



STATE OF NEW JERSEY DEPARTMENT OF EDUCATION

NJDOE Guidance on Chapter 192 Compensatory Education Services

In the provision of 192 compensatory education services to nonpublic school students, the following policies must be followed:

1. Students who are served must meet the eligibility requirements defined in the NJDOE guidance document, "[Auxiliary and Remedial Services \(Chapters 192 & 193\) For Nonpublic School Students.](#)" The funds must be used to provide services only to those students who meet the eligibility requirements and may not be used to provide services to the entire school.
2. According to the statutory definition¹, Chapter 192 services are "supplemental to the regular programs" and may not replace the instructional program provided to all students in the school. Services shall be deemed supplemental if there is evidence of an academic program in absence of Chapter 192 funding and if the following conditions are met:
 - a) Students receiving 192 compensatory education services must be enrolled in and attend grade-specific math and language arts literacy classes that are part of the regularly scheduled education program, and must attend a minimum of 40% of the regularly scheduled class time on a weekly basis. It is the district's responsibility to ensure services are supplemental to the regular programs.
 - The 192 compensatory education services may be provided as "push-in" (inclusion) services. Push-in services must be delivered by a teacher who is not also the teacher of the regularly scheduled education program.
 - The 192 compensatory education services may be provided as additional services outside of the regular education program.
 - When providing pull-out services, students may not be pulled-out for academic support for more than sixty percent of the regularly scheduled class time for which they are receiving services.
 - Student class schedules and class rosters can be used as documentation for audit purposes.
 - b) The teachers of the regularly scheduled program for which the students are receiving 192 services must be employed by the nonpublic school directly or through a contracted provider, and cannot be paid with 192 program funds.
 - c) If the teacher providing 192 services is an employee of the nonpublic school and is contracted by the district, the 192 services are not to be provided during the hours of that employee's nonpublic school employment.

¹ 18A:46A-2e. "Compensatory education services" means preventive and remedial programs offered during the normal school day, or in programs offered beyond the normal school day or during summer vacation, which are integrated and coordinated with programs operated during the regular school day and year. The programs shall be approved by the State Board of Education, supplemental to the regular programs and designed to assist pupils who have academic needs that prevent them from succeeding in regular school programs.

- d) A teacher who provides Chapter 192 compensatory education must be an appropriately certified general education teacher.
 - e) If the district contracts with a provider for 192 services, the monthly invoices must delineate the salaries and work assignments for each of the services that the provider is providing.
3. Timely and meaningful consultation between the nonpublic school and the district must occur to discuss and consider the individual academic needs of the students who will receive services, so that appropriate services can be provided.