

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

N.J.S.A. 30:6-1 et seq. and P.L. 1997, c.131.

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SUBCHAPTER 1. OVERVIEW OF EDUCATIONAL 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 and visually impaired in the least restrictive, most appropriate, educational setting. For school aged students (ages three to 21), these services are provided in collaboration with local school districts through provider service agreements. The Appropriations Act for the 1997/98 fiscal year directs the State Department of Education to deduct each district's reimbursement to the Commission for the Blind and Visually Impaired from its State aid payments.

(c) Specialized services are provided to infants and toddlers (ages birth to three), who are blind and 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. 6:28.)

(d) Specialized services are provided to very severely multi-handicapped blind and visually impaired school aged children who are not covered by reimbursement, such as day training eligible students, children in Department of Human Services programs or facilities and students attending a school for the blind.

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 blind persons to read by touch.

“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 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 who is blind or visually impaired is educated with children who have similar learning needs, but who do not have visual impairments.

“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 visual acuity that may range from 20/70 to 20/200 in the better eye with correction.

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:

1. Children whose best corrected visual acuity is 20/70 or less in the better eye and children with severe visual field defects are eligible for educational services.
2. Children must be 21 years of age or younger and have not completed secondary school.
3. Children must meet the residency requirements as set forth in N.J.A.C. 10:91-2.5.
4. Children who meet the Commission’s visual eligibility standard need not be classified educationally handicapped by their local board of education to be eligible for Commission services.

(c) The Commission, as a condition of continued eligibility, may require within 90 days of parental notification, updated eye information on a periodic basis or when there is evidence of a change in visual function.

10:92-2.2 Notification of ineligibility

(a) The Commission shall notify by mail the parent or guardian of any child who applied or was referred for Commission education services whenever such child has been found to be ineligible.

(b) In the event that a school district does not enter into a provider service agreement with the Commission, the parent or guardian shall be notified in writing that their school district has not requested educational services from the Commission.