

## **Public Notice**

### **Education**

#### **State Board of Education**

#### **Notice of Action on 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 (ERI) programs.

The petitioner sought 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 ERI program is nine students without a classroom aide and 10 to 12 students with a classroom aide.

The petitioner sought to reduce the numbers to six students without a classroom aide and eight students with a classroom aide. The petitioner stated that the existing maximum capacity of 12 students in ERI classrooms often creates an environment that is counterproductive to the specialized setting's purpose.

A notice acknowledging receipt of the petition was published in the June 2, 2025, New Jersey Register at 57 N.J.R. 1172(a).

Current research does not demonstrate that reducing class size to a maximum of eight students is the ratio that results in improved academic or behavioral outcomes. A 2023 systematic review of the research on class size and achievement, which was referenced by the petitioner, identified only seven valid studies on this topic conducted between 1926 and 2020 and concluded that not enough research had been conducted to support any position related to class size (Bondebjerg A. et al. available [online](#)).

Moreover, behavioral challenges are not exclusive to students eligible for special education under the ERI classification. Any student may exhibit behaviors that interfere with learning and require more intensive support. Therefore, adjusting class size limits for only ERI classes will not address the broader challenge of behavior management.

The Department is in the early stages of preparing for the readoption of N.J.A.C. 6A:14, which is scheduled to expire in September 2027. The readoption process will include a comprehensive review of the existing chapter, examination of research, outreach to partners, and stakeholder input. The Department has determined that during this comprehensive process is the appropriate time to evaluate whether adjustments to instructional group sizes could be considered, alongside other possible amendments to the chapter, without compromising program integrity or creating unintended consequences.

For all of the above-mentioned reasons, after due consideration pursuant to law, the petitioner's request is hereby denied.