

New Jersey Department of Education



Chapter 14, Special Education Adoption Level

Office of Special Education

Division of Educational Services

May 1, 2024





Chapter 14



- This chapter sets forth the rules and regulations for providing students with disabilities a free, appropriate, public education.
- The Department is proposing limited amendments to ensure students continue to receive all the services to which they are entitled.





Proposed Amendments to N.J.A.C. 14



- Add a definition of "virtual instruction" to provide clarity to the term's use in N.J.A.C. 6A:14-3.9(c).
- Change the language of N.J.A.C. 6A:14-3.9(a)4 to state that physical therapy may be provided by physical therapy assistants under the supervision of the certified and, where required, licensed therapist. The reason for the change is to ensure consistency with N.J.A.C. 6A:14-5.1(c)1(iii)(2).
- Provide students with disabilities, under new N.J.A.C. 6A:14-3.9(c), the option of receiving virtual related services in the rare instance they cannot go to school because of a temporary or chronic health condition, school closure, or they are being quarantined. This option ensures continuity of services for students receiving IEP-required related services.





Considerations



- Regulations would permit, not require, related services to be provided virtually. Families and LEAs would need to determine it would be best for the student.
- The flexibility to provide related services virtually when a student is unable to attend school in-person due to a temporary or chronic medical condition will ensure continuity of services, prevent regression and allow the student to make progress toward goals and objectives in the IEP.
- Note that in this instance the administrative code already allows for students to receive virtual instruction.



Proposed Changes at Adoption Level



- Deletion of a comma in N.J.A.C 6A:14-3.9(a) that was incorrectly inserted during the editing process.
- Deletion of a hyphen in N.J.A.C. 6A:14-3.9(c)1iv that was incorrectly inserted during the editing process.
- Deletion of the phrase "pursuant to" in N.J.A.C. 6A:14-5.1(c) because it is inappropriately used. Will add "under" in its place, restoring the intended and original meaning of the rule text.



Thank You!



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