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*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 49 No. 15, August 7, 2017 ***

TITLE 10. HUMAN SERVICES
CHAPTER 92. EDUCATIONAL SERVICES OF THE COMMISSION FOR THE BLIND AND VISUALLY IM-
PAIRED

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N.J.A.C. 10:92 (2017)

Title 10, Chapter 92 -- Chapter Notes

CHAPTER AUTHORITY:

N.J.S.A. 30:6-1 et seq.; and P.L. 2007, c. 111.

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2016 d.123, effective September 8, 2016.

See: 48 N.J.R. 627(a), 48 N.J.R. 2064(a).

CHAPTER EXPIRATION DATE:

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, expires on September 8, 2023.

CHAPTER HISTORICAL NOTE:

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was adopted as new rules by R.1998 d.250, effective May 18, 1998. See: 30 N.J.R. 768(a), 30 N.J.R. 1824(a).

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was readopted as R.2003 d.444, effective October 10, 2003. See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was readopted as R.2009 d.111, effective March 12, 2009. As a part of R.2009 d.111, Subchapter 4, Loan and Provision of Materials, Aids, and

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Equipment was renamed Loan and Provision of Materials, Aids and Equipment, effective April 6, 2009. See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was scheduled to expire on March 12, 2016. See: 43 N.J.R. 1203(a).

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was readopted as R.2016 d.123, effective September 8, 2016. See: Source and Effective Date.

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SUBCHAPTER 1. OVERVIEW OF EDUCATIONAL SERVICES

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N.J.A.C. 10:92-1.1 (2017)

§ 10:92-1.1 Purpose and scope

(a) The New Jersey Commission for the Blind and Visually Impaired operates a Statewide itinerant educational services program for children who are blind or vision impaired to facilitate their inclusion in the least restrictive, most appropriate, educational setting. These services shall be provided in educational and/or other appropriate settings. Depending on individual needs, these services may include, but are not limited to, instruction in appropriate media, the use of specialized equipment and materials, and the use of accommodative techniques. There are three Commission education service programs, as set forth in (b) through (d) below.

(b) CBVI Blindness Education services are subject to N.J.A.C. 6A:14, Special Education Programs. The itinerant education services program administered through provider service agreements facilitates the inclusion of children that are blind or vision impaired in the least restrictive, most appropriate, educational setting. For school aged students (aged three through 21 years), these services are provided in collaboration with local school districts through provider service agreements. The appropriations act for each fiscal year will reduce each school district's State aid by the determined contract amount.

(c) Specialized services are provided to infants and toddlers (aged birth to three years), who are blind or vision impaired, as well as to their families. (By law, school districts are not responsible for children under age three, in accordance with N.J.A.C. 6A:14.)

(d) Specialized services are provided to school aged children who have significant multiple disabilities, who are blind or vision impaired and/or who are not covered by provider service agreements. These children include those who are enrolled in the Department of Children and Families Regional Schools and students who are determined wards of the State.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

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In (b), substituted "2002-03" for "1997-98" preceding "fiscal year"; in (c), amended N.J.A.C. reference; rewrote (d).

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Rewrote (b); in (c), deleted ", in partnership with the Department of Health and Senior Services through an early intervention subgrant" following "families"; and in (d), substituted "and/or" for a comma following "impaired", "provider service agreements" for "reimbursement", and "Children and Families Regional Schools and students who are determined wards of the State" for "Human Services Campus Schools and those who are educated in their homes due to conditions that cause them to be medically frail".

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote the section.

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N.J.A.C. 10:92-1.2 (2017)

§ 10:92-1.2 Definitions

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

"Accommodative technique" means special knowledge and skills needed by children who are blind or vision impaired to accomplish the tasks of daily living.

"Adaptive equipment" means devices designed or used specifically to meet the unique educational needs of children who are blind or vision impaired.

"Alternative skills" mean those techniques needed by individuals who are blind or vision impaired to complete academic program requirements. They include, but are not limited to, Braille reading and writing, aural reading, organization, and personal advocacy.

"Appropriate learning medium" means the communication and instructional mode that is determined to be the most appropriate learning method to use for reading and writing by a student who is blind or vision impaired.

"Augmentative communication skills" means communication methods used to supplement standard reading or writing methods needed by students with multiple disabilities or deaf-blind to supplement their existing forms of communication.

"Blind" see "legally blind."

"Braille" means a tactile code of raised dots used to enable persons who are blind or vision impaired to read and write.

"Early intervention" means an agency program of services for infants and toddlers ages birth to three including those with blindness or vision impairment and their families.

"Expanded core curriculum" means the array of concepts and skills often requiring specialized instruction with students who are blind or vision impaired in order to access literacy, acquire skills in specialized technology, and compensate for reduced opportunities to learn incidentally by observing others.

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"Functional vision assessment" means an evaluation, conducted by a certified Teacher of the Blind or Visually Impaired, used to determine the modifications needed to maximize a student's visual efficiency in the education program and in everyday life.

"IEP" means individualized education plan that is a written statement of the education program designed to meet the child's individual needs. Every child who receives special education services must have an IEP. The IEP is developed by an IEP team that must include the parent(s), special education teacher, general education teacher, a school administrator, any other education professions providing supports or services to the child, and, when appropriate, the child.

"Itinerant instructor" means certified Teacher of the Blind or Visually Impaired, who travel from school to school. They provide blindness and low vision-related specialized instruction and consultation to, and on behalf of, students who are blind or vision impaired.

"Least restrictive" means that, to the maximum extent appropriate, a student with a disability is educated with students who are not disabled.

"Legally blind" means central visual acuity that does not exceed 20/200 in the better eye with best correction or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 20 degrees.

"Nemeth code" means a specialized braille code used for mathematics and science.

"Provider service agreement" means an agreement between the Commission and the school district for each student who is blind or vision impaired. The specific provisions of this agreement are determined through consultation and collaboration with the IEP team (or school district in the case of a child who does not have an IEP) and assessment of visual functioning, education need, and skill development.

"Technical assistance" means consultative and instructional services provided to school personnel and parents that address the disability-specific needs of students who are blind and vision impaired.

"Vision impaired" means central visual acuity that does not exceed 20/70 in the better eye with correction and/or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 40 degrees or field cuts caused by hemianopsia.

"Visual acuity" means the measurement of the ability of the eye to perceive the shape of objects in the direct line of vision and to distinguish detail.

"Visual field restriction" means a restriction or reduction in the extent and distribution of the visual field. A visual field restriction may be caused by brain damage, optic nerve damage, injury to the eye, or a condition of the retina of the eye.

"Ward of the State" means as defined in N.J.A.C. 6A:14-1.3.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Amended "Braille", "Functional vision assessment", "Least restrictive" and "Visually impaired"; added "Compensatory skills".

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

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Added definitions "Alternative skills" and "Ward of the State"; deleted definitions "Compensatory skills" and "Reimbursement"; and rewrote definitions "Early intervention", "Functional vision assessment", "Itinerant instructor", "Levels of service" and "Provider service agreement".

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote the section.

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N.J.A.C. 10:92-2.1 (2017)

§ 10:92-2.1 Eligibility determination

(a) The purpose of eligibility determination shall be to identify children, age 21 and younger, who, because of vision impairment, require specialized instruction and/or disability specific services from the Commission in order to be included appropriately in the education process.

(b) Eligibility for education services shall be based on the following criteria:

1. Children whose central visual acuity does not exceed 20/70 in the better eye with correction and/or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 40 degrees or field cuts caused by hemianopsia.

2. Children must be 21 years of age or younger and have not completed secondary school.

3. Children must meet the residency requirements set forth in N.J.A.C. 10:91-2.6.

4. Children who meet the Commission's visual eligibility standard need not be classified "eligible for special education" by their local board of education to be eligible for Commission services.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

In (b), rewrote 1, amended the N.J.A.C. reference in 2 and substituted "eligible for special education" for "educationally handicapped" in 4; in (c), substituted "every three years" for "on a periodic basis" following "updated eye information".

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

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In (a), substituted "impairment" for "loss" and "specialized" for "special"; and deleted (c).

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N.J.A.C. 10:92-2.2 (2017)

§ 10:92-2.2 Notification of ineligibility

(a) The Commission shall notify by mail the parent or guardian of any child who applied or was referred for Commission education services whenever such child has been found to be ineligible.

(b) In the event that a school district does not enter into a provider service agreement with the Commission, the parent or guardian shall be notified in writing that their school district has not requested educational services from the Commission and the case will be closed.

(c) Children closed from educational services because a school district did not comply with the provider service agreement may be referred for other services provided by the Commission, including orientation, mobility, and independent living services and the Commission's vocational rehabilitation services as set forth in N.J.A.C. 10:95.

(d) The ineligibility notice shall state:

1. The basis for the decision;
2. The effective date of the decision; and
3. The process for review.

(e) Appropriate explanations for any case closure shall be included in the case record.

HISTORY:

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

In (b), inserted "and the case will be closed".

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

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Rewrote (c).

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N.J.A.C. 10:92-3.1 (2017)

§ 10:92-3.1 Provider service agreements

(a) The Commission provides a wide range of itinerant services to blind and visually impaired children and their families. For children, aged three through 21, four different levels of service are provided in collaboration with local school districts through provider service agreements (contracts) that may be adjusted based on student need.

(b) The Commission's itinerant services include:

1. A functional vision assessment to evaluate the student's practical use of vision in the education program and any other blindness or low vision-related assessment, when deemed appropriate by the student's IEP team, including a literacy and learning media assessment to assist the IEP team to select the most appropriate learning media to meet the full literacy needs of the student;

2. Necessary instruction in Braille literacy, including Braille readiness skills leading to formal Braille instruction in both literary Braille and Nemeth Braille. Braille literacy and Nemeth Braille instruction shall be provided as appropriate for the student's academic levels in reading and mathematics;

3. Necessary instruction in other compensatory or alternative skills as outlined in the Expanded Core Curriculum of blindness skills;

4. For students who have already learned Braille reading and writing, short-term follow-up instruction to support the student's participation in higher level subject area instruction, such as advanced Nemeth Braille instruction for mathematics and science;

5. Necessary specialized materials and introductory instruction to equipment that enable students who are blind or vision impaired to have full access to instruction and be educated with their sighted peers;

6. Consultation to students and education staff regarding the student's vision impairment and its educational implications in order to enhance the student's participation in the educational process;

7. Specialized deaf-blind services to students who have auditory, as well as vision, impairment. Specialized services to address this combined sensory impairment include specialized consultation and assessment, as well as the pro-

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vision of adaptive equipment, and sign language materials. Deaf-blind students are eligible to receive all other services provided to blind or vision impaired students who do not have auditory impairments; and

8. Specialized assessments regarding access to communication systems and instruction in skills to maximize the use of residual hearing and vision, as well as the development of augmentative or alternative communication skills and the use of adaptive materials and equipment.

(c) As appropriate, Level I Services may be provided in any of the following areas, based upon individual student need, as determined by the Commission instructor. These services shall be provided by a Certified Teacher of the Blind or Visually Impaired or Teacher of Students with Disabilities with a minimum of four contacts and a maximum of eight contacts per school year. The fee for Level I Services is \$ 1,900. Level I Services are:

1. The Commission's Certified Teacher of the Blind or Visually Impaired or Teacher of Students with Disabilities shall perform functional vision assessments to evaluate the student's practical use of vision in the education program;

2. As appropriate, the itinerant instructor shall provide the necessary specialized materials and introductory instruction to equipment, which enable students who are blind or visually impaired to be educated with their sighted peers;

3. The itinerant instructor shall provide consultation to students regarding their visual impairment and its educational implications in order to enhance their participation in the educational process; and

4. Specialized deaf-blind services shall be provided to students who have auditory as well as visual impairment. Services to address this dual sensory loss include specialized consultation, assessment and evaluation, as well as provision of adaptive equipment and sign language materials.

(d) In the Level II Services category, as appropriate, services may be provided in any of the following areas, based upon individual student need, as determined by the Commission instructor. In addition, students shall be eligible for all services outlined in the Level I Services category. These services shall be provided by a Certified Teacher of the Blind or Visually Impaired and with a minimum of nine and a maximum of 30 lessons per school year. The fee for Level II Services is \$ 4,500. Level II Services are:

1. This service category may be necessary for braille users who have already learned braille reading and writing and may need intermittent short-term instruction. This shall also support their participation in higher-level subject areas such as Nemeth Code for mathematics and science.

2. This service category may be necessary for students with moderate to severe vision loss. Many students who are legally blind need services that include assessment and selection of the most appropriate learning media that shall meet the literacy needs of the student. In addition, this level may be used for compensatory skills instruction.

3. Deaf-blind students are provided specialized training and assessment in the development of communication potentials, maximizing the use of residual hearing and vision, as well as developing augmentative communication skills and the use of adaptive technologies.

(e) The Level III Services category will be necessary for a student for whom highly specialized media, such as braille or a CCTV, have been determined to be the appropriate learning medium. In this service category, as appropriate, services may be provided in any of the following areas, based upon individual student needs, as determined by the Commission instructor. In addition, students will be eligible for all services outlined in the Level I and Level II Services categories. A Certified Teacher of the Blind or Visually Impaired will provide two to three lessons per week. The fee for Level III Services is \$ 12,600. Level III Services are:

1. Braille readiness skills, leading to formal braille instruction during the year;

2. Instruction in braille skills; and

3. Instruction in additional alternative skills.

(f) The Level IV Services category is provided to students who use braille as their primary reading medium. This level of service is intended for beginning readers who have mastered the braille alphabet, are participating in grade-level

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reading programs, and are learning the Contracted Braille Code. In this service category, as appropriate, services may be provided in any of the following areas, based upon individual student needs, as determined by the Commission instructor. In addition, students will be eligible for all services outlined in the Level I, Level II and Level III Services categories. A Certified Teacher of the Blind or Visually Impaired will provide four lessons per week. A lesson will consist of direct instruction for one academic period. The fee for Level IV Services is \$ 14,300. Level IV Services are:

1. Instruction in symbols and usage of the Contracted Braille Code, appropriate for the student's academic reading level;
2. Instruction in symbols and usage of the Nemeth Braille Code, as appropriate for the student's academic math level; and
3. Instruction in additional alternative skills.

(g) When a school district does not enter into a provider service agreement with the Commission, the school district shall be responsible for instruction in the student's appropriate literacy and learning medium as determined by the IEP team or local school district. Students served by these districts are eligible for the Commission's independent living services, and they are eligible to receive educational materials through the American Printing House for the Blind.

(h) If the school district elects not to enter into a service agreement with the Commission for Blindness Education services, the student served by that school district will have access to other Commission services including Independent Living Services, Assistive Technology Services, and Transition Services.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Rewrote the section.

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Section was "Provider service agreements (reimbursement)". In (a), substituted "through" for "to" following "aged three", "four" for "three" following "21," and "based on student need" for "annually"; rewrote the introductory paragraph of (b); in (b)1, substituted "Visually Impaired or Teacher of Students with Disabilities" for "Partially Sighted"; in (b)2, deleted "and" from the end; in (b)3, substituted "; and" for a period at the end; in the introductory paragraph of (c), substituted "or Visually Impaired" for "and Partially Sighted", "with a minimum of nine and a maximum of 30 lessons" for "should require between nine and 30 contacts," and "\$ 3,900" for "\$ 3,450"; in the introductory paragraph of (d), substituted "Services" for "services" following "Level II", "or Visually Impaired" for "and Partially Sighted", "two to three lessons" for "a minimum of two contacts", and "\$ 10,900" for "\$ 10,280"; added new (d)1; recodified former (d)1 and (d)2 as (d)2 and (d)3; in (d)3, substituted "alternative" for "compensatory"; added new (e); and recodified former (e) through (i) as (f) through (j).

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote the section.

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N.J.A.C. 10:92-3.2 (2017)

§ 10:92-3.2 Services to infants and toddlers with blindness or vision impairment

(a) The Commission shall provide specialized blindness and low vision-related services to infants and toddlers, ages birth to three, their parents, guardians, or significant caregivers, and early intervention service providers based upon the eligibility criteria as set forth in N.J.A.C. 10:92-2.1, or upon the determination of a medical doctor that the young child has a vision impairment. As appropriate, the following services may be provided based upon infant, toddler, or family needs, as determined by the Commission instructor, in collaboration with the family and the early intervention providers.

1. Assessment of visual functioning that is performed in a manner that is developmentally appropriate for a young child;
2. Collaboration with the family;
3. Technical assistance to early intervention providers;
4. Consultation regarding the child's transition to a local school district programs to facilitate the inclusion of the child in the appropriate educational setting;
5. Deaf-blind services;
6. Provision of adaptive aids and materials; and
7. Specialized instruction.

HISTORY:

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

In the introductory paragraph of(a), substituted "blindness and visual impairment-related" for "vision related", and deleted the former second sentence.

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Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Section was "Services to infants and toddlers". Rewrote the section.

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N.J.A.C. 10:92-3.3 (2017)

§ 10:92-3.3 Services to students with multiple disabilities, including blindness or vision impairment

(a) The Commission shall provide specialized services to eligible school aged children with multiple disabilities, who are not covered by provider service agreements as defined in N.J.A.C. 10:92-1.1(d). Services may include:

1. Functional vision assessment and any other vision impairment-related assessments;
2. Technical assistance provided to the facility's education and support staff;
3. The provision of educational aids, equipment, and materials; and
4. Other available blindness education services.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

In (a), substituted "may" for "shall" following "Services" in the introductory paragraph.

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Section was "Services to students with multiple disabilities including blindness or visual impairment". Deleted (b).

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Section was "Services to students with multiple disabilities, including blindness or visual impairment". Rewrote the section.

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N.J.A.C. 10:92-3.4 (2017)

§ 10:92-3.4 Financial need standard

The financial need standard as set forth in N.J.A.C. 10:91-3.3 shall apply to all children receiving education services from the Commission, but this financial need standard does not apply to education services that are entitlements under the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004, which guarantees the provision of a free and appropriate public education (FAPE) to all students.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Amended N.J.A.C. reference.

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote the section.

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N.J.A.C. 10:92-4.1 (2017)

§ 10:92-4.1 The George F. Meyer Instructional Resource Center

(a) The George F. Meyer Instructional Resource Center (the Meyer Center) shall provide to students receiving blindness education services, instructional materials and adaptive equipment as appropriate to individual student needs. As determined by the Commission instructor, materials may include textbooks in Braille or large print, as well as accommodative materials. Adaptive equipment may include Braille writers, electronic note taking devices, media players for accessing electronic format publications, computers and tablets with specialized applications, and electronic low vision devices. Adaptive equipment is considered to be on loan to the student, and will be returned to the Meyer Center upon exit from the school system.

(b) Students who are identified through the American Printing House (APH) for the Blind quota census are eligible to receive APH products through the Meyer Center based on the per student allocation. This group includes students who receive blindness education services from a privately-contracted certified Teacher of the Blind or Visually Impaired.

(c) In accordance with N.J.A.C. 10:91-3.2, the financial need standard shall not apply to equipment and materials loaned by the Meyer Center.

HISTORY:

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote (a); added new (b); and recodified former (b) as (c).

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N.J.A.C. 10:92-4.2 (2017)

§ 10:92-4.2 Loan of educational equipment

(a) As determined by the Commission instructor, equipment owned by the State of New Jersey may be lent to any eligible student who receives blindness education services through CBVI. Equipment lent shall remain the property of the State of New Jersey.

(b) The following terms and conditions shall apply to the loan of equipment:

1. The borrower shall be permitted to use the equipment until such time as:
 - i. He or she has graduated from high school or has exited the school system for another reason;
 - ii. The equipment is no longer necessary for the student's education program;
 - iii. He or she ceases to be a Commission education student; or
 - iv. The equipment is neglected or misused.

(c) When any of the circumstances set forth in (b)1i through iv above occur, the student, parent or guardian, or school district shall immediately notify their education instructor who shall make arrangements to return the equipment to the Meyer Center.

(d) In the event that State-owned equipment on loan to a student is lost or stolen, the student or his or her parent or guardian or school official shall:

1. Notify the Commission instructor in writing; and
2. Notify the police and complete a police report.

(e) If the equipment has been neglected, misused or lost, the Commission reserves the right not to lend additional equipment.

HISTORY:

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Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

In (a), inserted "who receives blindness education services through CBVI"; in (b)1i, inserted "or has exited the school system for another reason"; in the introductory paragraph of (d), substituted "State-owned" for "State owned"; in (d)1, inserted "and"; in (d)2, substituted a period for a semicolon; and deleted (d)3 and (d)4.

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N.J.A.C. 10:92-4.3 (2017)

§ 10:92-4.3 Student responsibilities for loaned equipment

(a) Eligible students who borrow any equipment from the Meyer Center shall be responsible for the routine maintenance of the equipment according to the directions given to the student for the care of the equipment.

(b) The requirements for repair of loaned equipment are:

1. When equipment borrowed by a student requires repair, the student shall contact his or her education instructor who will arrange for its return to the Meyer Center.

2. The student shall be provided with replacement equipment, based on availability.

HISTORY:

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

In (a), substituted "Eligible students" for "Students".

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N.J.A.C. 10:92-4.4 (2017)

§ 10:92-4.4 Provision of Braille materials

(a) The Meyer Center shall provide materials and textbooks, based on their availability, to students who are Braille users as determined by the Commission instructor.

(b) Braille library books and leisure books and magazines in Braille may be obtained by students from the New Jersey State Library Talking Books and Braille Center. More information may be obtained by telephoning the library, toll free, at (800) 792-8322.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Rewrote (a).

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Section was "Provision of braille materials". Rewrote the section.

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N.J.A.C. 10:92-4.5 (2017)

§ 10:92-4.5 Provision of large print textbooks and materials

Textbooks and other instructional materials, in adapted print size, may be provided to students as assessed by the Commission instructor.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 New Jersey Register 1635(a), 35 New Jersey Register 5106(a).

Rewrote the section.

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N.J.A.C. 10:92-4.6 (2017)

§ 10:92-4.6 Provision of alternative format textbooks

Education students are eligible to receive services from vendors that provide textbooks and materials in alternate format. The Commission shall authorize payment of the registration and service fees for school age education students. Audio textbooks may be ordered from Learning Ally located at:

20 Roszel Road
Princeton, NJ 08540
Telephone: 609-452-0606 / 800-221-4792

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Substituted "may be ordered" for "students shall be responsible for ordering" following "After registration,"; added an 800 number.

Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Section was "Provision of taped textbooks". In the introductory paragraph and in the first line of the address, substituted "Recording" for "Recordings"; and in the introductory paragraph, substituted "audio" for "taped".

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

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Section was "Provision of audio textbooks". Rewrote the introductory paragraph, and in the address, deleted "Recording for the Blind and Dyslexic".

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N.J.A.C. 10:92-4.7 (2017)

§ 10:92-4.7 Provision of American Printing House for the Blind equipment and materials

(a) The American Printing House for the Blind, a Federally funded agency, provides books, equipment, and other materials to the Commission for use by children who are identified as legally blind or who have been appropriately documented as functioning as blind or vision impaired.

(b) All students who are legally blind or who have been appropriately documented as functioning as blind or vision impaired shall be registered with the American Printing House each year by the Commission.

HISTORY:

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote the section.

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N.J.A.C. 10:92-5.1 (2017)

§ 10:92-5.1 Additional services

(a) In addition to services specified in N.J.A.C. 10:92-4, the following services shall be made available to eligible children, and if CBVI does not have qualified individuals to provide the services mentioned in this section, the CBVI teacher will recommend that the LEA seek qualified providers of these services:

1. Recreational and developmental programs, operated by the Commission for children who are blind or vision impaired;
2. Physical education/recreation in-service training;
3. Reader service that consists of a person providing live audio access to reading materials for which the Commission provides payment to the person (other than a family member) who provides this service designed to equalize the student's participation in his or her education program;
4. Specialized evaluation and/or instruction from other Commission personnel in independent living skills, including orientation, mobility, and other independent living skills;
5. Transition services, provided in accordance with N.J.A.C. 10:95; and
6. Assistive technology services to include assessment to determine the most appropriate technology and/or software application, instruction in the use of technology equipment, and/or accessible software applications, and the loan of technology equipment for use by the student at school and at home for educational purposes.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

In (a)2, deleted "(workshops)" following "in-service training".

Amended by R.2009 d.111, effective April 6, 2009.

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See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

In (a)1, substituted "Recreational and development programs" for "Camp Marcella, a summer camp experience" and "blind or visually impaired" for "blind and visually impaired".

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Rewrote the section.

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SUBCHAPTER 6. EDUCATIONAL PROGRAM OPTIONS

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N.J.A.C. 10:92-6.1 (2017)

§ 10:92-6.1 School placement

- (a) The Commission does not have the authority to provide or determine the educational placement of any student.
- (b) The local board of education is legally responsible for the student's special education costs, tuition, and room and board, under the provisions of N.J.A.C. 6A:14.
- (c) In collaboration with a student's IEP team, a Commission teacher may identify characteristics of an optimal educational setting and offer guidance with regard to instructional and environmental accessibility within the educational placement to assure that the student is educated in the least restrictive environment (LRE) as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004.

HISTORY:

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

In (b), amended N.J.A.C. reference.

Amended by R.2017 d.149, effective August 7, 2017.

See: 49 N.J.R. 159(a), 49 N.J.R. 2533(b).

Added (c).

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