



100 South Jefferson Road ■ Suite 200 ■ Whippany, New Jersey 07981

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Please Reply to Whippany Office

March 27, 2015

VIA FEDERAL EXPRESS

New Jersey Council on Local Mandates
135 West Hanover Street
Trenton, NJ 08625

Nathanya G. Simon

NSimon@sseclaw.com

**RE: In re Complaint Filed By Rockaway Township
Board of Education – New Jersey Dyslexia
Law**

Dear Council Members:

This office represents Complainant, the Rockaway Township Board of Education (“Board”). Enclosed, please find a Complaint, and accompanying/supporting documentation attached thereto, challenging several laws enacted in 2013 imposing requirements on local boards of education regarding students with dyslexia including L. 2013, c. 131 (N.J.S.A. 18A:46-55); L. 2013, c. 105 (N.J.S.A. 18A:6-130 to -131); L. 2013, c. 210 (N.J.S.A. 18A:40-5.1 to -5.4) (“2013 dyslexia laws”) as unfunded mandates. The purpose of this letter brief is to offer additional information in support of the Board’s Complaint.

The Council on Local Mandates (“Council”) is empowered to resolve any dispute regarding whether a statute, rule, or regulation constitutes an unfunded mandate. N.J.S.A. 52:13H-12. An “unfunded mandate” is a statute, rule, or regulation that “does not authorize resources to offset the additional direct

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expenditures required for the implementation of the law or the rule or regulation, shall cease to be mandatory in its effect and shall expire.” N.J.S.A. 52:13H-2.

This Council has previously deemed various State education laws and regulations to be unfunded mandates. See, e.g., In re Complaint Filed by Allamuchy Twp. Bd. of Educ., Council on Local Mandates, (May 1, 2012), <http://www.state.nj.us/localmandates/decisions/Allamuchy.html> (determining that various provisions of P.L. 2010, c.122, the “Anti-Bullying Bill of Rights,” constitute unfunded mandates); In re Complaint Filed By Highland Park Bd. of Educ., Council on Local Mandates, (May 11, 2000), <http://nj.gov/localmandates/decisions/hpbe.html> (determining that an amendment to N.J.A.C. 6A:11-12 changing the funding formula utilized to determine the amount of money paid by school boards to a charter schools constituted an unfunded mandate).

In the instant Complaint, the Board is challenging the 2013 legislation which implemented several new statutory provisions relative to dyslexia. These statutory provisions imposed new requirements on local boards of education regarding the identification and provision of services to students with dyslexia, as well as professional development requirements, without providing dedicated funding for same. Therefore, it is the Board’s position that the new statutory provisions constitute unfunded mandates.

Specifically, N.J.S.A. 18A:46-55 (L. 2013, c. 131) required the State Board of Education to promulgate regulations incorporating the International Dyslexia Association's definition of dyslexia into chapter 14 of Title 6A of the New Jersey Administrative Code.

As a result, the State Board amended N.J.A.C. 6A:14-1.3 to define dyslexia as:

a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

See 46 N.J.R. 1996(a); 47 N.J.R. 419(a).

A student must be determined eligible and classified "eligible for special education and related services" when a student has a "specific learning disability" including conditions such as dyslexia[.]" N.J.A.C. 6A:14-3.5(c).

Furthermore, N.J.S.A. 18A:6-130 to -131 (L. 2013, c. 105) requires a minimum of two (2) professional development hours each year for multiple teaching staff members on "the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dyslexia." N.J.S.A. 18A:6-131.

Moreover, N.J.S.A. 18A:40-5.1 to -5.4 (L. 2013, c. 210) requires school boards to ensure that students who exhibit one or more "potential indicators of dyslexia" are screened no later than the completion of the first semester of second grade and to implement certain screening instruments. N.J.S.A. 18A:40-5.2 , -5.3. Despite the requirement, there has also been no specific guidance promulgated to offer appropriate screening tools for districts to use. As a result, it can be anticipated that the school district will receive multiple requests from parents for a myriad of different assessments to be used as screening tools, with no funding provided to offset costs.

The State does not provide funding to offset the additional direct expenditures on local boards of education now required (1) to provide the requisite services to the expanded number of students receiving special education services as a result of N.J.S.A. 18A:46-55 and the amendment to N.J.A.C. 6A:14-1.3, (2) to provide the requisite annual professional training regarding dyslexia under N.J.S.A. 18A:6-131, or (3) to implement the requisite dyslexia screening under N.J.S.A. 18A:40-5.1 to -5.4. Instead, the Board must fulfill its obligations regarding dyslexia utilizing monies obtained through the local property tax or other local revenues.

The aforementioned dyslexia requirements impose a substantial financial burden on the Board, and all school districts in the State, without any specific funding provided to offset those local expenditures. For example, the Board has already paid approximately \$164,431.70 to implement these provisions for the 2013-2014 and 2014-2015 school years. The Board also estimates costs of \$174,577.70 to implement these provisions for the 2015-2016 school year and moving forward. These costs include identification/screening expenses, salary and benefits for appropriately certificated full time and part time staff to provide instruction, professional development costs, and additional costs relative to materials and programs to be provided.

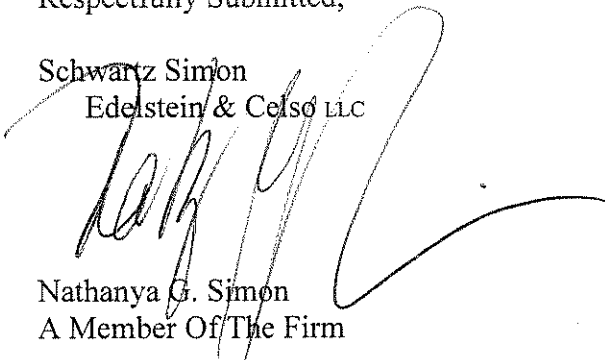
As set forth more fully above, there is no dedicated funding provided to offset these costs, and the Board is in turn forced to enact local measures in order to comply with the statutes. The lack of dedicated State funding to reimburse local school boards for their significant direct expenditures required to implement the 2013 dyslexia laws results in those provisions constituting unfunded mandates under N.J.S.A. 52:13H-2 and N.J. Const. Art. VIII Sec. 2, Par. 5. Therefore, we respectfully request that the Council find the 2013 dyslexia laws and their

implementing regulations to be unfunded mandates, for which financial relief is issued.

Thank you for your consideration in this matter.

Respectfully Submitted,

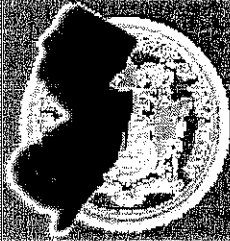
Schwartz Simon
Edelstein & Celso LLC


Nathanya G. Simon
A Member Of The Firm

NGS:kjt

Enclosures

cc: Dr. Deborah Grefe, Superintendent
Members of the Rockaway Township Board of Education
Donnamarie Palmiere, School Business Administrator



State of New Jersey Council on Local Mandates Complaint

The form is to be completed and signed by the Claimant's attorney or other authorized representative, identified under Part I (B).

I (A) Information regarding the Claimant (include title if a County Executive or Mayor)

Name of Claimant (and title if applicable):

Claimant contact information:

Mailing Address:

City: State: Zip Code:

Phone: Fax:

E-mail address:

I (B) Name of person preparing this document and title or relationship to Claimant (e.g. legal counsel, business administrator, superintendent)

Name:

Title/Relationship:

Contact information for person identified in Part I (B)

Mailing Address:

City: State: Zip Code:

Phone: Fax:

E-mail Address:

II. The Complaint

1. Claimant alleges that the following statute, rule, or regulation is an unfunded mandate in violation of the New Jersey Constitution, article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2, because it does not authorize resources, other than the property tax, to offset the additional direct expenditures required for its implementation:

2. The above-cited statute, rule, or regulation became effective on:

3. The following is the basis for the claim made herein that the statute, rule, or regulation identified in paragraph II (1) is an unfunded mandate:

N.J.S.A. 18A:46-55 (L. 2013, c. 131) requires the State Board of Education to promulgate regulations incorporating the International Dyslexia Association's definition of dyslexia into chapter 14 of Title 6A of the New Jersey Administrative Code. The State Board amended N.J.A.C. 6A:14-1.3 to define dyslexia as "a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. See 46 N.J.R. 1996(a); 47 N.J.R. 419(a). A student must be determined eligible and classified "eligible for special education and related services" when a student has a "specific learning disability" including conditions such as dyslexia[.]" N.J.A.C. 6A:14-3.5(c). This statutory mandate expanded the number of students receiving special education services in the District without authorizing any resources to offset the additional direct expenditures to provide those services.

N.J.S.A. 18A:6-130 to -131 (L. 2013, c. 105) requires a minimum of two professional development hours each year for various teaching staff members on "the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dylexia." N.J.S.A. 18A:6-131. This statutory mandate imposed additional professional development training requirements on the Board without authorizing any resources to offset the additional direct expenditures for providing that training.

18A:40-5.1 to -5.4 (L. 2013, c. 210) requires school boards to ensure that students who exhibit one or more "potential indicators of dyslexia" are screened no later than the completion of the first semester of second grade and to implement certain screening instruments. N.J.S.A. 18A:40-5.2, -5.3. This statutory mandate imposed additional training and screening costs on the Board without authorizing any resources to offset the additional direct expenditures for implementing such screening.

Note: The text provided in paragraph II (3) is to be used for the Pleading Summary published on the Council's web site. If more space is needed, please attach additional sheet(s).

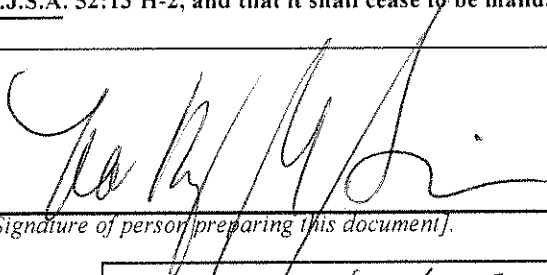
4. State Claimant's estimate of the additional direct expenditures required to implement the statute, rule or regulation identified in paragraph II (1), together with:
- a description of the frequency of the estimated expenses (i.e. annual, monthly), and
 - a specification of the basis for the estimate.

The Board estimates annual expenditures of approximately \$174,577.70 to implement the dyslexia provisions. It will pay approximately \$123,054.90 annually to employ a full-time Dyslexia Teacher and a part-time Dyslexia Teacher to provide the required services to its dyslexic students. The cost to employ the full-time Dyslexia Teacher will include \$77,575.00 in salary, \$11,625.36 in health benefits, and \$34.54 in travel expenses between schools during 2014-15. The cost to employ the part-time Dyslexia Teacher will include \$23,674.00 during 2014-15 (\$33,820.00 annual salary prorated for a 12/1/2014 start date).

The Board will also expend approximately \$5,000 annually for professional development on dyslexia. It expended \$2,000 for a speaker to present a workshop on dyslexia on 9/2/2014, and \$3,000 for another speaker to present on dyslexia awareness on 9/3/2014.

Finally, the Board will also expend approximately \$46,522.80 annually on services and curriculum and instruction material for its dyslexic students. It paid \$28,095.30 for phonics instruction kits for dyslexic students in 2014-15. It paid \$18,025.00 for dyslexia services provided to identified students during the 2013-14 school year, and \$402.50 for substitute services between the beginning of 2014-15 school year and December 2014.

Note: If more space is needed, please attach additional sheet(s).

<p>5. Does Claimant seek injunctive relief? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/></p> <p style="margin-left: 40px;">If yes, on attached sheet(s), provide a description of the nature and extent of imminent irreparable injury that will result to Claimant in the absence of injunctive relief.</p>	
<p>6. Claimant attaches:</p> <p><input checked="" type="checkbox"/> Resolution (of county/municipal governing body or of board of education), which is incorporated herein by reference, <i>or</i></p> <p><input type="checkbox"/> Copy of notice of intention to file a complaint provided to governing body.</p>	
<p>WHEREFORE, Claimant demands judgment by the Council that the statute, rule, or regulation identified in paragraph II (1) above is an unfunded mandate pursuant to the New Jersey Constitution, Art. VIII, § 2, ¶ 5 and N.J.S.A. 52:13 H-2, and that it shall cease to be mandatory in effect and expire.</p>	
<div style="border-bottom: 1px solid black; margin-bottom: 5px;">  </div> <p><i>[Signature of person preparing this document].</i></p> <p>Date: 3/27/15</p>	<div style="border-bottom: 1px solid black; margin-bottom: 5px;"> <p>Nathanya G. Simon</p> </div> <p>Name (typed or printed) of person signing</p> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"> <p>Board Counsel</p> </div> <p>Title (typed or printed) of person signing</p>
<p>Total number of attached pages: ~80</p>	

Print Form

2. Attached hereto as **Exhibit A** is a true and accurate copy of the Board resolution authorizing the filing of this Complaint.

3. Attached hereto as **Exhibit B** is a true and accurate copy of a summary of the Board's expenditures related to the implementation of the 2013 dyslexia laws.

4. Attached hereto as **Exhibit C** is a true and accurate copy of the Payroll Check Registers for Susan Andrews, the appropriately certified teacher providing full-time dyslexia services and supporting documentation regarding her salary and the cost to provide her with benefits.

5. Attached hereto as **Exhibit D** is a true and accurate copy of the Payroll Check Registers for Alison Denero, the appropriately certified teacher providing part-time dyslexia services.

6. Attached hereto as **Exhibit E** is a true and accurate copy of the Board Voucher and supporting documentation for the September 2, 2014 staff professional development workshop regarding dyslexia presented by Nelson Lauver.

7. Attached hereto as **Exhibit F** is a true and accurate copy of the invoice and supporting documentation for the September 3, 2014 staff professional development workshop regarding dyslexia presented by Dr. Gordon Sherman.

8. Attached hereto as **Exhibit G** is a true and accurate copy of the invoice for the Primary Phonics Instruction Kit and other material utilized in fulfilling the Board's obligations regarding dyslexia.

9. Attached hereto as **Exhibit H** is a true and accurate copy of the invoice for the Project Read Material Phonics and Applied Writing material utilized in fulfilling the Board's obligations regarding dyslexia.

10. Attached hereto as **Exhibit I** is a true and accurate copy of the documentation summarizing the Board's payments to E C Russo Educational Services LLC for dyslexia-related services.

11. Attached hereto as **Exhibit J** is a true and accurate copy of P.L. 2013, c. 131 and N.J.S.A. 18A:46-55.

12. Attached hereto as **Exhibit K** is a true and accurate copy of N.J.A.C. 6A:14-1.3 and N.J.A.C. 6A:14-3.5.

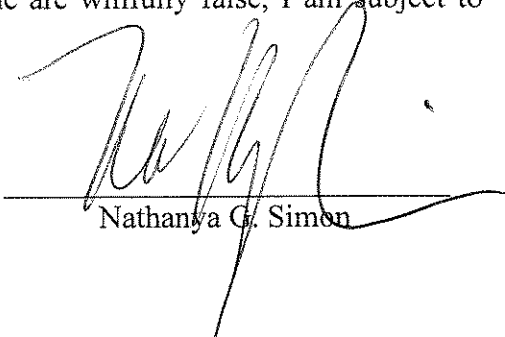
13. Attached hereto as **Exhibit L** is a true and accurate copy of 46 N.J.R. 1996(a), part of the regulatory history of N.J.A.C. 6A:14, *Special Education*.

14. Attached hereto as **Exhibit M** is a true and accurate copy of 47 N.J.R. 419(a), part of the regulatory history of N.J.A.C. 6A:14, *Special Education*.

15. Attached hereto as **Exhibit N** is a true and accurate copy of P.L. 2013, c. 105 and N.J.S.A. 18A:6-130 to -131.

16. Attached hereto as **Exhibit O** is a true and accurate copy of P.L. 2013, c. 210 and N.J.S.A. 18A:40-5.1 to -5.4.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Nathanya G. Simon

Dated: March 27, 2015

EXHIBIT A

**EXTRACT FROM THE MINUTES OF A MEETING OF
THE ROCKAWAY TOWNSHIP BOARD OF EDUCATION
MORRIS COUNTY, NEW JERSEY,
AS RECORDED IN THE OFFICIAL MINUTE BOOK**

The Rockaway Township Board of Education held a regular voting meeting on Wednesday, March 18, 2015 at 6:10 PM at the Copeland Middle School, Lakeshore Drive, Rockaway, New Jersey.

The following members of the Board of Education were present: Mr. Babcock, Mrs. Chabala, Mrs. Chirico, Mrs. Maluszczyk, Mr. Press, Mrs. Salny and Dr. Kurland.

The following resolution was offered by Mrs. Salny seconded by Mrs. Maluszczyk. On a Roll Call Vote on recommendation all present voting yes, motion so carried.

WHEREAS, the State of New Jersey has issued unfunded mandates requiring expenses relating to identification and services for students with reading disorders, students who are considered gifted and talented, a greatly expanded teacher evaluation system (Teach NJ), a curriculum that is based upon the Common Core Content Standards, and Statewide testing (PARCC) assessment technology; and

WHEREAS, the Rockaway Township Board of Education has spent and will continue to spend no less than one million dollars (\$1,000,000.00) for these mandates to be implemented, with more anticipated to be spent annually; and

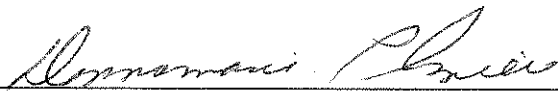
WHEREAS, the "State Mandate-State Pay" Amendment to the New Jersey Constitution was approved by the voters in November 1995; and

WHEREAS, the State of New Jersey established a Council on Local Mandates to review and consider the issue of unfunded mandates, and, upon the filing of a Complaint, to issue relief;

NOW, THEREFORE, BE IT RESOLVED THAT the Rockaway Township Board of Education does authorize the filing of a Complaint with the State of New Jersey Council on Local Mandates for each of the above areas of unfunded mandates for funding for same on a retroactive and prospective basis.

STATE OF NEW JERSEY)
Ss)
COUNTY OF MORRIS)

I, Donnamarie Palmiere, Board Secretary of Rockaway Township Board of Education, in the County of Morris, State of New Jersey, hereby certify that the foregoing extract from the minutes of the meeting of the Board of Education of said district duly called and held March 18, 2015, has been compared by me with original minutes as officially recorded in office in the minute book of said Rockaway Township Board of Education and is a true, complete copy thereof and of the whole of said original minutes so far as the same relates to the subject matter referred to in said extract in witness I have here set my hand and affixed the corporate seal of said Board of Education this 19th day of March 2015.



DONNAMARIE PALMIERE, Board Secretary

EXHIBIT B

DYSLEXIA LAW

2013-2014	E C Russo Educational Services LLC	\$ 18,025.00	Dyslexia services provided to identified students
2014-2015	E C Russo Educational Services LLC	\$ 402.50	Substitute services (Year to date Dec 2014)
2014-2015	Susan Andrews - Salary	\$ 77,575.00	Full Time Dyslexia Teacher
	Susan Andrews - Health Insurance	\$ 11,625.36	
	Susan Andrews - Travel	\$ 34.54	Year to date Dec 2014 Travel between buildings
2014-2015	Alison Denero - Salary	\$ 23,674.00	Salary \$33,820 - prorated start date of 12/1/14

Professional Development:

9/2/2014	Nelson Lauver Workshop Speaker	\$ 2,000.00	Speaker - Dyslexia
9/3/2014	The Newgrange School of Princeton	\$ 3,000.00	Speaker - Dyslexia Awareness

Project Read Materials:

Language Circle Enterprise	\$ 28,095.30
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District Costs

\$ 164,431.70

EXHIBIT C

Payroll Check Register for ANDREWS, SUSAN

vp_dpcr.082610
12/31/2014

for the 2014 year

Chk #	Chk Date	Run	Employee Name/Number	Loc/Dept	Pay Line	Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
251642	09/15/2014	1	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,140.89	202.45	0.00	0.00	2,535.41	0.00
	Ck.Desc/Amt		EARN/3,878.75	FICA/227.93	MEDI/53.31	SUI/16.48	NJA/155.54	F.L.I./3.88				
	Ck.Desc/Amt		FED/683.75									
	Ck.Desc/Amt		FBCC/191.82									
251733	09/30/2014	1	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,140.89	265.61	0.00	0.00	2,472.25	2,472.25
	Ck.Desc/Amt		EARN/3,878.75	FICA/227.93	MEDI/53.31	SUI/16.48	NJA/155.54	F.L.I./3.88				
	Ck.Desc/Amt		FBCC/191.82									
252325	10/15/2014	1	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,024.26	829.16	0.00	0.00	2,025.33	2,025.33
	Ck.Desc/Amt		EARN/3,878.75	FED/561.03	FICA/230.51	MEDI/53.91	SUI/16.48	NJA/158.45		F.L.I./3.88		
	Ck.Desc/Amt		PENS/268.41	BKPPENS/264.10	BKCI/15.52	FLXD/10.63	NJEA/63.16	FBCC/191.82				
252939	10/31/2014	2	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,024.26	829.15	0.00	0.00	2,025.34	2,025.34
	Ck.Desc/Amt		EARN/3,878.75	FED/561.03	FICA/230.51	MEDI/53.91	SUI/16.48	NJA/158.45		F.L.I./3.88		
	Ck.Desc/Amt		PENS/268.41	BKPPENS/264.10	BKCI/15.51	FLXD/10.63	NJEA/63.16	FBCC/191.82				
253555	11/14/2014	1	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,090.28	784.94	0.00	0.00	2,003.53	2,003.53
	Ck.Desc/Amt		EARN/3,878.75	FED/627.05	FICA/230.51	MEDI/53.91	SUI/16.48	NJA/158.45		F.L.I./3.88		
	Ck.Desc/Amt		PENS/268.41	FLXD/10.63	PRUI/235.40	NJEA/63.16	FBCC/191.82					
254180	11/26/2014	1	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,090.28	656.54	0.00	0.00	2,131.93	2,131.93
	Ck.Desc/Amt		EARN/3,878.75	FED/627.05	FICA/230.51	MEDI/53.91	SUI/16.48	NJA/158.45		F.L.I./3.88		
	Ck.Desc/Amt		PENS/268.41	FLXD/10.63	PRUI/107.00	NJEA/63.16	FBCC/191.82					
255426	12/15/2014	2	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,090.28	656.54	0.00	0.00	2,131.93	2,131.93
	Ck.Desc/Amt		EARN/3,878.75	FED/627.05	FICA/230.51	MEDI/53.91	SUI/16.48	NJA/158.45		F.L.I./3.88		
	Ck.Desc/Amt		PENS/268.41	FLXD/10.63	PRUI/107.00	NJEA/63.16	FBCC/191.82					
256051	12/23/2014	1	ANDREWS, SUSAN/ 5909	95/23	1	3,878.75	1,090.28	656.54	0.00	0.00	2,131.93	2,131.93
	Ck.Desc/Amt		EARN/3,878.75	FED/627.05	FICA/230.51	MEDI/53.91	SUI/16.48	NJA/158.45		F.L.I./3.88		
	Ck.Desc/Amt		PENS/268.41	FLXD/10.63	PRUI/107.00	NJEA/63.16	FBCC/191.82					

Salary = \$77,575.00
 Single Plan = 701.58
 249.48
 1051.06
 Refund applied

Dental = 17.72

Run on 12/23/2014 at 11:16:37 AM

Payroll Check Register for ANDREWS, SUSAN

for the 2014 year

Chk #	Chk Date	Run	Employee Name/Number	Loc/Dept	Pay Line	Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
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Totals for 8 Checks							31,030.00	8,691.42	4,880.93	0.00	0.00	17,457.65	14,922.24
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Summary :

# of Employees	1											
# of TPAF Employees	1	# of Female Employees	1	# of Married Employees	0							
# of PERS Employees	0	# of Male Employees	0	# of Single Employees	1							
# of DCRP Employees	0											
# of Other Employees	0											

I hereby certify that the employees included in the above payroll, have performed their duties in accordance with the terms and conditions of their employment by the Board of Education.

Board President

BA/Board Secretary

Superintendent

Treasurer

ROCKAWAY TOWNSHIP BOARD OF EDUCATION

Insurance Rates 2014-2015

	PER MONTH		ANNUAL	
	SINGLE	FAMILY	SINGLE	FAMILY
Horizon POS	\$ 701.58	\$ 1,696.35	\$ 8,418.96	\$ 20,356.20
Benecard	\$ 249.48	\$ 603.21	\$ 2,993.76	\$ 7,238.52
Dental	\$ 35.44	\$ 107.06	\$ 425.28	\$ 1,284.72
Employee Share Dental	\$ (17.72)	\$ (53.53)	\$ (212.64)	\$ (642.36)
	<u>\$ 968.78</u>	<u>\$ 2,353.09</u>	<u>\$ 11,625.36</u>	<u>\$ 28,237.08</u>
Traditional	\$ 1,129.80	\$ 2,698.66	\$ 13,557.60	\$ 32,383.92
Dental	\$ 35.44	\$ 107.06	\$ 425.28	\$ 1,284.72
Employee Share Dental	\$ (17.72)	\$ (53.53)	\$ (212.64)	\$ (642.36)
	<u>\$ 1,147.52</u>	<u>\$ 2,752.19</u>	<u>\$ 13,770.24</u>	<u>\$ 33,026.28</u>

Kockaway Township Board of Education

Purchase Orders issued against ANDREWS; SUSAN

va_pdel4
12/23/2014

Vendor	PO #	Account #	Invoice#	Control #	Commit	Original	Check#	Check Date	Payments	Invoiced	Cancelled/ Credited	Voided	Open
<i>Payment Details :</i>													
5629/ANDREWS; SUSAN	151486	11-000-222-580-80-010-			10/21/14	13.30	13.30	13.30	13.30	0.00	0.00	0.00	0.00
<i>Payment Details :</i>													
	151606	11-000-222-580-80-010-	REIMBURSEMENT		10/31/14	21.24	136864	11/19/2014	21.24	13.30	0.00	0.00	0.00
<i>Payment Details :</i>													
			REIMBURSEMENT			21.24	137088	12/10/2014	21.24	21.24	0.00	0.00	0.00
Totals for 2 POs issued against ANDREWS; SUSAN													
						34.54		34.54	34.54	0.00	0.00	0.00	0.00
Grand Totals for 1 Vendors													
						34.54		34.54	34.54	0.00	0.00	0.00	0.00

EXHIBIT D

Payroll Check Register for DENERO, ALISON

for the 2014 year

Chk #	Chk Date	Run	Chk	Employee Name/Number	Loc/Dept	Pay Line	Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
255925	12/15/2014		EARN/1,691.00	2.DENERO, ALISON/ 5962	95/23	1	1,691.00	336.54	93.01	0.00	0.00	1,261.45	0.00
	Ck.Desc/Amt		FED/170.47	FICA/104.84			SUI/7.19	NJAV/27.83	F.L.I./1.69				
	Ck.Desc/Amt		DCRP/93.01										
256544	12/23/2014		EARN/1,691.00	1.DENERO, ALISON/ 5962	95/23	1	1,691.00	336.54	93.01	0.00	0.00	1,261.45	0.00
	Ck.Desc/Amt		FED/170.47	FICA/104.84			SUI/7.19	NJAV/27.83	F.L.I./1.69				
	Ck.Desc/Amt		DCRP/93.01										

\$33,820 P/T Salary

Payroll Check Register for DENERO, ALISON

for the 2014 year

vp_dpctr.082610
12/31/2014

Chk #	Chk Date	Run	Employee Name/Number	Loc/Dept	Pay Line	Gross Wages	- Taxes	- Deductions	+ Refunds	+ Net Pay Adj	= Net Wages	Direct Dep
-------	----------	-----	----------------------	----------	----------	-------------	---------	--------------	-----------	---------------	-------------	------------

Totals for 2 Checks							3,382.00	673.08	186.02	0.00	0.00	2,522.90	0.00
---------------------	--	--	--	--	--	--	----------	--------	--------	------	------	----------	------

Summary :

# of Employees	1
# of TPAF Employees	0
# of PERS Employees	0
# of DCRP Employees	1
# of Other Employees	0
# of Female Employees	1
# of Male Employees	0
# of Married Employees	0
# of Single Employees	1

I hereby certify that the employees included in the above payroll, have performed their duties in accordance with the terms and conditions of their employment by the Board of Education.

Board President _____ BAV/Board Secretary _____ Superintendent _____ Treasurer _____

EXHIBIT E

ENDOR NO. 5587

**B
I
L
L
T
O**

**ROCKAWAY TOWNSHIP
BOARD OF EDUCATION**

P.O. BOX 500 - HIBERNIA, N.J. 07842
TEL (973) 627-8200 FAX (973) 627-8552

BOARDS OF EDUCATION ARE EXEMPT FROM SALES
TAX BY STATE STATUTE CHAPTER 30 - P.6625

VOUCHER
PLEASE SIGN & RETURN

BUDGET YEAR

2013 ->2014

PURCHASE ORDER NUMBER

142602

THIS NUMBER MUST APPEAR ON
ALL PACKAGES, INVOICES AND
CORRESPONDENCE

DATE: 05/31/2014

VENDOR:

PREPAY TRANSPORTATION CHARGES & SHIP TO:

LAUVER; NELSON
3106 SPRING MOUNTAIN LANE
SAYLORSBURG, PA 18353

PAID

Attn To : Kathy Murphy
CURRICULUM & INSTRUCTION
ROCKAWAY TWP BD OF ED
P. O. BOX 500, 16 SCHOOL ROAD
HIBERNIA, NJ 07842

JUN 8 0 2014

136066

QUANTITY ORDERED	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	UNIT PRICE	TOTAL AMOUNT
1	each	Fee to present workshop to staff 8012/11-000-221-500-44-012- (\$2,000.00)	2,000.00	2,000.00
				\$2,000.00

**FOR PAYMENT
SIGN & RETURN**

**FOR PAYMENT SIGN
AND RETURN**

VENDOR'S CERTIFICATION & DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

M. C. Ly
SIGNATURE

OWNER
TITLE

161-54-5972
FEDERAL TAX I.D. NO. or SOCIAL SECURITY NO.

6/19/14
DATE

IS YOUR COMPANY INCORPORATED? Yes No

APPROVAL FOR PAYMENT

EXTENSION CHECKED BY *[Signature]* FINANCE COMMITTEE *nc*

BOARD SECRETARY

NO ORDER VALID UNLESS SIGNED BY THE BOARD SECRETARY

Therese Palmieri

BOARD SECRETARY

Nelson Lauver

Author, Syndicated Broadcaster, Speaker

www.TheAmericanStoryteller.com

www.nelsonlauver.com

Presentation Agreement

Agreement Date: May 5, 2014

Contact:

Carol Abilo / Kathy Murphy
Rockaway Township Schools
16 School Road
Hibernia, NJ 07842

Thank you for inviting Nelson Lauver to speak at your upcoming event. Please consider this our letter of agreement confirming Nelson's participation at the following meeting:

Meeting Name: Rockaway Township Schools

Meeting Date: September 2, 2014

Presentation Time: 10:00 or 10:30 - TBD

Presentation Title: TBD

Presentation Length: 2 hours - TBD

Presentation Fee: \$2,000 (includes travel)

~~Travel Related Expenses: Included in speaker fee. Reimbursement for appropriate expenses will include: coach air transportation including flight insurance to and from the location of your event, airport personal mileage and parking, plus reasonable meals and lodging. Our office will book air travel. Auto travel expenses are billed mileage @ standard IRS rate.~~

Cancellation Terms:

By signing this agreement, the total fee becomes payable and due in the event of cancellation by client within 30 days of engagement. In the event of cancellation by client after agreement is signed all expenses incurred by Mr. Lauver up to that date (including airfare) will be reimbursed by client. In the unlikely event of cancellation by Mr. Lauver's office, all deposits and fees received are totally refundable and this agreement will be null and void.

Payment Terms: No deposit required. Payment in full on day of event. (checks can be made payable to Nelson Lauver - EIN #161-54-5972) unless otherwise arranged. All travel expenses will be clearly itemized for your convenience and billed separately.

Questions/Contact: We look forward to working with you. Should you have any questions whatsoever, please do not hesitate to contact Jane George: jane@nelsonlauver.com
Phone: 570-730-3612. If all is acceptable, please sign below and return a copy to Jane George.

Signed for Nelson Lauver:
Date:

Signed for Client:

Date: June 10, 2014

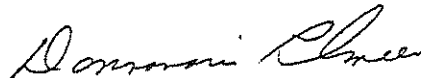


EXHIBIT F

The Newgrange School of Princeton, Inc.

Education Center and Business Office

407 Nassau Street

Princeton, NJ 08540

Invoice

DATE	INVOICE #
9/3/2014	1415-961

BILL TO
Deborah J Grefe Rockaway Public Schools 16 School Road Hibernia, NJ 07842

P.O. NO.	TERMS
	Due Upon Receipt

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	Consulting to School District - Gordon F. Sherman to speak at Rockaway Township Public Schools - Subject - Dyslexia Awareness - Spet 3, 8:30AM - 11:30 AM Please sign contract and provide PO	3,000.00	3,000.00

Total		\$3,000.00
Payments/Credits		\$0.00
Balance Due		\$3,000.00

Phone #	Fax #
(609) 688-1280	(609) 430-3030

**The Newgrange School of Princeton, Inc.
T/A The Newgrange School and Education Center
407 Nassau Street
Princeton, NJ 08540**

CONTRACT – Gordon E. Sherman, Ph.D

This contract is entered into as of August 7, 2014, between The Newgrange School of Princeton, Inc., 407 Nassau Street, Princeton, NJ 08540 (NEWGRANGE) and Rockaway Township Public Schools(RTPS) located at (TO BE DETERMINED) 16 School Road Hibernia, NJ 07842 (973) 627- 8200

By signing this contract, NEWGRANGE and RTPS agree to the terms and conditions set forth.

On September 3, 2014, Dr. Gordon Sherman and Deardra Rosenberg, M.A./LDTC will work in a collaborative effort with teachers at RTPS in the following Training:

Sept 3, 2014 8:30 AM – 11:30 AM - : Dyslexia Awareness Training -

Dyslexia affects 1 in 10 individuals, many of whom remain undiagnosed and receive little or no intervention. For some individuals who have never been diagnosed, dyslexia is a hidden disability. It may result in underemployment, difficulty navigating academic environments, difficulty on the job, and reduced self-confidence. Even those who have been diagnosed are likely to struggle with reading or writing in some aspects of their lives. Dyslexia is a specific reading disorder and does not reflect low intelligence. Many bright and creative individuals who have dyslexia never learn to read, write, and/or spell at a level consistent with their intellectual ability.

Dyslexia Awareness Training addresses the difficulties commonly faced by people with dyslexia and other neuro-diverse conditions. It introduces approaches to enhancing retention and improving success in education and employment. Understanding the difficulties people face as well as ways to address them can enhance the accessibility of services and improve organizational success.

Some key concepts included in the training are:

- Remediation and accommodation are distinct yet complementary interventions for individuals with dyslexia.
- Both are essential to school success for students with dyslexia.
- Evidence-based remediation that provides structured language instruction, delivered in a direct and explicit manner, allows individuals with dyslexia to acquire skills associated with reading proficiency.
- Accommodations such as recorded books and other assistive technologies are among the ways individuals with dyslexia can access print and the content of the general education curricula more effectively.

**The Newgrange School of Princeton, Inc.
T/A The Newgrange School and Education Center
407 Nassau Street
Princeton, NJ 08540**

RTPS agrees to pay \$3000.00 for this training. An invoice will be sent the day of the training and will be payable upon receipt. A proforma invoice accompanies this contract and RTPS will provide NEWGRANGE with a Voucher/Purchase Order Number, which must be received 30 days prior to the training date, along with this signed Site Contract

Cancellation payment schedule is as follows:

- 3 weeks prior to training date, 40% of proforma invoice
- 2 weeks prior to training date, 60% of proforma invoice
- 1 week prior to training date, 100% of proforma invoice

Re-scheduling: Failure to adhere to the contract scheduled dates may result in additional fees for rescheduling.

Both parties agree that as long as it can be shown that NEWGRANGE used best efforts to fulfill the goals of this agreement that it shall have been fulfilled satisfactorily. Ultimate results depend also on the skills, efforts and availability of RTPS staff.

Training Location: School Name: Rockaway Township Schools (TO BE DETERMINED)

(GPS or Map Quest
Compatible)

Address: TBD

Contact: Dr. Deborah J. Grefe
Superintendent of Schools

Phone #973-627-8200 Ext. 215/216

EMAIL: dgrefe@rocktwp.org

Start Time: 8:30 am End Time: 11:30 AM

Please provide the following Audio/Visual Needs: (1) Largest Screen Possible / Microphone and hook up for Mac Laptop (we have our own connectors).

**The Newgrange School of Princeton, Inc.
T/A The Newgrange School and Education Center
407 Nassau Street
Princeton, NJ 08540**

On behalf of RTPS, I have read and understand the terms of this contract for services with NEWGRANGE and agree to the terms and conditions set forth in this agreement.

Signature - Date: _____

Printed Name

On behalf of Newgrange

Gordon Sherman Date: _____
Newgrange

EXHIBIT G



Item Invoice

Language Circle Enterprises, Inc
 1620 W 98th Street
 Suite 130
 Bloomington, MN 55431

Invoice # 14091615
 Telephone: 800-450-0343
 Fax: 952-884-6787
 E-mail: languagecircle@projectread.com

Bill To:
 ROCKAWAY TOWNSHIP B.O.E.
 CURRICULUM & INSTRUCTION
 ATTN: DEB CRAMER
 16 SCHOOL ROAD
 HIBERNIA, NJ 07842

Ship To:
 ROCKAWAY TOWNSHIP B.O.E.
 CURRICULUM & INSTRUCTION
 ATTN: DEB CRAMER
 16 SCHOOL ROAD
 HIBERNIA, NJ 07842

P.O. Number	Rep	Ship Via	Arrive By	Terms	Date
151418	Tim	UPS	10/29/2014	Net 30	9/29/2014

Qty	Item Code	Description	Price Each	Disc %	Amount
15	LCPHONICKIT	PRIMARY PHONICS INSTRUCT KIT	1,675.00		25,125.00
15	GLUED-25512	PRIMARY CARDS FOR GLUING	16.00		240.00
15	POST4HBROS-25274	H BROS. POSTERS - SET OF 4	20.00		300.00
15	POSTSEVEN-25633	SEVEN SYLLABLES POSTER	5.00		75.00
15	POSTFIVE-25632	FIVE CUTTING POSTER	5.00		75.00
15	POSTBOSSR-25635	BOSSY R POSTER	5.00		75.00
6	DVDLING-25051	LINGUISTICS DVD	75.00		450.00
15	POSTCALC- 41191	SPELLING CALCULATOR POSTER	5.00		75.00
6	PRACTLING-25269	LINGUISTICS PRACT FOR A&T WORK	15.00		90.00
		SUBTOTAL			26,505.00
	06-SHIPPING & HANDLI...	SHIPPING & HANDLING	6.00%		1,590.30

Subtotal:	\$28,095.30
Sales Tax: (0.0%)	\$0.00
Payments/Credits:	\$0.00

Balance Due:	\$28,095.30
---------------------	--------------------

Thank you for your interest in our educational materials.
 Language Circle Enterprises will not accept returned materials.
 FEDERAL TAX ID# 41-1874280

EXHIBIT H

Copy of a Purchase Order. This is not a valid Purchase Order
PURCHASE ORDER PREVIEW

VENDOR NO. 2210

P.O. NUMBER 151418

DATE: 09/24/2014

VENDOR: LANGUAGE CIRCLE ENTERPRISES
 1620 W. 98TH # 130
 BLOOMINGTON, MN 55431

SHIP TO: Attn To : Deb Cramer
 CURRICULUM & INSTRUCTION
 ROCKAWAY TWP BD OF ED
 P. O. BOX 500, 16 SCHOOL ROAD
 HIBERNIA, NJ 07842

CONTROL NUMBER		ORDER DESCRIPTION			
QUANTITY ORDERED	CATALOG / UNIT	ITEM DESCRIPTION / ACCOUNT NUMBER	AGGREGATION	UNIT PRICE	EXTENSION
1	each	Project Read Material Phonics and Applied Writing		27,105.0000	27,105.00
1	each	Shipping FAXING ORDER		1,600.0000	1,600.00
		7139/11-000-223-600-44-100- (\$28,705.00)			\$28,705.00

Type Open Market

User KATHYM

Commit Date 09/30/2014

Copy of a Purchase Order. This is not a valid Purchase Order

EXHIBIT I

Vendor Analysis

Vendor#: 4904 Name: E C RUSSO EDUCATIONAL SERVICES LLC

Purchase Order Related History**

Transaction	Account#	PO#	Invoice#	Description	Trx/Ck.Dte	Original Amt	Trx/Ck.Amt	Balance	Check#	H?
PO-Pay-Prtl	11-000-217-320-50-000-	141451		8/7/13 - 8/26/13 # 116	10/30/2013		560.00		134284N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		9/9/13 - 9/30/13 # 117	10/30/2013		1,540.00		134284N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		10/1/13 - 10/23/13 #120	11/20/2013		2,170.00		134344N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		10/24-11/19 #122	12/18/2013		784.00		134549N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		BALANCE DUE ON # 122	12/18/2013		1,176.00		134656N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		12/17/13 - 1/16/14 #127	02/19/2014		1,960.00		134921N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		125	03/19/2014		1,960.00		135130N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		128	03/19/2014		1,820.00		135130N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		130	04/25/2014		1,120.00		135477N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		129	04/23/2014		1,225.00		135338N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		4/10/14-5/15/14 #131	06/18/2014		1,120.00		135818N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		132	06/30/2014		1,050.00		136039N	
PO-Pay-Prtl	11-000-217-320-50-000-	141451		133	06/30/2014		490.00		136039N	
PO-Can	11-000-217-320-50-000-	141451		EXTRAORDINARY PROF SERVS	06/30/2014	18,025.00	-18,025.00	0.00		
Total Checks		16,975.00	Total PO Can							

Vendor Analysis

Vendor#: 4904 Name : E C RUSSO EDUCATIONAL SERVICES LLC

Outstanding Purchase Orders*

Transaction Account#	PO#	Description	Date	Original Amt	Balance
11-000-217-320-50-000-	151760	EXTRAORDINARY PROF SERVS	12/11/2014	402.50	402.50
Total Outstanding					402.50

Purchase Orders & Invoices Prepared for Payment*

Transaction Account#	PO#	Invoice#	Description	Balance	Final Amt?	Hand Check	Check#	Check Date
11-000-217-320-50-000-	151760	137		402.50	Yes	No	137217	12/23/2014
Total PO's P.Pay				402.50				

EXHIBIT J



NEW JERSEY ADVANCE LEGISLATIVE SERVICE
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NEW JERSEY 215TH LEGISLATURE

P.L. 2013, CHAPTER 131

ASSEMBLY, NO. 3608

2013 N.J. ALS 131; 2013 N.J. Laws 131; 2013 N.J. Ch. 131; 2012 N.J. A.N. 3608

BILL TRACKING SUMMARY FOR THIS DOCUMENT

SYNOPSIS: An Act concerning special education and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

To view the next section, type .np* and TRANSMIT.
To view a specific section, transmit p* and the section number. E.g. p*1

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.18A:46-55 Regulations incorporating definition of dyslexia.

[*1] 1. The State Board of Education shall promulgate regulations that incorporate the International Dyslexia Association's definition of dyslexia into chapter 14 of Title 6A of the New Jersey Administrative Code.

[*2] 2. This act shall take effect immediately.

HISTORY:

Approved August 9, 2013

SPONSOR: Albano



LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
N.J. Constitution current through November 2014 election

TITLE 18A. EDUCATION
SUBTITLE 6. CONDUCT OF SCHOOLS
PART 4. SPECIAL SCHOOLS, CLASSES AND FACILITIES
CHAPTER 46. HANDICAPPED CHILDREN
ARTICLE 8. COUNTY SPECIAL SERVICES

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:46-55 (2015)

§ 18A:46-55. Regulations incorporating definition of dyslexia

The State Board of Education shall promulgate regulations that incorporate the International Dyslexia Association's definition of dyslexia into chapter 14 of Title 6A of the New Jersey Administrative Code.

HISTORY: L. 2013, c. 131, § 1, eff. Aug. 9, 2013.

EXHIBIT K

NEW JERSEY ADMINISTRATIVE CODE
Copyright © 2015 by the New Jersey Office of Administrative Law

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 47 No. 5, March 2, 2015 ***

TITLE 6A. EDUCATION
CHAPTER 14. SPECIAL EDUCATION
SUBCHAPTER 1. GENERAL PROVISIONS

N.J.A.C. 6A:14-1.3 (2015)

§ 6A:14-1.3 Definitions

Words and terms, unless otherwise defined below, when used in this chapter, shall be defined in the same manner as those words and terms are defined and used in the IDEA (20 U.S.C. §§ 1400 et seq.) and its implementing regulations at 34 CFR 300.1 et seq., which terms are incorporated by reference herein.

"Adaptive behavior" means the ability to demonstrate personal independence and social responsibility according to age and socio-cultural group expectations.

"Adult student" means a person who has attained age 18, who is not under legal guardianship and who is entitled to receive educational programs and services in accordance with Federal or State law or regulation.

"Approved private school for students with disabilities" corresponds to "approved private school for the handicapped" and means an incorporated entity approved by the Department of Education according to *N.J.A.C. 6A:14-7.2* or *7.3* to provide special education and related services to students with disabilities placed by the district board of education responsible for providing their education.

"Assistive technology device" is defined in accordance with the definition of the term set forth in IDEA and its implementing regulations, at 34 CFR §§ 300.1 et seq., as amended and supplemented, incorporated by reference herein and reproduced at chapter Appendix F.

"Assistive technology service" is defined in accordance with the definition of the term set forth in IDEA and its implementing regulations, at 34 CFR §§ 300.1 et seq., as amended and supplemented, incorporated by reference herein and reproduced at chapter Appendix G.

"Consent" means agreement in writing that is required by this chapter. Consent shall be obtained from the parent having legal responsibility for educational decision making. The district board of education shall ensure that the parent:

1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language or other mode of communication;
2. Understands and agrees in writing to the implementation of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom;
3. Understands that the granting of consent is voluntary and may be revoked at any time; and
4. If the parent revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).

"Custody" means that a child has been removed by the State agency empowered to do so from the care of his or her parent(s) and the right of the parent(s) to make educational decisions on behalf of the child has been terminated by a court of appropriate jurisdiction.

"Department of Education" means the New Jersey Department of Education.

"District board of education" means the school district of residence, the board of trustees of a charter school, the State agency or other public education agency which acts as the district of residence for the location, identification, evaluation, determination of eligibility, development of an individualized education program and the provision of a free appropriate, public education to students with disabilities except as defined otherwise.

"Dyslexia" means a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

"Early childhood program" means a general education program for students ages three through five operated by an agency other than a district board of education. The early childhood program shall be licensed or approved by a governmental agency.

"Extended school year services" means special education and related services that are provided to a student with a disability beyond the normal school year in accordance with the student's IEP at no cost to the parent.

"General Statewide assessment" means a Statewide assessment given to all students of a particular grade level except for those students with disabilities whose IEP specifies that they will participate in the alternate proficiency assessment.

"Individualized education program" (IEP) means a written plan which sets forth present levels of academic achievement and functional performance, measurable annual goals and short-term objectives or benchmarks and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives. This plan shall establish the rationale for the student's educational placement, serve as the basis for program implementation and comply with the mandates set forth in this chapter.

"IEP team" means the group of individuals who are responsible for the development, review and revision of the student's individualized education program. The members of the IEP team are listed at *N.J.A.C. 6A:14-2.3(k)2*.

"Native language" means the language or mode of communication normally used by a person with a limited ability to speak or understand the English language. In the case of a student, the native language is the language normally used by the parents. Except that in all direct contact with a student (including evaluation of the child), the native language is the language normally used by the student in the home or in the learning environment. The IEP team shall determine the language of the student.

"Nonpublic school" means an elementary or secondary school, other than a public school, within the State, providing education in grades kindergarten through 12, or any combination of grades in which a student age five through 20 may fulfill compulsory school attendance and which complies with Title VI of the Civil Rights Act of 1964 (P.L. 88-352).

"Nonpublic school student" means any student who is enrolled full time in a nonpublic school. A student who boards at a nonpublic school shall be considered a resident of the New Jersey district in which the parent resides.

"Parent" means the natural or adoptive parent, the legal guardian, foster parent when willing to so serve, a surrogate parent who has been appointed according to *N.J.A.C. 6A:14-2.2(a)* through (i), a person acting in the place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under this chapter. For the purposes of this chapter, the term "parent" shall include the adult student as defined above.

"Referral" means the written request for an initial evaluation to determine whether a student is eligible for services under this chapter.

"Related services" is defined in accordance with the definition of the term set forth in IDEA and its implementing regulations, as amended and supplemented, incorporated by reference herein and reproduced at chapter Appendix B.

"Special education" is defined in accordance with the definition of the term set forth in IDEA and its implementing regulations, as amended and supplemented, incorporated by reference herein and reproduced at chapter Appendix C.

"Speech-language specialist" means a speech correctionist or speech-language specialist.

"Student" means a person age three through 21 who is entitled to receive educational programs and services in accordance with Federal or State law or regulation.

"Student age" means the school age of a student as defined by the following:

1. "Age three" means the attainment of the third birthday. Children with disabilities attaining age three shall have a free, appropriate public education available to them provided by the district board of education.

2. "Age five" means the attainment of age five by the month and day established as the kindergarten entrance cutoff date by the district board of education. Students with disabilities attaining age five after the kindergarten entrance cutoff date shall continue to be provided preschool services for the balance of that school year.

3. "Age 21" means the attainment of the 21st birthday by June 30 of that school year. Students with disabilities attaining age 21 during the school year shall continue to be provided services for the balance of that school year.

"Student with a disability" means a student who has been determined to be eligible for special education and related services according to *N.J.A.C. 6A:14-3.5* or *3.6*.

"Transition services" for students age 16 or older, is defined in accordance with the definition of the term set forth in IDEA and its implementing regulations, as amended and supplemented, incorporated by reference herein and reproduced at chapter Appendix D. For students under age 16, transition services is defined as set forth in *N.J.A.C. 6A:14-3.7(e)11*.

"Ward of the State" means a student who, pursuant to an order of a court of competent jurisdiction, is under the guardianship of an agency of the State, is a foster child for whom the foster parent is not the student's parent or is a student who, pursuant to an order of a court of competent jurisdiction, is in the custody of the State child welfare agency.

HISTORY:

Amended by R.2000 d.230, effective June 5, 2000.

See: *32 N.J.R. 755(a)*, *32 N.J.R. 2052(a)*.

Amended "Adult student", "Consent", "Department of Education", "Native language", "Parent", "Related services", "Special education" and "Transition services"; inserted "Early childhood program" and "Extended school year services"; deleted "Recreation"; updated the N.J.A.C. references in "Individualized education program" and "IEP team".

Amended by R.2003 d.387, effective October 6, 2003.

See: *35 N.J.R. 1991(a)*, *35 N.J.R. 4714(c)*.

Amended "General Statewide assessment" and amended "Student age".

Amended by R.2006 d.315, effective September 5, 2006.

See: *38 N.J.R. 2253(a)*, *38 N.J.R. 3530(b)*.

Rewrote the introductory paragraph; changed name of definition "Approved private school for the disabled" to "Approved private school for students with disabilities"; rewrote definitions "Assistive technology device", "Assistive technology service", "Individualized education program", "Parent", "Related services", "Special education", and "Transition services"; added definitions "Custody" and "Ward of the State"; in definition "Early childhood program", substituted "general" for "regular"; and in definition "IEP team", substituted "education" for "educational" and updated the N.J.A.C. reference.

Notice of readoption with technical change.

See: *45 N.J.R. 1909(c)*.

Amended by R.2015 d.022, effective February 2, 2015.

See: *46 N.J.R. 1996(a)*, *47 N.J.R. 419(a)*.

In the introductory paragraph, deleted "§§ " preceding "300.1"; and added definition "Dyslexia".

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*** New Jersey Register, Vol. 47 No. 5, March 2, 2015 ***

TITLE 6A. EDUCATION
CHAPTER 14. SPECIAL EDUCATION
SUBCHAPTER 3. SERVICES

N.J.A.C. 6A:14-3.5 (2015)

§ 6A:14-3.5 Determination of eligibility for special education and related services

(a) When an initial evaluation is completed for a student age three through 21, a meeting according to *N.J.A.C. 6A:14-2.3(k)1* shall be convened to determine whether the student is eligible for special education and related services. A copy of the evaluation report(s) and documentation and information that will be used for a determination of eligibility shall be given to the parent not less than 10 calendar days prior to the meeting. If eligible, the student shall be assigned the classification "eligible for special education and related services." Eligibility shall be determined collaboratively by the participants described in *N.J.A.C. 6A:14-2.3(k)1*.

(b) In making a determination of eligibility for special education and related services, a student shall not be determined eligible if the determinant factor is due to a lack of instruction in reading, including the essential components of reading instruction, or math or due to limited English proficiency.

(c) A student shall be determined eligible and classified "eligible for special education and related services" under this chapter when it is determined that the student has one or more of the disabilities defined in (c)1 through 14 below; the disability adversely affects the student's educational performance and the student is in need of special education and related services. Classification shall be based on all assessments conducted including assessment by child study team members and assessment by other specialists as specified below.

1. "Auditorily impaired" corresponds to "auditorily handicapped" and further corresponds to the Federal eligibility categories of deafness or hearing impairment. "Auditorily impaired" means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms characterized by (c)1i or ii below. An audiological evaluation by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech-language specialist are required.

i. "Deafness"--The auditory impairment is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification and the student's educational performance is adversely affected.

ii. "Hearing impairment"--An impairment in hearing, whether permanent or fluctuating which adversely affects the student's educational performance.

2. "Autistic" means a pervasive developmental disability which significantly impacts verbal and nonverbal communication and social interaction that adversely affects a student's educational performance. Onset is generally evident before age three. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routine, unusual responses to sensory experiences and lack of responsiveness to others. The term does not apply if the student's adverse educational performance is due to emotional disturbance as defined in (c)5 below. A child who manifests the characteristics of autism after age three may be classified as autistic if the criteria in this paragraph are met. An assessment by a certified speech-language specialist and an assessment by a physician trained in neurodevelopmental assessment are required.

3. "Intellectually disabled" means a disability that is characterized by significantly below average general cognitive functioning existing concurrently with deficits in adaptive behavior; manifested during the developmental period that adversely affects a student's educational performance and is characterized by one of the following:

i. "Mild intellectual disability" means a level of cognitive development and adaptive behavior in home, school, and community settings that are mildly below age expectations with respect to all of the following:

- (1) The quality and rate of learning;
- (2) The use of symbols for the interpretation of information and the solution of problems; and
- (3) Performance on an individually administered test of intelligence that falls within a range of two to three standard deviations below the mean.

ii. "Moderate intellectual disability" means a level of cognitive development and adaptive behavior that is moderately below age expectations with respect to the following:

- (1) The ability to use symbols in the solution of problems of low complexity;
- (2) The ability to function socially without direct and close supervision in home, school and community settings; and
- (3) Performance on an individually administered test of intelligence that falls three standard deviations or more below the mean.

iii. "Severe intellectual disability" means a level of functioning severely below age expectations whereby in a consistent basis the student is incapable of giving evidence of understanding and responding in a positive manner to simple directions expressed in the child's primary mode of communication and cannot in some manner express basic wants and needs.

4. "Communication impaired" corresponds to "communication handicapped" and means a language disorder in the areas of morphology, syntax, semantics and/or pragmatics/discourse which adversely affects a student's educational performance and is not due primarily to an auditory impairment. The problem shall be demonstrated through functional assessment of language in other than a testing situation and performance below 1.5 standard deviations, or the 10th percentile on at least two standardized language tests, where such tests are appropriate, one of which shall be a comprehensive test of both receptive and expressive language. When the area of suspected disability is language, assessment by a certified speech-language specialist and assessment to establish the educational impact are required. The speech-language specialist shall be considered a child study team member.

i. When it is determined that the student meets the eligibility criteria according to the definition in (c)4 above, but requires instruction by a speech-language specialist only, the student shall be classified as eligible for speech-language services.

ii. When the area of suspected disability is a disorder of articulation, voice or fluency, the student shall be evaluated according to *N.J.A.C. 6A:14-3.4(g)* and, if eligible, classified as eligible for speech-language services according to *N.J.A.C. 6A:14-3.6(a)*.

5. "Emotionally disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a student's educational performance due to:

- i. An inability to learn that cannot be explained by intellectual, sensory or health factors;
- ii. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- iii. Inappropriate types of behaviors or feelings under normal circumstances;
- iv. A general pervasive mood of unhappiness or depression; or
- v. A tendency to develop physical symptoms or fears associated with personal or school problems.

6. "Multiply disabled" corresponds to "multiply handicapped" and "multiple disabilities," and means the presence of two or more disabling conditions, the combination of which causes such severe educational needs that they cannot be accommodated in a program designed solely to address one of the impairments. Multiple disabilities includes cognitively impaired-blindness, cognitively impaired-orthopedic impairment, etc. The existence of two disabling conditions alone shall not serve as a basis for a classification of multiply disabled. Eligibility for speech-language services as defined in this section shall not be one of the disabling conditions for classification based on the definition of "multiply disabled." Multiply disabled does not include deaf-blindness.

7. "Deaf/blindness" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

8. "Orthopedically impaired" corresponds to "orthopedically handicapped" and means a disability characterized by a severe orthopedic impairment that adversely affects a student's educational performance. The term includes malformation, malfunction or loss of bones, muscle or tissue. A medical assessment documenting the orthopedic condition is required.

9. "Other health impaired" corresponds to "chronically ill" and means a disability characterized by having limited strength, vitality or alertness, including a heightened alertness with respect to the educational environment, due to chronic or acute health problems, such as attention deficit disorder or attention deficit hyperactivity disorder, a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or any other medical condition, such as Tourette Syndrome, that adversely affects a student's educational performance. A medical assessment documenting the health problem is required.

10. "Preschool child with a disability" corresponds to preschool handicapped and means a child between the ages of three and five who either:

i. Is experiencing developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the areas in (c)10i(1) through (5) below, and requires special education and related services. When utilizing a standardized assessment or criterion-referenced measure to determine eligibility, a developmental delay shall mean a 33 percent delay in one developmental area, or a 25 percent delay in two or more developmental areas.

- (1) Physical, including gross motor, fine motor and sensory (vision and hearing);
- (2) Intellectual;
- (3) Communication;
- (4) Social and emotional; and
- (5) Adaptive; or

ii. Has an identified disabling condition, including vision or hearing, that adversely affects learning or development and who requires special education and related services.

11. "Social maladjustment" means a consistent inability to conform to the standards for behavior established by the school. Such behavior is seriously disruptive to the education of the student or other students and is not due to emotional disturbance as defined in (c)5 above.

12. "Specific learning disability" corresponds to "perceptually impaired" and means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

i. A specific learning disability can be determined when a severe discrepancy is found between the student's current achievement and intellectual ability in one or more of the following areas:

- (1) Basic reading skills;
- (2) Reading comprehension;
- (3) Oral expression;
- (4) Listening comprehension;
- (5) Mathematical calculation;
- (6) Mathematical problem solving;
- (7) Written expression; and
- (8) Reading fluency.

ii. A specific learning disability may also be determined by utilizing a response to scientifically based interventions methodology as described in *N.J.A.C. 6A:14-3.4(h)6*.

iii. The term severe discrepancy does not apply to students who have learning problems that are primarily the result of visual, hearing, or motor disabilities, general cognitive deficits, emotional disturbance or environmental, cultural or economic disadvantage.

iv. The district shall, if it utilizes the severe discrepancy methodology, adopt procedures that utilize a statistical formula and criteria for determining severe discrepancy. Evaluation shall include assessment of current academic achievement and intellectual ability.

13. "Traumatic brain injury" corresponds to "neurologically impaired" and means an acquired injury to the brain caused by an external physical force or insult to the brain, resulting in total or partial functional disability or psychosocial impairment, or both. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

14. "Visually impaired" corresponds to "visually handicapped" and means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. An assessment by a specialist qualified to determine visual disability is required. Students with visual impairments shall be reported to the Commission for the Blind and Visually Impaired.

HISTORY:

Amended by R.1998 d.527, effective November 2, 1998.

See: *30 N.J.R. 2852(a)*, *30 N.J.R. 3941(a)*.

In (c)8, inserted "that may be" following "disability" in the first sentence.

Amended by R.2000 d.230, effective June 5, 2000.

See: *32 N.J.R. 755(a)*, *32 N.J.R. 2052(a)*.

In (a), deleted a reference to adult students; in (c)2, added a fifth sentence; in (c)4, substituted references to assessment for references to evaluation; and rewrote (c)8 and the introductory paragraph of (c)11.

Amended by R.2001 d.397, effective November 5, 2001.

See: *33 N.J.R. 2375(a)*, *33 N.J.R. 3735(b)*.

In (a), inserted "and information that will be used for a determination" following "documentation", and added "not less than 10 calendar days prior to the meeting" following "parent".

Amended by R.2006 d.315, effective September 5, 2006.

See: *38 N.J.R. 2253(a)*, *38 N.J.R. 3530(b)*.

In (a), updated the N.J.A.C. references; in (b), inserted ", including the essential components of reading instruction,"; rewrote (c).

Amended by R.2015 d.022, effective February 2, 2015.

See: *46 N.J.R. 1996(a)*, *47 N.J.R. 419(a)*.

In (c)3, substituted " 'Intellectually disabled' " for " 'Cognitively impaired' corresponds to 'mentally retarded' and"; in (c)3i, substituted " 'Mild intellectual disability' " for " 'Mild cognitive impairment' corresponds to 'educable' and"; in (c)3ii, substituted " 'Moderate intellectual disability' " for " 'Moderate cognitive impairment' corresponds to 'trainable' and"; in (c)3iii, substituted " 'Severe intellectual disability' " for " 'Severe cognitive impairment' corresponds to 'eligible for day training' and"; and rewrote (c)10.

EXHIBIT L



FOCUS - 1 of 1 DOCUMENT

NEW JERSEY REGISTER
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VOLUME 46, ISSUE 19

ISSUE DATE: OCTOBER 6, 2014

RULE PROPOSALS

**EDUCATION
STATE BOARD OF EDUCATION**

46 N.J.R. 1996(a)

Proposed Amendments: *N.J.A.C. 6A:14-1.2, 1.3, 2.3, 2.5, 3.5, 3.7, 4.1, 4.6, and 4.7*

[Click here to view Interested Persons Statement](#)

Special Education

Authorized By: New Jersey State Board of Education, David C. Hespe, Acting Commissioner, Acting Secretary.

Authority: *N.J.S.A. 18A:4-15 and 18A:46-1*; U.S. Pub. L. 93-112, § 504, 94-142, 99-457, 101-476, 105-17, and 108-446; and *34 CFR 300.1 et seq.*

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2014-165.

Submit written comments by December 5, 2014, to:

Susan Martz, Assistant Commissioner
New Jersey Department of Education
100 River View Executive Plaza
P.O. Box 500
Trenton, New Jersey 08625-0500
E-mail: chapter14@doe.state.nj.us

The agency proposal follows:

Summary

The Department of Education (Department) proposes amendments to *N.J.A.C. 6A:14*, Special Education. The chapter sets forth the rules for the provision of a free, appropriate public education to students with disabilities, including all substantive and procedural safeguards afforded by State and Federal law. The chapter is intended to ensure stu-

dents' education is of appropriate quality and affords them meaningful and significant benefits. The chapter impacts to varying degrees upon students with disabilities and all public and private schools that educate students with disabilities.

N.J.A.C. 6A:14 was adopted effective July 6, 1998, as part of a comprehensive review after the revision in 1997 of the controlling Federal law, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq. The chapter was readopted with technical amendments effective June 26, 2013. The chapter is scheduled to expire June 26, 2020.

The proposed amendments to Chapter 14 will bring New Jersey's special education regulations into conformance with the IDEA and its implementing regulations, which the State is required to do as a condition of receipt of IDEA Part B grant funds. The amendments also will implement new State laws--P.L. 2013, c. 19 and P.L. 2013, c. 131--and new Federal regulations and laws--*34 CFR 300.154(d)*, *300.504*, and *300.502(a)(b)(5)*; Federal Pub. L. 111-256; and *34 CFR 300.8(b)* and *300.11(b)*.

The following summarizes the proposed amendments:

Subchapter 1. General Provisions

***N.J.A.C. 6A:14-1.2* District eligibility for assistance under IDEA Part B**

This section sets forth the criteria for school district eligibility for fiscal assistance under IDEA Part B. Each district board of education and State agency program that acts as a district board of education is eligible for financial assistance under IDEA Part B for a fiscal year by having a special education plan that meets the required criteria.

The Department proposes *N.J.A.C. 6A:14-1.2(b)19* to require school districts to develop a plan to establish stability in special education programming. The plan must take into account the consistency of the location, curriculum, and staffing in the provision of special education programs and services for students. The proposed paragraph will align the chapter with State law P.L. 2013, c. 19 (*N.J.S.A. 18A:46-54*), which requires the State Board to promulgate regulations requiring school districts to develop a plan to establish stability in special education programming.

The Department proposes to amend *N.J.A.C. 6A:14-1.2(c)* to replace the reference to paragraphs (b)1 through 14 with a reference to paragraphs (b)1 through 19 to ensure all the required assurances listed in *N.J.A.C. 6A:14-1.2(b)1* through 18 are adhered to by school districts as required by the IDEA and to reflect proposed *N.J.A.C. 6A:14-1.2(b)19*.

***N.J.A.C. 6A:14-1.3* Definitions**

This section provides definitions of words and terms found throughout *N.J.A.C. 6A:14*.

The Department proposes a definition for "dyslexia." P.L. 2013, c. 131 requires the State Board to adopt the International Dyslexia Association's definition of dyslexia as part of Chapter 14.

[page=1997] **Subchapter 2. Procedural Safeguards**

***N.J.A.C. 6A:14-2.3* Parental consent, notice, participation and meetings**

This section identifies the situations when parental consent must be obtained by a school district. It also describes the procedures that must be followed in situations when a parent refuses to provide consent or revokes parental consent. The section also describes the requirements regarding written notice when a school district proposes to initiate or change, or declines to initiate or change, the identification, classification, evaluation, or educational placement of a student or the provision of a free, appropriate public education, and school district responsibilities when responding to written parental requests. In addition, the section lists the required participants in eligibility and individualized education program (IEP) team meetings, as well as the required procedures for scheduling and conducting IEP team meetings.

The Department proposes new *N.J.A.C. 6A:14-2.3(a)6* to include public benefits or insurance as an additional instance when parental consent must be obtained. In accordance with regulations recently issued by the United States Department of Education, *34 CFR 300.154(d)*, a one-time consent must be obtained prior to accessing for the first time a child's or parent's public benefits or insurance. The Department also proposes to recodify current *N.J.A.C. 6A:14-2.3(a)6* through 8 as paragraphs (a)7 through 9, respectively.

The Department proposes *N.J.A.C. 6A:14-2.3(g)7iii* and *iv* to include two additional instances when a school district must provide to parents a copy of the procedural safeguards statement. A copy of the procedural safeguards statement must be provided when a request for a complaint investigation is submitted to the Department and when a student is removed for disciplinary reasons and the removal constitutes a change in placement as described in *N.J.A.C. 6A:14-2.8*. The proposed new subparagraphs are required to align with the Federal requirements set forth at *34 CFR 300.504*.

N.J.A.C. 6A:14-2.5 Protection in evaluation procedures

This section describes the procedures for conducting evaluations to determine a student's eligibility for special education and related services, including required methodology, and a school district's response to parental requests for independent evaluations.

The Department proposes an amendment to *N.J.A.C. 6A:14-2.5(c)*, which currently describes the process for obtaining an independent evaluation, to add "upon completion of an initial evaluation or reevaluation" to stipulate when the parent can request the independent evaluation and to change "if there is a disagreement with any assessment conducted as part of the initial evaluation" to "if there is a disagreement with the initial evaluation." The proposed amendment also will add language allowing a parent to obtain only one independent evaluation at public expense each time the district board of education conducts an initial evaluation or reevaluation with which the parent disagrees, and requiring the parent to specify what assessment(s) is sought as part of the request for an independent evaluation. The proposed amendment will align the rule with Federal requirements set forth at *34 CFR 300.502*.

The Department proposes to delete *N.J.A.C. 6A:14-2.5(c)1*, which allows a school district to conduct assessments prior to an independent evaluator's assessment. The current rules conflict with Federal regulations at *34 CFR 300.502(b)(2)* and cause additional expense for school districts without improving the process.

The Department proposes to recodify *N.J.A.C. 6A:14-2.5(c)2* through 8 as paragraphs (c)1 through 7, respectively.

The Department also proposes an amendment to recodified *N.J.A.C. 6A:14-2.5(c)1i* to accurately reflect "(c)2 and 3 below" instead of "(c)3 and (4)" and to delete "except as provided in (c)1 above" since current *N.J.A.C. 6A:14-2.5(c)1* is proposed for deletion.

Subchapter 3. Services

N.J.A.C. 6A:14-3.5 Determination of eligibility for special education and related services

This section describes the procedures for determining eligibility for special education and related services and defines the eligibility categories.

The Department proposes an amendment to *N.J.A.C. 6A:14-3.5(c)3* and *3i* through *iii* to replace "cognitively impaired" and "cognitive impairment" with "intellectually disabled" and "intellectual disability," respectively. The Department also proposes at *N.J.A.C. 6A:14-3.5(c)3* and *3i* through *iii* to delete "corresponds to 'mentally retarded' and," "corresponds to 'educable' and," "corresponds to 'trainable' and," and "corresponds to 'eligible for day training' and," respectively. The proposed amendments will align the chapter with the Federal Pub. L. 111-256, Rosa's Law, which removed references to "mental retardation" from the IDEA and replaced it with "intellectual disabilities."

The Department proposes to recodify part of *N.J.A.C. 6A:14-3.5(c)10* as *N.J.A.C. 6A:14-3.5(c)10i* to restructure the paragraph and allow for the addition of proposed *N.J.A.C. 6A:14-3.5(c)10ii*. The Department also proposes to recodify current *N.J.A.C. 6A:14-3.5(c)10i* through *v* as sub-subparagraphs (c)10i(1) through (5), respectively, and to replace "Cognitive" with "Intellectual" at recodified *N.J.A.C. 6A:14-3.5(c)10i(2)* to align with the Federal Pub. L. 111-256, Rosa's Law.

The Department proposes *N.J.A.C. 6A:14-3.5(c)10ii* to include as a preschool child with a disability a child between the ages of three and five who has an identified disabling condition, including vision or hearing, that adversely affects learning or development and who requires special education and related services. The proposed subparagraph will align State regulations regarding preschool children with disabilities with the Federal requirements at *34 C.F.R. 3008(b)* and *300.11(b)*.

N.J.A.C. 6A:14-3.7 Individualized education program

This section describes the required sections of an IEP and the procedures for developing and revising student IEPs.

The Department proposes *N.J.A.C. 6A:14-3.7(c)4* to require IEP teams to consider, when developing student IEPs, the consistency of the location of services for students who are prone to regression due to frequent changes in location. The proposed paragraph is required by P.L. 2013, c. 19, which directed the State Board to require school districts to consider, among other factors, the consistency of the location, curriculum, and staffing in the provision of services when developing IEPs for students who are prone to regression due to frequent changes in location.

The Department also proposes to recodify *N.J.A.C. 6A:14-3.7(c)4* through 11 as paragraphs (c)5 through 12, respectively.

The Department proposes to amend *N.J.A.C. 6A:14-3.7(f)* to replace the reference to paragraphs (e)1 through 7 with a reference to paragraphs (e)1 through 8 to include all IEP components that must be included when developing an IEP for a student classified as eligible for speech-language services.

Subchapter 4. Programs and Instruction

***N.J.A.C. 6A:14-4.1* General requirements**

This section describes the general requirements for providing educational programs and related services for students with disabilities.

The Department proposes to delete *N.J.A.C. 6A:14-4.1(l)1*, which stipulated the effective date of the requirements for instructional time specified in *N.J.A.C. 6A:14-4.1(l)*, because the subsection was applicable starting with the 2007-2008 school year and, therefore, the paragraph is no longer necessary.

***N.J.A.C. 6A:14-4.6* Program criteria: supplementary instruction and resource**

This section describes the supplementary instruction and resource programs that may be provided to students with disabilities through an IEP.

The Department proposes to delete *N.J.A.C. 6A:14-4.6(k)1*, which stipulated the effective date of the requirements at *N.J.A.C. 6A:14-4.6(k)* regarding year spans for single-subject pull-out resource programs, because the subsection was applicable starting with the 2007-2008 school year and, therefore, the paragraph is no longer necessary.

***N.J.A.C. 6A:14-4.7* Program criteria: special class programs, secondary programs and vocational rehabilitation**

This section describes special class programs, secondary programs, and vocational rehabilitation programs available through an IEP to students with a disability.

[page=1998] The Department proposes an amendment to *N.J.A.C. 6A:14-4.7(a)2* to change the class age range for special class programs at the elementary level from three years to four years. The amendment will align the rule with a July 26, 2007, Council on Local Mandates decision (<http://nj.gov/localmandates/decisions/7-26-07opinion.html>) that required the age range at the elementary level to remain at four years.

The Department proposes to delete *N.J.A.C. 6A:14-4.7(a)2i*, which stipulated the effective date of *N.J.A.C. 6A:14-4.7(a)2*, because the paragraph was applicable starting with the 2007-2008 school year and, therefore, the subparagraph is no longer necessary.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is exempt from the rulemaking calendar requirement, pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The proposed amendments apply to the provision of special education services to all students with disabilities within the State. The proposed amendments will have an impact on individuals who administer and provide services, as well as the students who receive the services and their parents.

The purpose of the proposed amendments is to implement current Federal and State mandates and to reduce unnecessary burdens. The proposed amendments are necessary to continue the framework for the implementation of the mandates established when *N.J.A.C. 6A:14* was originally adopted. Absent the rules as proposed for amendment, pro-

cedures for implementation could vary considerably from school district to school district. The consistency in Statewide rules rather than school district to school district procedures is a benefit to students with educational disabilities and their parents.

The proposed amendments will provide students with disabilities, parents, school district officials, and the general public concise rules governing all aspects of the provision of special education and related services to students with disabilities. The rules proposed for amendment govern all aspects of the provision of a free, appropriate public education to students with disabilities, and provide all affected persons and entities necessary guidance to obtain or provide students with disabilities the free, appropriate public education guaranteed them by State and Federal law. The proposed amendments include provisions governing consent, evaluation, determination of eligibility, development of IEPs, and provision of programs and services.

The proposed amendments will help ensure the expeditious provision of special education and related services to students, and help assure the services provided are appropriate and consistent with State and Federal law for each student with a disability. Therefore, the proposed amendments will ensure compliance with State and Federal rules and regulations and will provide a positive social impact for students with disabilities while in school and in their adult life.

Economic Impact

Special education is funded through Federal, State, and local monies. Local monies are raised by school districts through property taxes to pay for the education of nondisabled students and students with disabilities. School districts that meet eligibility requirements receive State aid that may be utilized for all students, including students with disabilities. School districts also receive State aid for special education. In addition, school districts receive IDEA Part B and preschool monies. Fund expenditure is governed by IDEA and its implementing regulations, as well as State law.

N.J.A.C. 6A:14 incorporated Federal and State requirements since its initial adoption effective July 6, 1998. There should be no additional expenses associated with the proposed amendments, as they will ensure alignment with State and Federal rules and regulations and do not grant new entitlements or impose additional responsibilities on the regulated community beyond those currently in place and funded through the sources included above. There also should be no additional economic impact on the Department or other State agencies.

Federal Standards Statement

The proposed amendments will not be inconsistent with or exceed Federal requirements or standards. The proposed amendments will make the rules consistent with Federal regulations as reference in the Summary above.

Jobs Impact

The Department does not anticipate the proposed amendments will result in the creation or reduction of jobs in the State.

Agriculture Industry Impact

The Department does not anticipate the proposed amendments will have an impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

The proposed amendments will apply to public schools, approved private schools for students with disabilities, clinics, and agencies. Approved private schools for students with disabilities, clinics, and agencies could be considered small businesses as that term is defined by the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq. The number of approved private schools, clinics, and agencies to which the rules apply is approximately 175 private schools for students with disabilities and 155 clinics and agencies. The proposed regulatory requirements described in the Summary above pertaining to approved private schools for students with disabilities, clinics, and agencies reflect the minimal amount of paperwork and recordkeeping appropriate to strike a balance between the need to assure services are provided in an appropriate manner, and the desire to minimize the burden on small businesses. No professional services should be necessary to comply with the regulatory requirements as proposed with amendments. There are no capital costs and minimal or no compliance costs associated with the proposed amendments. There should be no adverse economic impact on small businesses as a result of the proposed amendments.

Housing Affordability Impact Analysis

The proposed amendments will not impact on the average cost of housing. The proposed amendments concern special education and related services.

Smart Growth Development Impact Analysis

The proposed amendments will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed amendments concern special education and related services.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

6A:14-1.2 District eligibility for assistance under IDEA Part B

(a) (No change.)

(b) Each district board of education shall have policies, procedures, and programs approved by the Department of Education through the county office of education that are in effect to ensure the following:

1.-16. (No change.)

17. For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, *N.J.S.A. 30:4-25.10* et seq., the necessary materials to the parent to apply for such services; [and]

18. When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system[.]; **and**

19. A plan is in effect to establish stability in special education programming. The plan shall take into account the consistency of the location, curriculum, and staffing in the provision of special education services.

(c) Each district board of education shall provide written assurance of its compliance with the requirements of (b)1 through [14] **19** above.

(d)-(h) (No change.)

[page=1999] 6A:14-1.3 Definitions

Words and terms, unless otherwise defined below, when used in this chapter, shall be defined in the same manner as those words and terms are defined and used in the IDEA (*20 U.S.C. §§1400* et seq.) and its implementing regulations at *34 CFR [§§] 300.1* et seq., which terms are incorporated by reference herein.

"Dyslexia" means a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include

problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

SUBCHAPTER 2. PROCEDURAL SAFEGUARDS

6A:14-2.3 Parental consent, notice, participation, and meetings

(a) Consent shall be obtained:

1.-5. (No change.)

6. Prior to the first time a district board of education seeks to access a child's or parent's public benefits or insurance covering a student with a disability in accordance with 34 CFR 154(d);

Recodify existing 6.-8. as 7.-9. (No change in text.)

(b)-(f) (No change.)

(g) Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to *N.J.A.C. 6A:14-2.4*. Written notice shall include:

1.-6. (No change.)

7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:

i. (No change.)

ii. Upon request by a parent; [and]

iii. When a request for a due process hearing is submitted to the Department of Education[.];

iv. When a request for a complaint investigation is submitted to the Department; and

v. When a student is removed for disciplinary reasons and the removal constitutes a change in placement as described in *N.J.A.C. 6A:14-2.8*.

(h)-(n) (No change.)

6A:14-2.5 Protection in evaluation procedures

(a)-(b) (No change.)

(c) [A] **Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with [any assessment conducted as part of an] the initial evaluation or a reevaluation provided by a district board of education. A parent shall be entitled to only one independent evaluation at public expense each time the district board of education conducts an initial evaluation or reevaluation with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request.**

[1. If a parent seeks an independent evaluation in an area not assessed as part of an initial evaluation or a reevaluation, the school district shall first have the opportunity to conduct the requested evaluation.

i. The school district shall determine within ten days of receipt of the request for an independent evaluation whether or not to conduct an evaluation pursuant to (c)1iii and iv below, and notify the parent of its determination.

ii. If the school district determines to conduct the evaluation, it shall notify the parent in writing and complete the evaluation within 45 calendar days of the date of the parent's request.

iii. If the school district determines not to conduct the evaluation first, it shall proceed in accordance with (c)2 below.

iv. After receipt of the school district's evaluation, or the expiration of the 45 calendar day period in which to complete the evaluation, the parent may then request an independent evaluation if the parent disagrees with the evaluation conducted by the school district.]

[2.] 1. Such independent evaluation(s) shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

i. Upon receipt of the parental request, the school district shall provide the parent with information about where an independent evaluation may be obtained and the criteria for independent evaluations according to (c)[3]2 and [4] 3 below. In addition, [except as provided in (c)1 above,] the school district shall take steps to ensure that the independent evaluation is provided without undue delay; or

ii. (No change.)

Recodify existing 3.-8. as 2.-7. (No change in text.)

SUBCHAPTER 3. SERVICES

6A:14-3.5 Determination of eligibility for special education and related services

(a)-(b) (No change.)

(c) A student shall be determined eligible and classified "eligible for special education and related services" under this chapter when it is determined that the student has one or more of the disabilities defined in (c)1 through 14 below; the disability adversely affects the student's educational performance and the student is in need of special education and related services. Classification shall be based on all assessments conducted including assessment by child study team members and assessment by other specialists as specified below.

1.-2. (No change.)

3. "[Cognitively impaired] **Intellectually disabled**" [corresponds to "mentally retarded" and] means a disability that is characterized by significantly below average general cognitive functioning existing concurrently with deficits in adaptive behavior; manifested during the developmental period that adversely affects a student's educational performance and is characterized by one of the following:

i. "Mild [cognitive impairment] **intellectual disability**" [corresponds to "educable" and] means a level of cognitive development and adaptive behavior in home, school, and community settings that are mildly below age expectations with respect to all of the following:

(1)-(3) (No change.)

ii. "Moderate [cognitive impairment] **intellectual disability**" [corresponds to "trainable" and] means a level of cognitive development and adaptive behavior that is moderately below age expectations with respect to the following:

(1)-(3) (No change.)

iii. "Severe [cognitive impairment] **intellectual disability**" [corresponds to "eligible for day training" and] means a level of functioning severely below age expectations whereby in a consistent basis the student is incapable of giving evidence of understanding and responding in a positive manner to simple directions expressed in the child's primary mode of communication and cannot in some manner express basic wants and needs.

4.-9. (No change.)

10. "Preschool child with a disability" corresponds to preschool handicapped and means a child between the ages of three and five **who either:**

i. **Is** experiencing developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the areas in (c)10i(1) through [v] (5) below, and requires special education and related services. When utilizing a standardized assessment or criterion-referenced measure to determine eligibility, a developmental delay shall mean a 33 percent delay in one developmental area, or a 25 percent delay in two or more developmental areas.

[i.] (1) (No change in text.)

[ii.] (2) [Cognitive] **Intellectual;**

Recodify existing iii.-iv. as (3)-(4) (No change in text.)

[page=2000] [v.] (5) Adaptive[.]; or

ii. **Has an identified disabling condition, including vision or hearing, that adversely affects learning or development and who requires special education and related services.**

11.-14. (No change.)

6A:14-3.7 Individualized education program

(a)-(b) (No change.)

(c) When developing the IEP, the IEP team shall:

1.-3. (No change.)

4. Consider the consistency of the location of the services for students who are prone to regression due to frequent changes in location;

Recodify existing 4.-11. as 5.-12. (No change in text.)

(d)-(e) (No change.)

(f) The IEP for the student classified as eligible for speech-language services shall include (e)1 through [7] 8, 15, and 16 above. When appropriate, (e)11, 12, 13, and 14 above shall be included. The statement of the current academic and functional achievement in (e)1 above shall include a description of the student's status in speech-language performance and a description of how the student's disability affects the student's involvement and progress in the general curriculum. Students who are classified as eligible for speech-language services shall not be exempted from districtwide or Statewide assessment.

(g)-(m) (No change.)

SUBCHAPTER 4. PROGRAMS AND INSTRUCTION

6A:14-4.1 General requirements

(a)-(k) (No change.)

(l) When a student with a disability receives instruction for a particular subject area in either a single-subject resource program or a special class program, the student shall receive at least the same amount of instructional time as that provided general education students for each subject area. For students in a single-subject resource program outside the general education class, the student's IEP shall specify the proportion of time in the general education classroom and the resource program for each subject area.

[1. The provisions of this subsection shall become effective on July 1, 2007 for the 2007-2008 school year and beyond. However, school districts may, at their discretion, adhere to the provisions of this subsection prior to July 1, 2007.]

(m) (No change.)

6A:14-4.6 Program criteria: supplementary instruction and resource programs

(a)-(j) (No change.)

(k) The age span in an approved single-subject pull-out resource program shall not exceed three years in elementary programs, and shall not exceed four years in secondary programs.

[1. The provisions of this subsection with respect to elementary programs shall become effective on July 1, 2007 for the 2007-2008 school year and beyond. For the 2006-2007 school year, the age range in elementary programs shall not exceed four years. However, school districts may, at their discretion, adhere to the provisions of this subsection prior to July 1, 2007.]

(l)-(q) (No change.)

6A:14-4.7 Program criteria: special class programs, secondary, and vocational rehabilitation

(a) A special class program shall serve students who have similar intensive educational, behavioral, and other needs related to their disabilities in accordance with their individualized education programs. Placement in a special class program shall occur when the IEP team determines that the nature and severity of the student's disability is such that no other school-based program will meet the student's needs. Special class programs shall offer instruction in the core curriculum content standards unless the IEP specifies a modified curriculum due to the nature or severity of the student's disability. The regular education curriculum and the instructional strategies may be modified based on the student's IEP. Special class programs shall meet the following criteria:

1. (No change.)

2. The age span in special class programs shall not exceed [three] **four** years in elementary programs, and shall not exceed four years in secondary programs; **and**

[i. The provisions of this paragraph with respect to elementary programs shall become effective on July 1, 2007 for the 2007-2008 school year and beyond. For the 2006-2007 school year, the age range in elementary programs shall not exceed four years. However, school districts may, at their discretion, adhere to the provisions of this paragraph prior to July 1, 2007; and]

3. (No change.)

(b)-(i) (No change.)

EXHIBIT M



NEW JERSEY REGISTER
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VOLUME 47, ISSUE 3

ISSUE DATE: FEBRUARY 2, 2015

RULE ADOPTIONS

EDUCATION
STATE BOARD OF EDUCATION

47 N.J.R. 419(a)

Adopted Amendments: *N.J.A.C. 6A:14-1.2, 1.3, 2.3, 2.5, 3.5, 3.7, 4.1, 4.6, and 4.7*

Special Education

Proposed: October 6, 2014, at *46 N.J.R. 1996(a)*.

Adopted: January 8, 2015, by the State Board of Education, David C. Hespe, Commissioner, Department of Education and Secretary, State Board of Education.

Filed: January 8, 2015, as R.2015 d.022, **without change**.

Authority: *N.J.S.A. 18A:4-15 and 18A:46-1*; U.S. Pub. L. 93-112, § 504, 94-112, 99-457, 101-476, 105-17, and 108-446; and *34 CFR 300.1 et seq.*

Effective Date: February 2, 2015.

Expiration Date: June 26, 2020.

Summary of Public Comments and Agency Responses:

The following is a summary of comments received from the public and the Department's responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Rachel R. Elkin, Legal Services of New Jersey
2. Eric Storjohann, Education and Health Law Clinic
3. Jennifer N. Rosen Valverde, Education and Health Law Clinic
4. Denise Dwyer, Esq., New Jersey Special Education Practitioners
5. Elizabeth Athos, Esq., Senior Attorney, Education Law Center

1. COMMENT: The commenters suggested amendments to *N.J.A.C. 6A:14-2.4* that would ensure parents who do not speak English, or who speak limited English, are able to participate fully in the special education process. (3, 5)

RESPONSE: The comment is outside the scope of the rulemaking because the rule is not being amended. However, the Department will take the comment under consideration when the chapter is readopted.

2. COMMENT: The commenters suggested amending the definition of "age 21" in *N.J.A.C. 6A:14-1.3* to include the "period up until the 22nd birthday." (3, 5)

RESPONSE: The comment is outside the scope of the rulemaking because the definition is not being amended. However, the Department will take the comment under consideration when the chapter is readopted.

3. COMMENT: The commenter expressed support for the Department's proposed amendment of *N.J.A.C. 6A:14-1.2(b)*, which requires school districts to develop a plan to establish stability in special education programming. (1)

RESPONSE: The Department thanks the commenter for supporting the proposed amendment.

4. COMMENT: The commenters requested that language proposed in *N.J.A.C. 6A:14-2.3(a)6*, which will incorporate the Federal requirement that consent to access public benefits or insurance need only be obtained the first time a school district seeks to access such benefits or insurance, be amended to exceed current Federal requirements. The commenters proposed requiring a school district to obtain parental consent each time it seeks to access a child's or parent's public benefits or insurance rather than the first time as required by Federal regulations.

The commenters also requested additional language at *N.J.A.C. 6A:14-2.3* to address the following areas: "[m]oreover, to clarify that school districts may only access public benefits or insurance under certain circumstances, and consistent with *34 C.F.R. §300.154(d)*, *N.J.A.C. 6A:2.3* must note that school districts may neither require parents to apply for public benefits, nor to incur any out-of-pocket expenses such as the payment of a deductible or co-pay. In addition, school districts may not use public benefits or insurance if their use leads to: a) a decrease in available lifetime coverage or any other insurance benefit; b) the parents paying for services that would otherwise be covered by public benefits or insurance program and that are required for the child outside of the time the child is in school; c) increased premiums or the discontinuation of benefits or insurance; or d) the loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures. Finally, *N.J.A.C. 6A:14-2.3* must fully incorporate the notification requirements of *34 C.F.R. §300.154(d) (v) (A) - (D)* to ensure that initial and annual notice is provided that includes federally required statements on parental consent provisions, 'no-cost' provisions, the right to withdraw consent, and that withdrawal of, or refusal to, consent does not relieve the school districts of its responsibility to provide services at no cost." (3, 5)

RESPONSE: The Department disagrees with the suggestion to require consent to be obtained in a manner inconsistent with the Federal regulation. The Department is amending its regulation to align with the Federal requirement to allow school districts to meet participation requirements for the Special Education Medicaid Initiative program in accordance *34 CFR 300.154(d)*. The commenters' suggestion would be inconsistent with Federal policy determinations and requirements with respect to public benefits or insurance, which could cause school districts and the State to fail to meet their obligations under Federal laws and regulations.

The Department disagrees that *N.J.A.C. 6A:14-2.3* should be further amended to include the additional requirements in Federal regulations. School districts already are subject to *34 CFR 300.154(d)* and all other provisions of IDEA not repeated in the Department's rules. The Department amended *N.J.A.C. 6A:14-2.3* to bring it into compliance with recent changes to *34 CFR 300.154(d)*, which did not include the provisions referenced by the commenters. Lastly, *N.J.A.C. 6A:14-2.3* would not be the appropriate location for the additional language even if the Department agreed it was necessary to repeat the Federal regulations in *N.J.A.C. 6A:14*.

5. COMMENT: The commenters expressed concern with the language proposed in *N.J.A.C. 6A:14-2.5(c)* concerning independent educational evaluations that limits a parent's right to an independent evaluation to circumstances where there is a disagreement with an evaluation conducted by the school district. The commenters asserted that a parent should have a right to an independent educational evaluation in circumstances where he or she requests an initial evaluation or reevaluation, but it is not conducted by the school district.

The commenters also asserted that "evaluation" and "assessment" are improperly used interchangeably in the rule. The commenters also objected to the regulatory provisions limiting parents to only one independent evaluation at public expense after each initial or reevaluation, and requiring parents to identify which assessments they are seeking as part of their request for an independent evaluation. Finally, one commenter suggested clarifying the rule to allow a parent to

seek as many assessments as he or she chooses when requesting an independent evaluation, and to not limit the request only to the assessments conducted by the school district when it completed its initial or reevaluation. (1, 2, 3, 4, 5)

RESPONSE: The Department disagrees. In regard to the concern the Department is limiting a parent's right to an independent evaluation when the school district has not conducted an evaluation, the Federal regulations at *34 CFR 300.502 (b)(1)* state in relevant part: "[a] parent has the right to an independent educational evaluation at public expense if the parent disagrees *with an evaluation obtained by public agency ...*" (emphasis added). The Federal regulations are clear that a parent's right to an independent evaluation is triggered by disagreement with an evaluation conducted or obtained by the school district. If a parent disagrees with a school district's decision not to conduct an initial [page=420] evaluation in accordance with *N.J.A.C. 6A:14-3.3(e)*, the parent can dispute the school district's decision through mediation and/or due process, but he or she cannot request an independent evaluation as there is no school district evaluation with which the parent is in disagreement. In the case of a reevaluation, a school district, in accordance with *N.J.A.C. 6A:14-3.8(a)*, must conduct a reevaluation when one is requested by a parent unless less than one year has passed since the completion of the initial evaluation or the last reevaluation. If a school district decides not to conduct assessments as part of a reevaluation, in accordance with *N.J.A.C. 6A:14-3.8(b)3*, the parent may request, and the school district must obtain, an assessment. Therefore, the Department disagrees that the language proposed in *N.J.A.C. 6A:14-2.5(c)* is unclear and will not propose further changes.

In addition, the rule as proposed for amendment clearly differentiates between an evaluation and the assessments that comprise the evaluation and further clarification is not necessary. The proposed amendment also aligns with Federal requirements, which clearly state in *34 CFR 300.502 (b)(5)*, "[a] parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees." As the rule as proposed for amendment simply restates the Federal regulation, the rule conforms to Federal law and no further amendments are necessary.

The Department disagrees with the commenters' suggestion that parents should not be required to inform school districts which particular assessments they are seeking as part of their request for an independent evaluation. The Department contends it would be unduly burdensome to require school districts to respond promptly to a parental request that does not actually state what assessments are being requested. Such a requirement would be unduly burdensome and serve only to delay a parent's ability to obtain an independent evaluation.

Finally, the Department disagrees the rule requires clarification with respect to the number of assessments a parent may seek as part of a request for an independent evaluation. The Department's rules adhere to the provisions of the Federal regulations at *34 CFR 300.502*, and no further clarification is necessary. In addition, the Department has issued, and posted on its website, guidance that further clarifies that parents are entitled to seek any assessment they choose when requesting an independent evaluation in accordance with State and Federal law, thus ensuring parents and school districts are aware of the permitted scope of a parental request for an independent evaluation.

6. COMMENT: The commenters expressed support for the proposed amendment at *N.J.A.C. 6A:14-3.7(c)4* that requires an individualized education program (IEP) team to consider the consistency of the location of services for students who are prone to regression when developing IEPs. The commenters also suggested including additional language to clarify the new requirement cannot override existing least restrictive environment (LRE) and free, appropriate public education (FAPE) requirements in State and Federal law. (3, 5)

RESPONSE: The Department thanks the commenters for their support of the proposed amendment. The Department disagrees that additional language is necessary to clarify existing LRE and FAPE requirements as no amendments are being proposed that impact current requirements.

7. COMMENT: The commenter proposed increasing funding to school districts to allow the class age-ranges in *N.J.A.C. 6A:14-4.7(a)2* to be reduced to three years at the elementary level as proposed by the Department in 2006 but invalidated as an unfunded mandate by the Council on Local Mandates in 2007. The commenter also proposed adding language to the proposed amendment that reminds IEP teams of their obligation to consider whether placement in a class with a four-year age range is consistent with the provision of FAPE for the individual student. (4)

RESPONSE: The Department acknowledges the commenter's suggestion for increased funding for school districts. However, in accordance with a decision of the Council on Local Mandates issued July 26, 2007, the provision of *N.J.A.C. 6A:14-4.7(a)2* reducing the age-range for special class programs at the elementary level from four years to three years was determined an unfunded mandate and invalidated. The suggestion to increase funding is outside the scope of this rulemaking. Finally, the Department disagrees with the commenter's proposal for further amendments to

include a reminder for IEP teams, as both State and Federal rules are clear that every decision made by an IEP team is to be individualized based upon the needs of a particular student. Therefore, an additional reminder of the requirement is not necessary.

Federal Standards Statement

The adopted amendments will not be inconsistent with or exceed Federal requirements or standards. The adopted amendments will make the rules consistent with Federal regulations, as referenced in the proposal Summary.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

6A:14-1.2 District eligibility for assistance under IDEA Part B

(a) (No change.)

(b) Each district board of education shall have policies, procedures, and programs approved by the Department of Education through the county office of education that are in effect to ensure the following:

1.-16. (No change.)

17. For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, *N.J.S.A. 30:4-25.10* et seq., the necessary materials to the parent to apply for such services;

18. When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system; and

19. A plan is in effect to establish stability in special education programming. The plan shall take into account the consistency of the location, curriculum, and staffing in the provision of special education services.

(c) Each district board of education shall provide written assurance of its compliance with the requirements of (b)1 through 19 above.

(d)-(h) (No change.)

6A:14-1.3 Definitions

Words and terms, unless otherwise defined below, when used in this chapter, shall be defined in the same manner as those words and terms are defined and used in the IDEA (*20 U.S.C. §§1400* et seq.) and its implementing regulations at *34 CFR 300.1* et seq., which terms are incorporated by reference herein.

...
 "Dyslexia" means a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.
 ...

SUBCHAPTER 2. PROCEDURAL SAFEGUARDS

6A:14-2.3 Parental consent, notice, participation, and meetings

(a) Consent shall be obtained:

1.-5. (No change.)

6. Prior to the first time a district board of education seeks to access a child's or parent's public benefits or insurance covering a student with a disability in accordance with 34 CFR 154(d);

Recodify existing 6.-8. as 7.-9. (No change in text.)

(b)-(f) (No change.)

(g) Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to *N.J.A.C. 6A:14-2.4*. Written notice shall include:

1.-6. (No change.)

[page=421] 7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:

i. (No change.)

ii. Upon request by a parent;

iii. When a request for a due process hearing is submitted to the Department of Education;

iv. When a request for a complaint investigation is submitted to the Department; and

v. When a student is removed for disciplinary reasons and the removal constitutes a change in placement as described in *N.J.A.C. 6A:14-2.8*.

(h)-(n) (No change.)

6A:14-2.5 Protection in evaluation procedures

(a)-(b) (No change.)

(c) Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided by a district board of education. A parent shall be entitled to only one independent evaluation at public expense each time the district board of education conducts an initial evaluation or reevaluation with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request.

1. Such independent evaluation(s) shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

i. Upon receipt of the parental request, the school district shall provide the parent with information about where an independent evaluation may be obtained and the criteria for independent evaluations according to (c)2 and 3 below. In addition, the school district shall take steps to ensure that the independent evaluation is provided without undue delay; or

ii. (No change.)

Recodify existing 3.-8. as 2.-7. (No change in text.)

SUBCHAPTER 3. SERVICES

6A:14-3.5 Determination of eligibility for special education and related services

(a)-(b) (No change.)

(c) A student shall be determined eligible and classified "eligible for special education and related services" under this chapter when it is determined that the student has one or more of the disabilities defined in (c)1 through 14 below; the disability adversely affects the student's educational performance and the student is in need of special education and related services. Classification shall be based on all assessments conducted including assessment by child study team members and assessment by other specialists as specified below.

1.-2. (No change.)

3. "Intellectually disabled" means a disability that is characterized by significantly below average general cognitive functioning existing concurrently with deficits in adaptive behavior; manifested during the developmental period that adversely affects a student's educational performance and is characterized by one of the following:

i. "Mild intellectual disability" means a level of cognitive development and adaptive behavior in home, school, and community settings that are mildly below age expectations with respect to all of the following:

(1)-(3) (No change.)

ii. "Moderate intellectual disability" means a level of cognitive development and adaptive behavior that is moderately below age expectations with respect to the following:

(1)-(3) (No change.)

iii. "Severe intellectual disability" means a level of functioning severely below age expectations whereby in a consistent basis the student is incapable of giving evidence of understanding and responding in a positive manner to simple directions expressed in the child's primary mode of communication and cannot in some manner express basic wants and needs.

4.-9. (No change.)

10. "Preschool child with a disability" corresponds to preschool handicapped and means a child between the ages of three and five who either:

i. Is experiencing developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the areas in (c)10i(1) through (5) below, and requires special education and related services. When utilizing a standardized assessment or criterion-referenced measure to determine eligibility, a developmental delay shall mean a 33 percent delay in one developmental area, or a 25 percent delay in two or more developmental areas.

(1) (No change in text.)

(2) Intellectual;

Recodify existing iii.-iv. as (3)-(4) (No change in text.)

(5) Adaptive; or

ii. Has an identified disabling condition, including vision or hearing, that adversely affects learning or development and who requires special education and related services.

11.-14. (No change.)

6A:14-3.7 Individualized education program

(a)-(b) (No change.)

(c) When developing the IEP, the IEP team shall:

1.-3. (No change.)

4. Consider the consistency of the location of the services for students who are prone to regression due to frequent changes in location;

Recodify existing 4.-11. as 5.-12. (No change in text.)

(d)-(e) (No change.)

(f) The IEP for the student classified as eligible for speech-language services shall include (e)1 through 8, 15, and 16 above. When appropriate, (e)11, 12, 13, and 14 above shall be included. The statement of the current academic and functional achievement in (e)1 above shall include a description of the student's status in speech-language performance and a description of how the student's disability affects the student's involvement and progress in the general curriculum. Students who are classified as eligible for speech-language services shall not be exempted from districtwide or Statewide assessment.

(g)-(m) (No change.)

SUBCHAPTER 4. PROGRAMS AND INSTRUCTION

6A:14-4.1 General requirements

(a)-(k) (No change.)

(l) When a student with a disability receives instruction for a particular subject area in either a single-subject resource program or a special class program, the student shall receive at least the same amount of instructional time as that provided general education students for each subject area. For students in a single-subject resource program outside the general education class, the student's IEP shall specify the proportion of time in the general education classroom and the resource program for each subject area.

(m) (No change.)

6A:14-4.6 Program criteria: supplementary instruction and resource programs

(a)-(j) (No change.)

(k) The age span in an approved single-subject pull-out resource program shall not exceed three years in elementary programs, and shall not exceed four years in secondary programs.

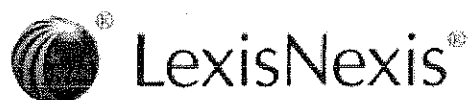
(l)-(q) (No change.)

6A:14-4.7 Program criteria: special class programs, secondary, and vocational rehabilitation

(a) A special class program shall serve students who have similar intensive educational, behavioral, and other needs related to their disabilities in accordance with their individualized education programs. Placement in a special class program shall occur when the IEP team determines that the nature and severity of the student's disability is such that no other school-based program will meet the student's needs. Special class programs shall offer instruction in the core curriculum content standards unless the IEP specifies a modified curriculum due to the nature or severity of the student's disability. The regular education curriculum [page=422] and the instructional strategies may be modified based on the student's IEP. Special class programs shall meet the following criteria:

1. (No change.)
 2. The age span in special class programs shall not exceed four years in elementary programs, and shall not exceed four years in secondary programs; and
 3. (No change.)
- (b)-(i) (No change.)

EXHIBIT N



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NEW JERSEY 215TH LEGISLATURE

P.L. 2013, CHAPTER 105

ASSEMBLY, NO. 3606

2013 N.J. ALS 105; 2013 N.J. Laws 105; 2013 N.J. Ch. 105; 2012 N.J. A.N. 3606

BILL TRACKING SUMMARY FOR THIS DOCUMENT

SYNOPSIS: An Act concerning professional development for public school employees and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

To view the next section, type .np* and TRANSMIT.

To view a specific section, transmit p* and the section number. E.g. p*1

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.18A:6-130 Professional development opportunities related to reading disabilities.

[*1] 1. The Department of Education shall provide professional development opportunities related to reading disabilities, including dyslexia, to school district personnel. The professional development shall be made available to general education, special education, basic skills, and English as a second language teachers, instructional support staff, administrators, supervisors, child study team members, and speech-language specialists. The professional development opportunities shall be designed to account for the various manners in which different school district personnel interact with, or develop instructional programs for, students with reading disabilities.

C.18A:6-131 Required instruction.

[*2] 2. The State Board of Education shall, as part of the professional development requirement established by the State board for public school teaching staff members, require certain teaching staff members to annually complete at least two hours of professional development instruction on the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dyslexia. The professional development requirement established pursuant to this section shall apply to general education teachers employed in grades kindergarten through 3, special education, basic skills, and English as a second language teachers, reading specialists, learning disabilities teacher consultants, and speech-language specialists. A board of education may make the professional development opportunities available to other instructional or support staff as the board deems appropriate.

[*3] 3. This act shall take effect immediately and shall first be applicable to the first full school year beginning after the effective date of this act.

HISTORY:

Approved August 7, 2013

SPONSOR: Albano



1 of 2 DOCUMENTS

LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
N.J. Constitution current through November 2014 election

TITLE 18A. EDUCATION
SUBTITLE 3. EDUCATION; GENERAL PROVISIONS
CHAPTER 6. EDUCATIONAL SYSTEM AND INSTITUTIONS
ARTICLE 19. PROFESSIONAL DEVELOPMENT

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:6-130 (2015)

§ 18A:6-130. Professional development opportunities related to reading disabilities

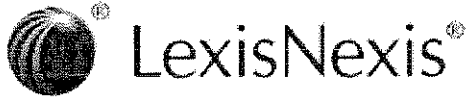
The Department of Education shall provide professional development opportunities related to reading disabilities, including dyslexia, to school district personnel. The professional development shall be made available to general education, special education, basic skills, and English as a second language teachers, instructional support staff, administrators, supervisors, child study team members, and speech-language specialists. The professional development opportunities shall be designed to account for the various manners in which different school district personnel interact with, or develop instructional programs for, students with reading disabilities.

HISTORY: L. 2013, c. 105, § 1, eff. Aug. 7, 2013.

NOTES:

Effective Dates:

Section 3 of L. 2013, c. 105 provides: "This act shall take effect immediately and shall first be applicable to the first full school year beginning after the effective date of this act." Chapter 105, L. 2013, was approved on Aug. 7, 2013.



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LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
N.J. Constitution current through November 2014 election

TITLE 18A. EDUCATION
SUBTITLE 3. EDUCATION; GENERAL PROVISIONS
CHAPTER 6. EDUCATIONAL SYSTEM AND INSTITUTIONS
ARTICLE 19. PROFESSIONAL DEVELOPMENT

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:6-131 (2015)

§ 18A:6-131. Required instruction

The State Board of Education shall, as part of the professional development requirement established by the State board for public school teaching staff members, require certain teaching staff members to annually complete at least two hours of professional development instruction on the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dyslexia. The professional development requirement established pursuant to this section shall apply to general education teachers employed in grades kindergarten through 3, special education, basic skills, and English as a second language teachers, reading specialists, learning disabilities teacher consultants, and speech-language specialists. A board of education may make the professional development opportunities available to other instructional or support staff as the board deems appropriate.

HISTORY: L. 2013, c. 105, § 2, eff. Aug. 7, 2013.

NOTES:

Effective Dates:

Section 3 of L. 2013, c. 105 provides: "This act shall take effect immediately and shall first be applicable to the first full school year beginning after the effective date of this act." Chapter 105, L. 2013, was approved on Aug. 7, 2013.

EXHIBIT O



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NEW JERSEY 215TH LEGISLATURE - SECOND REGULAR SESSION

P.L. 2013, CHAPTER 210

SENATE, NO. 2442

2013 N.J. ALS 210; 2013 N.J. Laws 210; 2013 N.J. Ch. 210; 2012 N.J. S.N. 2442

BILL TRACKING SUMMARY FOR THIS DOCUMENT

SYNOPSIS: An Act concerning reading disabilities among public school students and supplementing chapter 40 of Title 18A of the New Jersey Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.18A:40-5.1 Definitions relative to reading disabilities.

[*1] 1. As used in this act:

"Potential indicators of dyslexia or other reading disabilities" means indicators that include, but shall not be limited to, difficulty in acquiring language skills; inability to comprehend oral or written language; difficulty in rhyming words; difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words; difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and trouble in replication of content.

C.18A:40-5.2 Distribution of information on screening instruments.

[*2] 2. a. The Commissioner of Education shall distribute to each board of education information on screening instruments available to identify students who possess one or more potential indicators of dyslexia or other reading disabilities pursuant to section 3 of this act. The commissioner shall provide information on the screening instruments appropriate for kindergarten through second grade students and on screening instruments that may be suitably used for older students. A board of education shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.

b. The commissioner shall develop and distribute to each board of education guidance on appropriate intervention strategies for students diagnosed with dyslexia or other reading disabilities.

C.18A:40-5.3 Screening for dyslexia, other reading disabilities.

[*3] 3. a. A board of education shall ensure that each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 of this act no later than the student's completion of the first semester of the second grade.

b. In the event that a student who would have been enrolled in kindergarten or grade one or two during or after the 2014-2015 school year enrolls in the district in kindergarten or grades one through six during or after the 2015-2016 school year and has no record of being previously screened for dyslexia or other reading disabilities pursuant to this act, the board of education shall ensure that the newly-enrolled student is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 of this act at the same time other students enrolled in the

2013 N.J. ALS 210, *; 2013 N.J. Laws 210;
2013 N.J. Ch. 210; 2012 N.J. S.N. 2442

student's grade are screened for dyslexia and other reading disabilities or, if other students enrolled in the student's grade have previously been screened, within 90 calendar days of the date the student is enrolled in the district.

c. The screening shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities.

C.18A:40-5.4 Comprehensive assessment for the learning disorder.

[*4] 4. In the event that a student is determined through the screening conducted pursuant to section 3 of this act to possess one or more potential indicators of dyslexia or other reading disabilities, the board of education shall ensure that the student receives a comprehensive assessment for the learning disorder. In the event that a diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, the board of education shall provide appropriate evidence-based intervention strategies to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

[*5] 5. This act shall take effect immediately and shall first apply to the 2014-2015 school year; provided, however, that the Commissioner of Education shall take any anticipatory actions that the commissioner determines to be necessary and appropriate to effectuate the purposes of this act prior to the 2014-2015 school year.

HISTORY:

Approved January 17, 2014

SPONSOR: Van Drew

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LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
N.J. Constitution current through November 2014 election

TITLE 18A. EDUCATION
SUBTITLE 6. CONDUCT OF SCHOOLS
PART 2. FACILITIES AND CONDUCT OF SCHOOLS
CHAPTER 40. HEALTH PROMOTION AND DISEASE PREVENTION
ARTICLE 2. EXAMINATION OF PUPILS

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:40-5.1 (2015)

§ 18A:40-5.1. Definitions relative to reading disabilities

As used in this act [*C. 18A:40-5.1 et seq.*]:

"Potential indicators of dyslexia or other reading disabilities" means indicators that include, but shall not be limited to, difficulty in acquiring language skills; inability to comprehend oral or written language; difficulty in rhyming words; difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words; difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and trouble in replication of content.

HISTORY: L. 2013, c. 210, § 1, eff. Jan. 17, 2014.

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LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
N.J. Constitution current through November 2014 election

TITLE 18A. EDUCATION
SUBTITLE 6. CONDUCT OF SCHOOLS
PART 2. FACILITIES AND CONDUCT OF SCHOOLS
CHAPTER 40. HEALTH PROMOTION AND DISEASE PREVENTION
ARTICLE 2. EXAMINATION OF PUPILS

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:40-5.2 (2015)

§ 18A:40-5.2. Distribution of information on screening instruments

a. The Commissioner of Education shall distribute to each board of education information on screening instruments available to identify students who possess one or more potential indicators of dyslexia or other reading disabilities pursuant to section 3 [C.18A:40-5.3] of this act. The commissioner shall provide information on the screening instruments appropriate for kindergarten through second grade students and on screening instruments that may be suitably used for older students. A board of education shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.

b. The commissioner shall develop and distribute to each board of education guidance on appropriate intervention strategies for students diagnosed with dyslexia or other reading disabilities.

HISTORY: L. 2013, c. 210, § 2, eff. Jan. 17, 2014.

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LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
N.J. Constitution current through November 2014 election

TITLE 18A. EDUCATION
SUBTITLE 6. CONDUCT OF SCHOOLS
PART 2. FACILITIES AND CONDUCT OF SCHOOLS
CHAPTER 40. HEALTH PROMOTION AND DISEASE PREVENTION
ARTICLE 2. EXAMINATION OF PUPILS

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:40-5.3 (2015)

§ 18A:40-5.3. Screening for dyslexia, other reading disabilities

a. A board of education shall ensure that each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 [C. 18A:40-5.2] of this act no later than the student's completion of the first semester of the second grade.

b. In the event that a student who would have been enrolled in kindergarten or grade one or two during or after the 2014-2015 school year enrolls in the district in kindergarten or grades one through six during or after the 2015-2016 school year and has no record of being previously screened for dyslexia or other reading disabilities pursuant to this act, the board of education shall ensure that the newly-enrolled student is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to section 2 of this act at the same time other students enrolled in the student's grade are screened for dyslexia and other reading disabilities or, if other students enrolled in the student's grade have previously been screened, within 90 calendar days of the date the student is enrolled in the district.

c. The screening shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities.

HISTORY: L. 2013, c. 210, § 3, eff. Jan. 17, 2014.

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LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
Second Annual Session, L. 2015, c. 3
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TITLE 18A. EDUCATION
SUBTITLE 6. CONDUCT OF SCHOOLS
PART 2. FACILITIES AND CONDUCT OF SCHOOLS
CHAPTER 40. HEALTH PROMOTION AND DISEASE PREVENTION
ARTICLE 2. EXAMINATION OF PUPILS

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 18A:40-5.4 (2015)

§ 18A:40-5.4. Comprehensive assessment for the learning disorder

In the event that a student is determined through the screening conducted pursuant to section 3 [C.18A:40-5.3] of this act to possess one or more potential indicators of dyslexia or other reading disabilities, the board of education shall ensure that the student receives a comprehensive assessment for the learning disorder. In the event that a diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, the board of education shall provide appropriate evidence-based intervention strategies to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

HISTORY: L. 2013, c. 210, § 4, eff. Jan. 17, 2014.