

Public Notice

Education

State Board of Education

Notice of Receipt of Petition for Rulemaking

Special Education

Program Criteria: Special Class Programs, Secondary, and Vocational Rehabilitation

N.J.A.C. 6A:14-4.7

Petitioner: Catherine Rubens, Ed.S., Certified School Psychologist.

Take notice that on May 6, 2025, the State Board of Education (State Board) received a petition for rulemaking from the petitioner, requesting the State Board amend N.J.A.C. 6A:14-4.7 to reduce the maximum instructional group size for emotional regulation impairment programs.

N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b) require a petition for rulemaking to state the substance or nature of the rulemaking that is requested, the reasons for the request and the petitioner's interest in the request, and references to the authority of the agency to take the requested action.

The petitioner seeks to amend N.J.A.C. 6A:14-4.7(e), which sets limits for instructional group sizes for preschool, elementary, and secondary special class programs. The subsection allows instructional group size to be increased with the addition of a classroom aide. The subsection also states that, when determining whether a classroom aide is required, students with a personal aide shall not be included in the student count. Pursuant to N.J.A.C. 6A:14-4.7(e), the maximum instructional size for an emotional regulation impairment (ERI) program is nine students without a classroom aide and 10 to 12 students with a classroom aide. The petitioner seeks to reduce the numbers to six students without a classroom aide and eight students with a classroom aide.

The petitioner states that the existing maximum capacity of 12 students in ERI classrooms often creates an environment that is counterproductive to the specialized setting's

purpose. The petitioner also states that, as behavior challenges in schools continue to increase, many students who are placed in ERI classrooms exhibit significant behavioral challenges and require individualized supports, including behavior intervention plans and, in some cases, 1:1 aides. The petitioner also states that, when combined, the presence of 12 students and an additional six or seven adults can lead to a crowded and overstimulating environment that increases the risk of behavioral escalation.

The petitioner further states that student behaviors can easily become contagious in classrooms with higher student counts and that one student's dysregulation can quickly trigger others, making it difficult for staff to deescalate situations and maintain a safe, therapeutic atmosphere. The petitioner states that this not only jeopardizes student safety and learning, but also contributes to staff stress and burnout, especially when classrooms are understaffed or when multiple students require intensive interventions simultaneously.

The petitioner indicates that reducing the maximum capacity to eight students will help create a calmer, more manageable setting that better aligns with the intent of ERI placements: to provide structured, supportive environments tailored to students with emotional and behavioral regulation needs. The petitioner also states that the requested change will promote more effective implementation of behavior plans, reduce overstimulation, allow for faster and more targeted responses to individual needs, and support overall classroom stability and staff well-being.

Upon a request for clarification, the petitioner provided N.J.S.A. 18A:46-1 et seq., as the reference to the agency's authority to take the requested action.

In accordance with N.J.A.C. 1:30-4.2, the Department of Education shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.