

CHAPTER 12

REFERRAL OF STUDENTS WITH DISABILITIES FOR ADULT EDUCATIONAL SERVICES

Authority

N.J.S.A. 18A:46-18.2 et seq. (P.L. 1986, c.32) and 30:1-12.

Source and Effective Date

R.2002 d.1, effective November 27, 2001.
See: 33 N.J.R. 3236(a), 34 N.J.R. 276(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 12, Referral of Students with Disabilities for Adult Educational Services, expires on May 26, 2007. See: 38 N.J.R. 4387(a).

Chapter Historical Note

Chapter 12, Referral of Handicapped Students for Adult Educational Services, was adopted as R.1987 d.13, effective January 5, 1987 (operative March 1, 1987). See: 18 N.J.R. 1997(a), 19 N.J.R. 124(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Referral of Handicapped Students for Adult Educational Services, was readopted as R.1992 d.37, effective December 23, 1991. See: 23 N.J.R. 2959(a), 24 N.J.R. 287(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Referral of Handicapped Students for Adult Educational Services, was readopted as R.1997 d.22, effective December 13, 1996. As part of R.1997 d.22, Chapter 12 was renamed Referral of Students with Educational Disabilities for Adult Educational Services, effective January 21, 1997. See: 28 N.J.R. 4320(a), 29 N.J.R. 350(a).

Chapter 12, Referral of Students with Disabilities for Adult Educational Services, was readopted as R.2002 d.1, effective November 27, 2001. See: Source and Effective Date. See, also, section annotations.

Administrative correction. See: 38 N.J.R. 2827(b).

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SUBCHAPTERS 1 THROUGH 2. (RESERVED)

SUBCHAPTER 3. GENERAL PROCEDURES

10:12-3.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

“Age 21” means the attainment of the 21st birthday before July 1.

“Multidisciplinary treatment team” means an evaluation team consisting of a psychologist; a learning disability teacher consultant; a social worker and any other professional who may be involved in the evaluation or treatment of a child in a State facility.

“Relevant information” means that information in the possession of and used by the multidisciplinary treatment team to ascertain the physical, mental, emotional and cultural-educational factors which contribute to the student’s disabilities, including, but not limited to:

1. Results of physical and psychological examinations performed by private and school district physicians and psychologists;
2. Relevant information presented by the parent or legal guardian and teacher;
3. School data which bear on the child’s progress including the child’s most recent individualized education program;
4. Results of the most recent examinations and evaluations performed; and
5. Results of other suitable evaluations and examinations possessed by the team.

“State facility” within the Department of Human Services means:

1. A State developmental center;
2. A State Division of Youth and Family Services’ residential center;
3. A State residential mental health center;
4. A Department of Human Services Regional Day School;
5. A State juvenile community program; or
6. An institution operated by or under contract with the Department of Human Services.

“Student” means those individuals between the ages of 18 and 21 years, residing in a State facility, which is operated by or under contract with the Department of Human Services, who have not received a high school diploma and who have been determined eligible for special education.

Amended by R.2002 d.1, effective January 7, 2002.
See: 33 N.J.R. 3236(a), 34 N.J.R. 276(a).

Deleted “Learning disability teacher consultant”, “Psychologist” and “Social worker”; rewrote “State facility”; in “Relevant information”, substituted “student’s disabilities” for “child’s handicapping condition”; and in “Student”, substituted “Department of Human Services” for “state”.

10:12-3.2 Referral process

(a) The multidisciplinary treatment team at a State facility shall provide written notice to the parent or legal guardian of a student who is placed in a facility when the student attains the age of 18, or, if the student is over the age of 18 when placed in a facility, that the student is not entitled to receive tuition free education services after the age of 21.

1. Written notice shall describe in detail the parent's or guardian's opportunity to consent to having the student's name or other relevant information forwarded in a report to the Office of Education in the Department of Human Services and the Commissioner of the Department of Human Services for the purpose of determining whether the student will likely need educational services after the age of 21 and, if so, recommending possible adult educational services.

(b) Upon the written consent of the parent or legal guardian, the multidisciplinary treatment team shall forward the student's name and other relevant information in a report to the Office of Education, Department of Human Services, for the development of a recommendation for possible adult educational services. A copy of this report shall be forwarded, by the Office of Education, to the Commissioner of the Department of Human Services and the Commissioner of the Department of Education.

(c) The multidisciplinary treatment team is not required to perform any examinations or evaluations not otherwise required by law.

(d) The Office of Education, Department of Human Services, in consultation with the Commissioner of the Department of Education or designee, shall determine whether a student will likely need adult educational services and, if the need will exist, shall recommend appropriate educational programs operated or approved by the Departments of Human Services and Education which may be available when the student attains the age of 21.

(e) The Commissioner of the Department of Human Services may conduct an additional evaluation of the student to determine if adult educational services will be needed.

(f) The program recommendations for each individual student shall be made available to the parent or guardian of the student no later than six months before the student attains the age of 21.

(g) If it is determined that a student will not require educational services beyond the age of 21, the Commissioner of the Department of Human Services, or designee, shall notify the student's parent or guardian, in writing, of the determination no later than six months before the student attains the age of 21.

(h) The Office of Education, Department of Human Services, shall compile and submit an annual report to the Departments of Human Services and Education on or before October 1 of each year.

1. The annual report shall contain the number of cases submitted to the Office of Education and the type and severity of the disabilities involved in each case.

2. The annual report shall not contain any information which particularly identifies a student.

(i) N.J.A.C. 1:1 requires that issues in dispute determined to be contested matters by the Division Director (that is, agency head) shall be referred for an Administrative Hearing by the Office of Administrative Law.

(j) N.J.A.C. 10:6 provides that disputed matters determined to be noncontested shall be entitled to review only at the discretion of the Division Director and to the extent that such is consistent with Federal and State law.

Amended by R.1997 d.22, effective January 21, 1997.
See: 28 N.J.R. 4320(a), 29 N.J.R. 350(a).
Amended by R.2002 d.1, effective January 7, 2002.
See: 33 N.J.R. 3236(a), 34 N.J.R. 276(a).
Rewrote the section.