

CHAPTER 91**ORGANIZATION AND GENERAL POLICY PROVISIONS OF THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED****Authority**

N.J.S.A. 30:1-12, 30:6-1 et seq. and 52:14B-3(1) et seq.; 29 U.S.C. §701 et seq.; and 34 CFR Parts 74, 76-80, 361 and 395.

Source and Effective Date

R.2005 d.379, effective October 12, 2005. .
See: 37 N.J.R. 2343(a), 37 N.J.R. 4261(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 91, Organization and General Policy Provisions of the Commission for the Blind and Visually Impaired, expires on April 10, 2011. See: 42 N.J.R. 2363(a).

Chapter Historical Note

Chapter 91, State Plan on Services to Families and Children, became effective prior to September 1, 1969.

Chapter 91, State Plan on Services to Families and Children, was repealed by R.1982 d.317, effective September 20, 1982. See: 14 N.J.R. 744(a), 14 N.J.R. 1057(b).

Chapter 91, Organization and General Policy Provisions of the Commission for the Blind and Visually Impaired, was adopted as new rules by R.1990 d.432, effective September 4, 1990. See: 21 N.J.R. 2753(a), 22 N.J.R. 2716(a).

Chapter 91, Organization and General Policy Provisions of the Commission for the Blind and Visually Impaired, was repealed and Chapter 91, Organization and General Policy Provisions of the Commission for the Blind and Visually Impaired, was adopted as new rules by R.1995 d.425, effective August 7, 1995. See: 27 N.J.R. 1931(a), 27 N.J.R. 2909(a).

Pursuant to Executive Order No. 66(1978), Chapter 91, Organization and General Policy Provisions of the Commission for the Blind and Visually Impaired, was readopted as R.2000 d.313, effective July 6, 2000. See: 32 N.J.R. 1482(a), 32 N.J.R. 2902(a).

Chapter 91, Organization and General Policy Provisions of the Commission for the Blind and Visually Impaired, was readopted by R.2005 d.379, effective October 12, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PURPOSE AND SCOPE OF COMMISSION SERVICES**10:91-1.1 Administration of the Commission**

(a) The Commission for the Blind and Visually Impaired (the Commission) is an integral part of the Department of Human Services.

(b) The Commission's entire service delivery system is vested in one Statewide, three regional, and one satellite offices. The Statewide office provides Statewide vocational

and specialized services. Educational, adaptive living skills, prevention and vocational rehabilitation services are provided through the regional, and satellite office. The three regions are: Northern, which includes Bergen, Essex, Hudson, Morris, Passaic, Sussex and Warren Counties; Central, which includes Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset and Union Counties; and Southern, which includes Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem Counties.

(c) The Commission is coordinated by an Administrative Office, located in Newark, that includes staff headed by an Executive Director appointed by the Commissioner of Human Services. The Administrative Office provides support functions to the Statewide, regional, and satellite offices. Some of these functions are policy and procedure development and publication, management and fiscal services, contract and information system services, monitoring and staff training. Documents referred to in this chapter shall be available to the public upon request in the media of choice. Such requests shall be made in writing and directed to the attention of the Executive Director, New Jersey Commission for the Blind and Visually Impaired, 153 Halsey St., PO Box 47017, Newark, New Jersey 07101.

(d) The Commission licenses and supervises vending stands at various locations throughout the State, the majority of which are in governmental buildings (see: N.J.A.C. 10:97).

(e) In addition, the Commission operates:

1. The Joseph Kohn Rehabilitation Center;
2. The George F. Meyer Instructional Resource Center; and
3. Camp Marcella, a summer camp for blind and visually impaired children.

Amended by R.2000 d.313, effective August 7, 2000.
See: 32 N.J.R. 1482(a), 32 N.J.R. 2902(a).

In (b), changed "four" to "three" throughout, removed reference to the Metropolitan region, added Essex County to the Northern region, and added Somerset and Union Counties to the Central region; in (c), replaced "Policy and procedural manuals, and all other documents" with "Documents".

Amended by R.2001 d.349, effective October 1, 2001.
See: 33 N.J.R. 2066(a), 33 N.J.R. 3449(a).

In (c), inserted "and Visually Impaired" following "Blind".

10:91-1.2 Definitions

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

"Accommodation" means a process by which a person with a visual impairment uses alternative techniques.

"Active status" means that a person has been found eligible to receive Commission services.

"Adaptive skills" means those skills which will enable a visually impaired person to perform tasks that normally involve the use of the visual sense.

"Ancillary caseworker" means a Commission staff person who is providing services to a client but is not the client's primary caseworker.

"Applicant" means a person who has completed the agency's application for service form, but has not yet been found either eligible or ineligible for placement into active status.

"Best correction" means the optimal visual acuity which a person can attain after their visual functioning is evaluated and corrected by an eye practitioner.

"Blind" see legally blind.

"Client" refers to a person who has been found eligible to receive Commission services.

"Comparable services" means any service or financial assistance for the same services from any other source(s); also known as similar benefits.

"Competitive employment" means work in the competitive labor market that is performed on a full or part time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by an employer for the same or similar work performed by individuals who are not disabled.

"Contested case" means an adversary proceeding, including any licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing (see N.J.S.A. 52:14B-2). The required hearing must be designed to result in an adjudication concerning the rights, duties, obligations, privileges, benefits or other legal relations of specific parties over which there exist disputed questions of fact, law or disposition relating to past, current or proposed activities or interests. Contested cases are neither informational nor intended to provide a forum for the expression of public sentiment on proposed agency action or broad policy issues affecting entire industries or large, undefined classes of people.

"Daily living skills" means those skills which a person learns that enables them to perform personal care activities, for example, dressing, washing and shopping.

"Developmentally disabled" means a severe, chronic disability of a person which is attributable to a mental or physical impairment or combination of mental or physical impairment that is manifest before age 22, is likely to