

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. 2007, c. 111.

Source and Effective Date

R.2009 d.111, effective March 12, 2009.
See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, expires on September 8, 2016. See: 48 N.J.R. 627(a).

Chapter Historical Note

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was adopted as new rules by 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: 35 N.J.R. 1635(a), 35 N.J.R. 5106(a).

Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was readopted as R.2009 d.111, effective March 12, 2009. As a part of R.2009 d.111, Subchapter 4, Loan and Provision of Materials, Aids, and Equipment was renamed Loan and Provision of Materials, Aids and Equipment, effective April 6, 2009. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 92, Educational Services of the Commission for the Blind and Visually Impaired, was scheduled to expire on March 12, 2016. See: 43 N.J.R. 1203(a).

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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 administered through provider service agreements 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 through 21 years), these services are provided in collaboration with local school districts through provider service agreements. The Appropriations Act for the 2007-08 fiscal year directs the State Department of Education to reduce each district's State aid by a determined contract amount, in order to reimburse the Commission for services rendered.

(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. (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/or who are not covered by provider service agreements. These children include those who are enrolled in the Department of Children and Families Regional Schools and students who are determined wards of the State.

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).

Amended by R.2009 d.111, effective April 6, 2009.
See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Rewrote (b); in (c), deleted ", in partnership with the Department of Health and Senior Services through an early intervention subgrant" following "families"; and in (d), substituted "and/or" for a comma following "impaired", "provider service agreements" for "reimbursement",

and “Children and Families Regional Schools and students who are determined wards of the State” for “Human Services Campus Schools and those who are educated in their homes due to conditions that cause them to be medically frail”.

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.

“Alternative skills” mean those techniques needed by individuals who are blind or visually impaired to complete academic program requirements. They include, but are not limited to, braille reading and writing, aural reading, organization, and personal advocacy.

“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.

“Early intervention” means an agency program of services for infants and toddlers ages birth to three with blindness or visual impairment and their families.

“Functional vision assessment” means an evaluation, conducted by a certified Teacher of the Blind or Visually Impaired or Teacher of Students with Disabilities, used to determine the modifications needed to maximize a student’s visual efficiency in the education program.

“Itinerant instructor” means certified Teacher of the Blind or Visually Impaired or Teacher of Students with Disabilities, who travel from school to school. They provide blindness and visual impairment-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 four categories of educational services that are provided by the Commission, through provider agreements. 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. Payment for these services is made through the transfer of funds by the Department of Education from a school district’s State aid payments to the Commission.

“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.

“Ward of the State” means as defined in N.J.A.C. 6A:14-1.3.

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”.
Amended by R.2009 d.111, effective April 6, 2009.

See: 40 N.J.R. 4491(a), 41 N.J.R. 1486(b).

Added definitions “Alternative skills” and “Ward of the State”; deleted definitions “Compensatory skills” and “Reimbursement”; and rewrote definitions “Early intervention”, “Functional vision assessment”, “Itinerant instructor”, “Levels of service” and “Provider service agreement”.

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.