

Proposed Readoption at N.J.A.C. 6A: 21, Marie H. Katzenbach School for the Deaf

The following is the accessible version of the proposed readoption at N.J.A.C. 6A:21 through a notice of readoption. The adoption level document includes two sections – [summary](#) and [rules proposed for readoption](#).



State of New Jersey

DEPARTMENT OF EDUCATION

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**Adoption Level
June 5, 2024**

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KEVIN DEHMER
Acting Commissioner

To: Members, State Board of Education

From: Kevin Dehmer
Acting Commissioner

Subject: N.J.A.C. 6A:21, Marie H. Katzenbach School for the Deaf

Reason for Action: Notice of Readoption

Authority: N.J.S.A. 18A:4-15, and 18A:61-2(d)

Sunset Date: November 1, 2024

Summary

The Department of Education (Department) proposes to readopt the rules at N.J.A.C. 6A:21, without amendment, through a notice of readoption. The Department has reviewed the rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. N.J.A.C. 6A:21 sets forth the rules regarding the eligibility, admission, and graduation of students at the Marie H. Katzenbach School for the Deaf (Katzenbach School). N.J.A.C. 6A:21 also provides for an appeals process for students who are refused admission into the Katzenbach School.

The Department has thoroughly reviewed these regulations and determined that, while the regulations are still necessary, reasonable, and proper, making changes at this time is not required or urgent. The Department will propose amendments in the future, if and when it is determined that amendments are necessary.

A summary of the readopted rules follows:

Subchapter 1. General Provisions

This subchapter establishes the chapter's purpose and scope and defines the terms used throughout this chapter.

Subchapter 2. Admissions, Tuitions, and Graduation Procedures

This subchapter states that a student aged three through 21 shall be eligible to attend the Katzenbach School if the student meets the criteria, including classification as auditorily impaired, preschool-disabled, or multiply disabled with an auditory deficit. This subchapter also

sets forth the tuition for students, indicating that education at the Katzenbach School shall be provided at no expense to auditorily impaired students or their parents or guardians under the specified conditions.

This subchapter further sets forth the graduation requirements, indicating that enrolled students who complete the high school program at the Katzenbach School and have satisfied the State high school graduation requirements are eligible for a State-endorse high school diploma. The subchapter also states that the student will have the option of receiving a diploma from the Katzenbach School or the sending district board of education and that all student records shall be maintained in accordance with N.J.A.C. 6A:14-7.9.

Subchapter 3. Sending District Board of Education Requirements

This subchapter sets forth the process that the sending district board of education must follow when submitting a completed application form for a student's admission to the Katzenbach School. The completed application must include information regarding the student and school district, as well as copies of the student's individualized education program (IEP) and other supporting documentation as determined and requested by the Katzenbach School.

This subchapter also requires the superintendent of the Katzenbach School to notify the parent/guardian and sending district board of education of the decision of whether to accept the student within 30 calendar days of receiving the application.

Subchapter 4. Appeals

This subchapter indicates that, when a student is denied admission to the Katzenbach School, the student or their parent or guardian may initiate a due process hearing pursuant to N.J.A.C. 6A:14-2.7. All appeals regarding the chapter's rules must be made in writing to the Commissioner of Education in accordance with N.J.A.C. 6A:3-1.2 to 1.17.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendment and shall continue in effect for a seven-year period.

Table of Contents

Subchapter 1. General Provisions

6A:21-1.1 Purpose and scope

6A:21-1.2 Definitions

Subchapter 2. Admissions, Tuition, and Graduation Procedures

6A:21-2.1 Student eligibility for admission

6A:21-2.2 Tuition

6A:21-2.3 Graduation

Subchapter 3. Sending District Board of Education Requirements

6A:21-3.1 Admissions process

Subchapter 4. Appeals

6A:21-4.1 Appeals

Chapter 21. Marie H. Katzenbach School for The Deaf

Subchapter 1. General Provisions

6A:21-1.1 Purpose and scope

- (a) This chapter provides the rules regarding eligibility, admission, and graduation of students at the Marie H. Katzenbach School for the Deaf (Katzenbach School) in accordance with N.J.S.A. 18A:61-1 et seq. The rules also provide for an appeals process if a student is refused admission to the Katzenbach School.
- (b) The rules govern district boards of education that apply to enroll students at the Katzenbach School.

6A:21-1.2 Definitions

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

"Marie H. Katzenbach School for the Deaf" or "Katzenbach School" means the State-operated residential and day education facility that provides instruction for auditorily impaired students in the following areas: early intervention, preschool through high school, and vocational education.

"Residential student" means a student who boards at the Katzenbach School Monday through Thursday during the school year.

"Sending district board of education" means a district board of education that applies to, or sends a student to, the Katzenbach School.

"Student" means an auditorily impaired (deaf or hard-of-hearing) person of suitable age and capacity for instruction and services, who is a legal resident of the State and not over 21 years of age.

Subchapter 2. Admissions, Tuition, and Graduation Procedures

6A:21-2.1 Student eligibility for admission

- (a) A student age three through 21 shall be eligible to attend the Katzenbach School based on the following criteria:
1. All students shall be classified, in accordance with N.J.S.A. 18A:46-8 and as defined in N.J.A.C. 6A:14-3.5, as auditorily impaired, preschool-disabled, or multiply disabled with an auditory deficit.
 2. Students shall have a residence other than the Katzenbach School on days when the school is not in operation, including weekends.
- (b) No eligible student who is domiciled in New Jersey shall be denied admission due to the enrollment of out-of-State students.

6A:21-2.2 Tuition

- (a) The education provided at the Katzenbach School shall be provided at no expense to auditorily impaired children or their parents or guardians if:
1. The parents or guardians reside in the State;
 2. The student is domiciled within the State; or
 3. The student resides in the home of another person domiciled within the State and is supported gratis by that person as if the student were that person's own child, subject to the requirements of N.J.S.A. 18A:38-1.b.
- (b) The Commissioner shall establish the tuition rate charged to out-of-State students.

6A:21-2.3 Graduation

- (a) An enrolled student who completes the high school program at the Katzenbach School and who has satisfied the high school graduation requirements according to N.J.A.C. 6A:8-5.1 and 6A:14-3.7(e)9 and 4.11 shall be eligible for a State-endorsed high school diploma.
 - 1. The student shall have the choice of receiving the State-endorsed high school diploma of the Katzenbach School or the sending district board of education, pursuant to N.J.A.C. 6A:14-4.11(c).
- (b) All student records shall be maintained in accordance with N.J.A.C. 6A:14-7.9.

Subchapter 3. Sending District Board of Education Requirements

6A:21-3.1 Admissions process

- (a) The sending district board of education shall apply for a student's admission to the Katzenbach School by submitting a completed application form that includes:
 - 1. Information regarding the student and the school district; and
 - 2. Copies of the student's individualized education program and other supporting documentation as determined and requested by the Katzenbach School.
- (b) The Katzenbach School superintendent shall notify the parent/guardian and sending district board of education regarding the disposition of the student's application within 30 calendar days of the application's receipt.

6A:21-3.2 (Reserved)

Subchapter 4. Appeals

6A:21-4.1 Appeals

A student denied admission to the Katzenbach School, or his or her parent or guardian, may seek to initiate a due process hearing in accordance with N.J.A.C. 6A:14-2.7. All appeals regarding the chapter's rules by a party other than a student, or his or her parent or guardian, shall be made in writing to the Commissioner of Education in accordance with N.J.A.C. 6A:3-1.2 to 1.17.