

CHAPTER 12**REFERRAL OF STUDENTS WITH EDUCATIONAL DISABILITIES FOR ADULT EDUCATIONAL SERVICES****Authority**

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

Source and Effective Date

R.1997 d.22, effective December 13, 1996.
See: 28 N.J.R. 4320(a), 29 N.J.R. 350(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 12, Referral of Students with Educational Disabilities for Adult Educational Services, expires on June 11, 2002. See: 33 N.J.R. 3236(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 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. See: Source and Effective Date. 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, also, section annotations.

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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.

“Learning disability teacher consultant” means an individual who possesses a learning disability teacher consultant

certificate issued by the New Jersey Department of Education.

“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.

“Psychologist” means an individual who possesses a school psychologist certificate issued by the New Jersey Department of Education.

“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 child’s handicapping condition, 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.

“Social worker” means an individual who possesses a school social worker certificate issued by the New Jersey Department of Education.

“State facility” means a state facility for the retarded; a day training center which is operated by or under contract with the state and in which all the children have been placed by the state including a private school approved by the Department of Education which is operated under contract with the Bureau of Special Residential Services in the Division of Developmental Disabilities in the Department of Human Services; a state residential youth center; a state training school or correctional facility; a state child treatment center or psychiatric hospital.

“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 state, who have not received a high school diploma and who have been determined eligible for special education.

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 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 consistent with N.J.A.C. 6:28.

(b) The multidisciplinary treatment team shall be composed of those State facility professionals routinely involved in the educational evaluation of school-age students.

1. The multidisciplinary treatment team shall evaluate students no later than six months before the student attains the age of 21.

2. The multidisciplinary treatment team shall act in consultation with any other professional staff member(s) or consultant(s) deemed appropriate by the multidisciplinary treatment team.

(c) 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 adult educational services. A copy of this report shall be forwarded, by the Office of Education, to the Commissioner of Human Services and the Commissioner of Education.

(d) The report shall contain such information as defined in N.J.A.C. 6:28, which contributes to the evaluation of the student's educational disabilities, including, but not limited to:

1. Results of physical and psychological examinations;
2. Relevant information presented by the parent or legal guardian and teacher;
3. Most recent individualized education plan;
4. Results of most recent examinations and evaluations performed.

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

(f) The Office of Education, Department of Human Services, in consultation with the Commissioner of Education or his designee, shall determine whether a student may need adult educational services and, if the need exists, 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.

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

(h) 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.

(i) If it is determined that a student will not require educational services beyond the age of 21, the Commissioner of Human Services, or his 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.

(j) The Office of Education, Department of Human Services, shall compile and submit an annual report to the Departments of Human Services and Education on October 1, 1987 and thereafter 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 educational disabilities involved in each case.

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

(k) N.J.A.C. 1:1-1.1 et seq. 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.

(l) N.J.A.C. 10:6-2.1 provides that disputed matters determined to be non-contested 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).