J.A.C. 13:93-11.7). In addition to several minor technical changes, the Commission proposes various changes at N.J.A.C. 13:93-11.4 to make several education provisions more consistent with existing New Jersey Department of Education (DOE) guidelines regarding attendance, learning standards, teacher certification, and electronic records storage, and to specify that the education program must comply with all DOE rules. The Commission also proposes to add two additional provisions to require that deviations from the normal education schedule be documented at N.J.A.C. 13:93-11.4(y) and that facilities comply with all DOE monitoring activities and report monitoring visits and results to the Commission at N.J.A.C. 13:93-11.4(z).

As the Commission has provided a 60-day comment period on the notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The Commission is committed to providing programming, support, and opportunities designed to help youth grow and thrive and to become independent, productive, and law-abiding citizens. As the agency charged with care and custody of youth adjudicated delinquent, the Commission seeks to ensure that those young people who are detained in county juvenile detention facilities under the Juvenile Detention Commitment Program are cared for, consistent with best practices standards for secure

juvenile detention. The proposed amendments improve the education rules for these county juvenile detention facilities. As such, the rules proposed for readoption with amendments are expected to enhance the positive social impact the current rules already have on the juveniles detained in county juvenile detention facilities.

#### **Economic Impact**

The Commission anticipates that the rules proposed for readoption with amendments will not have an economic impact on the Commission or any other department or agency of State government. The Commission further anticipates that the rules proposed for readoption with amendments will not have any significant economic impact on counties or county facilities because the amendments are all minor technical changes, except for the proposed changes to the education rules, which are not expected to result in significant additional costs.

#### **Federal Standards Statement**

As stated at N.J.A.C. 13:92-2.5 (adopted by reference at N.J.A.C. 13:93-4.1), county juvenile detention facilities must comply with applicable Federal laws and rules, including the Juvenile Justice and Delinquency Prevention Act of 1974, as amended through P.L. 115-385 (Juvenile Justice Reform Act of 2018), 34 U.S.C. §§ 11101 et seq., 28 CFR Part 31, related Federal laws and rules regarding the deinstitutionalization of status offenders and non-offenders and prohibited contact between youth and incarcerated adults, the Federal Prison Rape Elimination Act (PREA) of 2003 (34 U.S.C. §§ 30301 et seq.), and Federal regulations establishing PREA standards for juvenile facilities, 28 CFR Part 115, Subpart D. While county juvenile detention facilities must comply with these Federal laws and rules, because the rules proposed for readoption with amendments simply reiterate that compliance is required, but do not impose or exceed any specific standards pursuant to these Federal laws and rules, a Federal standards analysis is not required in connection with this rulemaking. Further, a Federal standards analysis is not otherwise required because the rules proposed for readoption with amendments are not adopted pursuant to the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, standards, or requirements.

#### **Jobs Impact**

The rules proposed for readoption with amendments are not anticipated to result in the either the generation or loss of jobs.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agriculture industry in New Jersey.

#### **Regulatory Flexibility Statement**

The rules proposed for readoption with amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will have no impact on the affordability of housing in New Jersey and will neither increase nor decrease the average cost of housing because the rules concern only standards for county juvenile detention facilities in connection with the Juvenile Detention Commitment Program.

#### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Area 1 or 2, or within designed centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the rules concern only county juvenile detention facility standards in connection with the Juvenile Detention Commitment Program.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The rules proposed for readoption with amendments are not expected to have an impact on pretrial detention, sentencing, probation, or parole

policies concerning youth or adults in the State. Decisions related to pretrial detention, sentencing, probation, and parole are outside the scope of N.J.A.C. 13:93, which is limited to establishing standards for the county juvenile detention facilities in which young people may be detained pending and once adjudicated. However, because the majority of youth involved in the juvenile justice system in New Jersey are youth of color, by establishing standards for county youth detention facilities, which ensure the young people detained in these facilities are properly cared for, screened, and provided individualized social, educational, mental, and medical services, N.J.A.C. 13:93 ensures that detained youth receive this individualized care. It is anticipated that the rules proposed for readoption with amendments, which establish standards for county juvenile detention facilities which detain justice involved youth, will provide for the best practices in caring for young people at a difficult time in their lives.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:93.

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

## SUBCHAPTER 1. INTRODUCTION

### 13:93-1.1 Purpose

In accordance with the New Jersey Code of Juvenile Justice (N.J.S.A. 2A:4A-20 et seq.), juveniles adjudicated delinquent may be sentenced to a term of incarceration of up to 60 consecutive days in [county-operated] **county** juvenile detention facilities. [Since] **As** the Code of Juvenile Justice specifically requires that the New Jersey Juvenile Justice Commission certify all juvenile detention facilities which may be utilized for this dispositional alternative, the Commission has promulgated the minimum standards which must be met by those facilities receiving adjudicated delinquents [under] **pursuant to** the Code of Juvenile Justice. The standards in this chapter are in addition to the Manual of Standards for Juvenile Detention Facilities located at N.J.A.C. 13:92.

### 13:93-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Delinquency” means the commission of an act by a juvenile which if committed by an adult would constitute:

- 1.-2. (No change.)
3. A violation of any other penal statute, ordinance, or regulation. [But] **However**, the commission of: an act which constitutes a violation of chapters 3, 4, 6, or 8 of Title 39 of the Revised Statutes by a juvenile of any age; an act relating to the ownership or operation of a motorized bicycle which constitutes a violation of chapters 3 or 4 of Title 39 of the Revised Statutes by a juvenile of any age; an act which constitutes a violation of articles 3 or 6 of chapter 4 of Title 39 of the Revised Statutes pertaining to pedestrians and bicycles, by a juvenile of any age; the commission of an act which constitutes a violation of P.L. 1981, [c.318] **c. 318** (N.J.S.A. 26:3D-1 et seq.), P.L. 1981, [c.319] **c. 319** (N.J.S.A. 26:3D-7 et seq.), P.L. 1981, [c.320] **c. 320** (N.J.S.A. 26:3D-15 et seq.), P.L. 1985, [c.185] **c. 185** (N.J.S.A. 26:3E-7 et seq.), P.L. 1985, [c.186] **c. 186** (N.J.S.A. 26:3D-32 et seq.), N.J.S.A. 2C:33-13, P.L. 1985, [c.318] **c. 318** (N.J.S.A. 26:3D-38 et seq.), P.L. 1985, [c.381] **c. 381** (N.J.S.A. 26:3D-46 et seq.), or of any amendment or supplement thereof, by a juvenile of any age; an act which constitutes a violation of chapter 7 of Title 12 of the Revised Statutes relating to the regulation and registration of power vessels, by a juvenile of any age or section 2 of P.L. 1987, [c.453] **c. 453** (N.J.S.A. 12:7-61); or an act which constitutes a violation of a municipal ordinance enacted pursuant to section 2 of P.L. 1992, [c.132] **c. 132** (N.J.S.A. 40:48-2.52) pertaining to curfew ordinances shall not constitute delinquency as defined in this section.

“Detention” means the temporary care of juveniles in physically restricting facilities pending court disposition (N.J.S.A. 2A:4A-[22c]**22.c**).

“Juvenile” means an individual who is under the age of 18 years (N.J.S.A. 2A:4A-[22a]**22.a**). For purposes of this chapter, juvenile also

includes any individual who is properly detained under the law in a juvenile detention facility and has reached the age of 18 years.

“Juvenile Detention Commitment Program” means a short-term rehabilitation program operated within an approved juvenile detention facility for adjudicated juveniles committed by the court for a maximum of 60 consecutive days pursuant to N.J.S.A. [2A:4-43c(1)] **2A:4A-43.c(1)**.

## SUBCHAPTER 2. LEGAL PROVISIONS

### 13:93-2.1 Legal authority for juvenile detention commitment

Pursuant to N.J.S.A. 2A:4A-[43c(1)]**43.c(1)**, effective January 1, 1984, the court may, in addition to any other disposition enumerated [in] **at** N.J.S.A. 2A:4A-43, incarcerate an adjudicated delinquent in a juvenile detention facility for a term not to exceed 60 consecutive days.

### 13:93-2.2 Legal authority of Commission

(a) N.J.S.A. 2A:4A-[43c(1)]**43.c(1)** provides that if the juvenile detention facility in the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility **or contracts with a juvenile detention facility** meeting the physical and program standards established pursuant to that subsection by the Juvenile Justice Commission, the court may, in addition to any of the available dispositions set forth at N.J.S.A. 2A:4A-43, incarcerate the juvenile in a juvenile detention facility for a term not to exceed 60 consecutive days. N.J.S.A. 2A:4A-[43c(1)]**43.c(1)** further provides that the Juvenile Justice Commission shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to that subsection.

(b) N.J.S.A. 2A:4A-[43c(2)]**43.c(2)** provides that no juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Juvenile Justice Commission concerning the use of the facility for sentenced juveniles. That statute further provides that upon agreement with the county, the Juvenile Justice Commission shall certify detention facilities which may receive juveniles sentenced pursuant to N.J.S.A. 2A:4A-[43c]**43.c** and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to N.J.S.A. 2A:4A-[43c]**43.c** exceed 50 percent of the maximum capacity of the facility.

## SUBCHAPTER 4. MANUAL OF STANDARDS FOR JUVENILE DETENTION FACILITIES

### 13:93-4.1 Adoption of standards

(a) All provisions of the Manual of Standards for Juvenile Detention Facilities, [(N.J.A.C. 13:92)], except provisions specifically exempted in this chapter, or provisions in contradiction to the standards and regulations of this chapter, are hereby adopted by reference.

(b) All juvenile detention facilities shall comply with both the Manual of Standards for Juvenile Detention Facilities (N.J.A.C. 13:92) and this chapter in order to be [certified] **approved** by the Juvenile Justice Commission to receive juvenile commitments.

## SUBCHAPTER 5. POPULATION CAPACITY

### 13:93-5.1 Juvenile detention commitment program

(a) Pursuant to N.J.S.A. 2A:4A-[43c(2)]**43.c(2)**, the Juvenile Justice Commission shall specify the capacity of the juvenile detention facility that may be made available to receive sentenced juveniles.

1. (No change.)
2. Pursuant to N.J.S.A. 2A:4A-[43c(2)]**43.c(2)**, the number of incarcerated juveniles shall not exceed 50 percent of the maximum population capacity of the facility.

## SUBCHAPTER 8. ADMISSIONS

### 13:93-8.1 Eligibility for admission

Pursuant to N.J.S.A. 2A:4A-[43c(3)(a)]**43.c(3)(a)**, only juveniles adjudicated delinquent for an act which, if committed by an adult, would constitute a crime or repetitive disorderly persons offense are eligible for the juvenile detention commitment program. Thus, petty disorderly

persons offenders and [first -time] **first-time** disorderly persons offenders are statutorily excluded from eligibility for the juvenile detention commitment program.

#### 13:93-8.2 Maximum juvenile detention facility population capacity

No juvenile[, on either a predispositional or juvenile detention commitment status,] shall be admitted to a detention facility which has reached its maximum approved capacity for the entire facility, as designated by the Juvenile Justice Commission.

### SUBCHAPTER 9. CLASSIFICATION

#### 13:93-9.1 Evaluation

Upon admission, each juvenile shall be evaluated and classified in regard to his or her sex, age, present offense, previous offenses, physical size, general personality characteristics, and any other factors which could have an impact on the juvenile's adjustment to the facility and interaction with other residents.

### SUBCHAPTER 11. PROGRAM REQUIREMENTS

#### 13:93-11.1 Rehabilitation plan

- (a) (No change.)
- (b) The initial assessment shall include, when available, the following information:
  - 1.-5. (No change.)
  - 6. Vocational goals (when age appropriate); and[;]
  - 7. (No change.)
- (c)-(i) (No change.)

#### 13:93-11.2 Social services

- (a)-(b) (No change.)
- (c) The position of social service worker shall meet the applicable requirements for the position as defined by the New Jersey [Department of Personnel] **Civil Service Commission**.
- (d) (No change.)
- (e) Social services shall be structured to assist juveniles, [and] their parents[,], or legal guardian, and their public school district to provide the individualized assistance needed for successful rehabilitation, and to prepare the juvenile for return to the community. Social service worker duties shall include:
  - 1.-6. (No change.)
  - 7. Maintaining regular and frequent contacts with juveniles and their parents or legal guardian to assist in maintaining family relations and preparing for their future care; **and**
  - 8. (No change.)
- (f) (No change.)

#### 13:93-11.3 Medical services

- (a) (No change.)
- (b) Each juvenile placed in detention shall receive a health assessment and screening by a registered nurse or licensed practical nurse within 24 hours following admission, noting symptoms of any communicable disease, lice, bruises or abrasions, unusual marks, and general medical condition. The facility's medical and social service staff shall attempt to secure from appropriate sources, information regarding any medical care, treatment, or medication prescribed prior to placement. Each juvenile shall also receive a medical examination performed by either a physician licensed to practice medicine in the State of New Jersey, a licensed physician assistant, or an advanced practice nurse within 72 hours following admission. Internal vaginal and rectal examinations shall not be routinely included as part of the medical examination for admission.
- (c) (No change.)

#### 13:93-11.4 Education

- (a) The detention facility shall provide an educational program [which] **that** meets the needs of each juvenile based on his or her age, level of ability, previous educational experience, and interest, **in compliance with all applicable New Jersey Department of Education (DOE) rules**. All juveniles committed to a Juvenile Detention Commitment Program shall participate in an educational program suited to meet his or her needs.
- (b)-(d) (No change.)

(e) Each county juvenile detention facility shall establish a written attendance policy that **conforms with DOE guidelines in the reporting of attendance and absence from the school setting. Attendance policies must define[s] legitimate absences to include sickness, injury, religious observance, required court appearance, or other compelling personal circumstance. Pursuant to N.J.A.C. 6A:32-8.4(a), a student must be recorded as present, absent, or excused every day the school is in session and the student is enrolled. Each facility must prepare policies and procedures regarding attendance that meet the minimum requirements set forth at N.J.A.C. 6A:16-7.6.**

(f) (No change.)

(g) Within 48 hours of admission to the facility, exclusive of weekends, holidays, and non-pupil contact days, an educational assessment of each juvenile shall be initiated. Standardized achievement and/or placement tests shall be administered to each juvenile.

(h) Within 30 days of admission to the facility, exclusive of weekends, holidays, and non-pupil contact days, an individual program plan (IPP) shall be developed for each juvenile to ensure a continuum of program offerings for those students who were enrolled in an educational program that includes:

1.-2. (No change.)

3. Individualized programs which allow high school credit to be awarded through alternative learning experiences in accordance with program completion authorized at N.J.A.C. 6A:8-[5.1(a)lii]**5.1(a)2**.

(i) (No change.)

(j) The basic curriculum shall consist of subjects which incorporate the New Jersey [Core Curriculum Content] **Student Learning Standards**, each of which shall be provided to students at their individual level of functioning. These subjects may include:

1. **English Language Arts [Literacy];**

2.-5. (No change.)

6. **Career Readiness, Life Literacies, and Key Skills;**

7. Vocational Training;]

8. **Computer Science and Design Thinking;**

9. Law-Related Education;]

10.] **8. World Languages; and**

11.] **9. Visual and Performing Arts[;].**

12. Technological Literacy; and

13. Career Education.]

(k)-(m) (No change.)

(n) Either independently or through contractual agreements, the juvenile detention facility shall employ the educational personnel required to ensure the provision of programs and services pursuant to N.J.A.C. 6A:17.

1. All educational personnel shall possess [the appropriate certification endorsement] **a valid New Jersey teaching certificate** issued by the State Board of Examiners **and provide instruction only in their area of qualified endorsement;** and

2. All teachers and educational services personnel shall participate in the required professional development activities consistent with the requirements at N.J.A.C. 6A:17-[3.5(d)]**3.4(d)**.

(o)-(q) (No change.)

(r) A request for educational records from the juvenile's home school district shall be initiated within five days of admission to the facility, exclusive of weekends, holidays, and non-pupil contact days.

(s)-(u) (No change.)

(v) Within 10 days of discharge from the facility, copies of the juvenile's educational records shall be transmitted to his or her home district[,] and next placement **facility, if applicable**, to ensure full and appropriate credit for work completed. Records of each transmittal shall be maintained at the facility.

(w) (No change.)

(x) Pupil education records shall be maintained in a locked file **or electronic database**, separate from non-educational records, and safeguarded from public inspection. The safety and security of these records shall be the responsibility of the Site Education Supervisor **and maintained pursuant to DOE guidelines regarding maintenance and security of student records as set forth at N.J.A.C. 6A:32-7.4.**

(y) **Any deviation from the normal education schedule shall be documented.**

(z) The detention facility must comply with all DOE-monitoring activities, including pursuant to N.J.S.A. 18A:7B-5, and provide the Commission with advance notice of any DOE-monitoring visits and the results of any DOE-monitoring activities within 48 hours of DOE notification.

13:93-11.6 Discipline

(a) Each facility shall maintain a written behavior management program which is designed to foster a positive, non-punitive environment. The written program shall include [behavioral-rules] **behavioral rules** and disciplinary regulations and sanctions to be employed. Reasonable limits for behavior necessary to maintain order should be governed by a system of rules and regulations that is consistent and easily understood.

(b)-(c) (No change.)

(d) Under no circumstances shall a juvenile be deprived of his or her basic rights as a means of [a] discipline. Basic rights for each juvenile include:

- 1. A place to sleep (for example, a bed, a pillow, blankets, and sheets);
- 2.-9. (No change.)
- 10. Medical care; and
- 11. (No change.)

**TREASURY—TAXATION**

**(a)**

**DIVISION OF TAXATION**

**Gross Income Tax**

**Proposed Amendments: N.J.A.C. 18:35-1.3, 4.1, and 11.3**

**Proposed New Rule: N.J.A.C. 18:35-5.3**

Authorized By: Marita R. Sciarrotta, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54A:4-10, 54A:9-8.2, 54A:9-17(a), and 54:50-1.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-054.

Submit written comments by July 5, 2024, to:

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The agency proposal follows:

**Summary**

The proposed amendments and new rule will increase ease of use and consistency throughout the chapter. The purpose of the proposed amendments and the proposed new rule is to codify the Division of Taxation’s (Division) procedures currently in use and to clarify how the income tax statutes are applied to taxpayers.

N.J.A.C. 18:35-1.3 is proposed for amendment to provide for the necessary documentation to perform accurate and efficient auditing of tax returns filed by partnerships, and to update the names of revised partnership forms, and provide for new partnership forms.

N.J.A.C. 18:35-4.1(a)9 and 12i are proposed for amendment to update the formatting of calculations and columns, charts that had numbers in incorrect columns, and to change the name of the Philadelphia Business Privilege Tax (BPT) to the Business Income & Receipts Tax (BIRT) following the City of Philadelphia’s renaming of the tax. N.J.A.C. 18:35-4.1(a)12i Example 6 is proposed for amendment to provide a line for “Wages Less 401(k) Contributions.”

Proposed new N.J.A.C. 18:35-5.3 addresses the allocation of New Jersey source income when a nonresident earns income from a stock

option that was earned based on services performed in New Jersey starting on the date of grant and ending on the date of exercise.

N.J.A.C. 18:35-11.3 is proposed for amendment to update the names of the revised partnership forms and provide for new partnership forms.

As the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendments and new rule affect individuals, estates, and trusts and these rules will continue to provide taxpayers with guidance in complying with the New Jersey Gross Income Tax Act and will also continue the orderly administration and collection of the tax. The proposed amendments and new rule will provide taxpayers with an interpretation of specific provisions of the New Jersey Gross Income Tax Act, accurately reflect the Division’s current procedures, and provide guidance and clarification to taxpayers and their advisers.

**Economic Impact**

The proposed amendments and new rule will continue to provide for the accurate filing of tax returns and the proper payment of tax due on gross income. Any economic impact will be minimal because it is not expected that the Division will require a staff increase or other resources to carry out its responsibilities.

**Jobs Impact**

The proposed amendments and new rule are not expected to have an impact on the creation or loss of jobs in the State and will only affect the administration of the gross income tax. No substantive changes for employers or employees have been proposed.

**Federal Standards Statement**

A Federal standards analysis is not required because the rulemaking authority is granted by the operative provisions of the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., and is not subject to any Federal requirements or standards.

**Agriculture Industry Impact**

The proposed amendments and new rule are not anticipated to have any impact upon the agricultural industry because this rulemaking deals with the New Jersey gross income tax.

**Regulatory Flexibility Statement**

The proposed amendments and new rule explain reporting and recordkeeping requirements with regard to the New Jersey gross income tax pursuant to N.J.S.A. 54A:1-1 et seq. Some of the taxpayers may be considered small businesses, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Division anticipates that the proposed amendments and new rule will not increase small businesses’ capital costs or their need for certain professional services. There are no exemptions from, or differentiation in, the requirements for large or small businesses, since to do so would not have been in compliance with the applicable statutes.

The proposed amendments and new rule do not impose additional reporting, recordkeeping, or compliance requirements beyond those already in place. Taxpayers will not require the services of professional advisors to comply with the rules, however taxpayers may want to consult with professional advisors to determine if the proposed amendments and new rule apply to their situation.

**Housing Affordability Impact**

The proposed amendments and new rule will not result in a change in the average cost associated with housing and would have no impact on any aspect of housing because the rulemaking deals with the New Jersey gross income tax.

**Smart Growth Development Impact**

The proposed amendments and new rule will not result in a change in the housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. This is because this rulemaking has nothing to do with housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere else in the State of New Jersey. This rulemaking deals with the New Jersey gross income tax.