

**CHAPTER 92****EDUCATIONAL SERVICES OF THE COMMISSION  
FOR THE BLIND AND VISUALLY IMPAIRED****Authority**

N.J.S.A. 30:6-1 et seq.; 52:14B-1 et seq; and P.L. 2003, c.122.

**Source and Effective Date**

R.2003 d.444, effective October 10, 2003.  
See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

**Chapter Expiration Date**

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, expires on October 10, 2008.

**Chapter Historical Note**

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was adopted as R.1998 d.250, effective May 18, 1998. See: 30 N.J.R. 768(a), 30 N.J.R. 1824(a).

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was readopted as R.2003 d.444, effective October 10, 2003. See: Source and Effective Date. See, also, section annotations.

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SERVICES****10:92-1.1 Purpose and scope**

(a) The New Jersey Commission for the Blind and Visually Impaired operates a Statewide itinerant educational services program for eligible children which facilitates their inclusion in the least restrictive, most appropriate, educational setting. These services shall be provided in educational and/or other appropriate settings. Depending on individual needs, these services may include, but are not limited to, instruction in appropriate media, the use of specialized equipment and materials, and the use of accommodative techniques. There are three Commission education service programs, as set forth in (b) through (d) below.

(b) The itinerant education services program (reimbursement) facilitates the inclusion of children that are blind or visually impaired in the least restrictive, most appropriate, educational setting. For school aged students (aged three to 21 years), these services are provided in collaboration with local school districts through provider service agreements. The Appropriations Act for the 2002-03 fiscal year directs the State Department of Education to deduct each district's reimbursement to the Commission from its State aid payments.

(c) Specialized services are provided to infants and toddlers (aged Birth to three years), who are blind or visually impaired, as well as to their families, in partnership with the Department of Health and Senior Services through an early intervention subgrant. (By law, school districts are not responsible for children under age three, in accordance with N.J.A.C. 6A:14.)

(d) Specialized services are provided to school aged children who have significant multiple disabilities, who are blind or visually impaired, and who are not covered by reimbursement. These children include those who are enrolled in the Department of Human Services Campus Schools and those who are educated in their homes due to conditions that cause them to be medically frail.

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

In (b), substituted "2002-03" for "1997-98" preceding "fiscal year"; in (c), amended N.J.A.C. reference; rewrote (d).

**10:92-1.2 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accommodative technique" means special knowledge and skills needed by children who are blind or visually impaired to accomplish the tasks of daily living.

"Adaptive equipment" means devices designed or used specifically to meet the unique educational needs of children who are blind or visually impaired.

"Appropriate learning medium" means the communication mode that is determined to be the most appropriate learning method to use for reading and writing by a student who is blind or visually impaired.

"Augmentative communication skills" means techniques needed by students who are multi-handicapped or deaf-blind to supplement their existing forms of communication.

"Blind" see "legally blind."

"Braille" means a system of raised dots used to enable persons who are blind to read by touch.

"Compensatory skills" mean those techniques needed by individuals who are blind to complete academic program requirements. They include, but are not limited to, braille reading and writing, aural reading, organization, and personal advocacy.

"Early intervention" means a Statewide interagency program of services for infants and toddlers with disabilities and their families coordinated by the New Jersey Department of Health and Senior Services.

"Functional vision assessment" means an evaluation, conducted by a certified teacher of the blind and partially sighted, used to determine the modifications needed to maximize a student's visual efficiency in the education program.

"Itinerant instructor" means certified teachers of the blind or partially sighted who travel from school to school. They provide vision related specialized instruction and consultation to students who are blind or visually impaired.

"Least restrictive" means that, to the maximum extent appropriate, a student with a disability is educated with students who are not disabled.

"Legally blind" means central visual acuity that does not exceed 20/200 in the better eye with best correction or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 20 degrees.

"Levels of service" means three categories of educational services that are provided by the Commission, under reimbursement. For each student who is blind or visually impaired, these are determined by the Commission's instructor through assessment, visual functioning, educational needs and skill development.

"Nemeth code" means a specialized braille code used for mathematics and science.

"Provider service agreement" means a contract between the Commission and the school district defining the level of service that a student who is blind or visually impaired will receive from the Commission.

"Reimbursement" means transfer of funds by the Department of Education from a school district's State aid payments to the Commission for educational services provided to students who are blind or visually impaired.

"Technical assistance" means consultative and instructional services provided to school personnel and parents that address the disability specific needs of students who are blind and visually impaired.

"Visual acuity" means the measurement of the ability of the eye to perceive the shape of objects in the direct line of vision and to distinguish detail.

"Visual field defect" means a defect in an area of vision that moves with the eye, as the eye turns in different directions. A visual field defect may be caused by brain damage, optic nerve damage, injury to the eye, or disease of the eye.

"Visually impaired" means central visual acuity that does not exceed 20/70 in the better eye with correction and/or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 40 degrees or field cuts caused by hemianopsia.

Amended by R.2003 d.444, effective November 3, 2003.

See: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Amended "Braille", "Functional vision assessment", "Least restrictive" and "Visually impaired"; added "Compensatory skills".

## SUBCHAPTER 2. ELIGIBILITY STANDARDS FOR EDUCATIONAL SERVICES

### 10:92-2.1 Eligibility determination

(a) The purpose of eligibility determination shall be to identify children, age 21 and younger, who, because of vision loss, require special instruction and/or disability specific services from the Commission in order to be included appropriately in the education process.

(b) Eligibility for education services shall be based on the following criteria: