

HUMAN SERVICES

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Blindness Education Program of the Commission for the Blind and Visually Impaired

Proposed Amendments: N.J.A.C. 10:92-1.1, 1.2, 2.1, 2.2, 3, 4.1, 4.2, 4.3, 4.4, 4.6, 4.7, 5.1, and 6.1

Authorized By: Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:6-1 et seq., and P.L. 2007, c.111.

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

Proposal Number: PRN 2017-013.

Submit Comments by March 18, 2017, to:

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The agency proposal follows:

Summary

N.J.A.C. 10:92 sets forth the rules describing the Commission for the Blind and Visually Impaired Blindness Education Program. The Commission for the Blind and Visually Impaired

(“Commission” or “CBVI”) was designated by N.J.S.A. 30:6-1 to operate a “Statewide itinerant blindness educational services program for eligible children which facilitate their inclusion in the least restrictive, most appropriate, educational setting.”

The Commission is proposing to amend this chapter to more clearly describe the current blindness education services offered by the Commission, as well as the standards and procedures that govern the delivery of these services.

In March 2015, the Commission convened an Education Reform Task Force comprised of parents, teachers, supervisors, and academics. One of the primary purposes of this task force was to provide the members with the opportunity to offer input with regard to the content of N.J.A.C. 10:92. Many of the proposed amendments are the result of the work of this task force.

A summary of the proposed amendments follows:

At N.J.A.C. 10:92-1.1(a), the sentence regarding how blindness education services are determined was rewritten for clarity and improved grammatical correctness. It clarifies that services are determined by individual need, and those eligible for services can access an array of Commission services.

At N.J.A.C. 10:92-1.1(b), “visually impaired” has been changed to “vision impaired,” to provide a more accurate and respectful description of the condition. This change has been made throughout the chapter, except where the term is used as a proper noun, such as in “Commission for the Blind and Visually Impaired,” and in “Teacher of the Blind or Visually Impaired.”

At N.J.A.C. 10:92-1.2, the definition of “appropriate learning medium” is expanded to include not only communication mode, but also instructional mode because not only is the appropriate learning medium for purposes of communication, it is also the learning medium most appropriate for full access to instruction in the classroom. The definition of “augmentative

communication skills” is expanded to provide a more complete definition by adding the words, “communication methods used to supplement standard reading and writing methods.” This could include Braille, large print, standard print, or a combination learning media. Also, the words “multi-handicapped” are replaced with “students with multiple disabilities” to reflect a more respectful manner of referring to individuals who are members of this group. The definition of “Braille” is amended to more accurately refer to it as a tactile code that is comprised of raised dots to enable persons who are blind or vision impaired to read and write. The term “expanded core curriculum” was added because this term is used in the chapter. The definition of “functional vision assessment” was expanded to reflect the full array of situations or settings in which this assessment could be conducted. The term “IEP” was added as the term is used in the chapter. The definition, “levels of service” is proposed for deletion, as a result of recommendations of the Education Reform Task Force because the Commission seeks to adopt a more individualized and collaborative manner of determining specific blindness education services each eligible child will receive. The definition, “provider service agreement” is proposed for deletion and replacement to reinforce the fact that the provisions of this agreement are to be reached through consultation and collaboration with the child’s IEP team, examination of assessment of visual functioning, educational need, and skill development. The term, “visual field defect” is replaced with “visual field restriction,” and the definition of this term was revised to reflect greater clarity and accuracy in the description of this term.

At N.J.A.C. 10:92-2.1(a), the term “vision loss” is replaced with the term “vision impairment” for clarity and consistency, and the term “special instruction” is replaced with “specialized instruction” to emphasize that children receiving blindness education services require instruction that is specifically targeted to their needs.

N.J.A.C. 10:92-2.1(c) is proposed for deletion because the Commission will no longer require eligible students to provide updated medical eye information every three years, and the Commission will provide blindness education services even to children who do not have a medical update every three years. This amendment is a recommendation of the CBVI Education Reform Task Force.

At N.J.A.C. 10:92-2.2(c), in reference to children who are ineligible for Blindness Education services through CBVI for various reasons, including when a local school district elects not to enter into a provider service agreement with CBVI, these students are eligible for other services of CBVI. In order to clarify this eligibility, the phrase, “other services provided by the Commission including orientation and mobility services and independent living services and” was added, and the phrase “or adaptive living skills services as set forth in N.J.A.C. 10:93” was deleted because this was covered in the added language and because the N.J.A.C. 10:93 is expired.

N.J.A.C. 10:92-3.1 outlines the four levels of services and the associated fees for itinerant education services provided by CBVI. This section has been amended to reflect the amounts assessed in the current school year. The Commission is in the process of finalizing a new funding formula and anticipates that it will soon publish amendments once that new formula is finalized. This anticipated change is consistent with the recommendation of the Education Reform Task Force and will allow the Commission, working in partnership with school districts, to develop a custom menu of appropriate and effective education services for each child. The terms of service and corresponding fee schedules will be published annually on the Commission’s website.

N.J.A.C. 10:92-3.1(a) explains that itinerant education services are available to children ages three through 21. This subsection also makes clear that services are provided in collaboration with local school districts and that education plans are memorialized in a provider service agreement.

Proposed new N.J.A.C. 10:92-3.1(b) lists the various itinerant education services that are available to students, including vision assessments, Braille instruction, consultation, and specialized materials.

Amendments to recodified N.J.A.C. 10:92-3.1(c), (d), (e), and (f) set forth the fees for itinerant education services. This subsection also includes a link to the website where fees for itinerate services will be published.

Recodified N.J.A.C. 10:92-3.1(g) clarifies that blind and vision impaired students in school districts without provider agreements with the Commission will still be eligible to receive independent living services through the Commission and educational materials through the American Printing House for the Blind.

At N.J.A.C. 10:92-3.2, the words “with blindness or vision impairment” were added to the heading to clarify that infants and toddlers (ages birth to three years) served by the Commission must meet the same eligibility requirements as preschool and school-age children.

At N.J.A.C. 10:92-3.2(a), the words “visual impairment” is replaced with “low vision” in terms of the types of services offered to infants and toddlers with vision impairment. Also, the words, “and early intervention services providers” was added to the list of recipients of services to infants and toddlers. The words “severe visual” was changed to “vision” in reference to vision impairment that meets the criteria for services from the Commission to clarify that any degree of vision impairment within the established guidelines for eligibility is appropriate. Finally, the

words, “in collaboration with the family and the early intervention providers,” to clarify the fact that service decisions with regard to infants and toddlers is a collaborative decision between the Commission instructor, the family, and the early intervention service providers.

At N.J.A.C. 10:92-3.2(a)1, the words, “and evaluation” was deleted after the word “assessment” because assessment is a better description of what the itinerant teacher does to determine visual functioning. Also, after the word “visual,” the phrase “functioning that is performed in a manner that is developmentally appropriate for a young child” is added.

At N.J.A.C. 10:92-3.2(a)2, the word “families” was replaced with “the family,” for continuity with other regulations in N.J.A.C. 10:92-3.2.

At N.J.A.C. 10:92-3.2(a)3, the word, “providers” was added in reference to who, within the early intervention system, is the recipient of technical assistance on behalf of the infant.

At N.J.A.C. 10:92-3.2(a)4, for clarity, the words, “consultation regarding the child’s” were added in reference to the child’s transition from early intervention to a local school district preschool program.

At N.J.A.C. 10:92-3.2(a)6, the word “loan” was replaced with “provision” in regards to adaptive aids and materials.

At N.J.A.C. 10:92-3.3(a), the words “very severe” was deleted in order to clarify that any eligible student with multiple disabilities is eligible for services from CBVI. The word “reimbursement” was replaced with “provider service agreement” in order to be consistent with other sections of the chapter and as set forth in N.J.A.C. 10:92-1.1(d).

N.J.A.C. 10:92-3.3(a)1 is deleted and replaced with “functional vision assessment and any other vision impairment related assessments.” This change is to increase clarity with regard to assessments that can be conducted by the itinerant teacher.

At N.J.A.C. 10:92-3.3(a)3, the word, “loan” was deleted and replaced with “provision” in regards to educational aids and equipment. The protocols for the loan of equipment are outlined in another section of this chapter.

Proposed new N.J.A.C. 10:92-3.3(a)4 was added in order to assure that appropriate blindness education services offered by CBVI are available to eligible children with multiple disabilities.

At N.J.A.C. 10:92-3.4, the words, “all children receiving” ... “services from the Commission, but this financial need standard does not apply to education services that are entitlements under the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004 that guarantees the provision of a free and appropriate public education (FAPE) to all students,” was added to clarify for whom the financial need standard applies and under what conditions it does not apply.

At N.J.A.C. 10:92-4.1(a), the words “Commission education clients” was deleted and replaced with “students receiving blindness education services” in order to be more congruent with the language of education. In the same sentence, the word “loan” was deleted, and the sentence, “Adaptive equipment is considered to be on loan to the student, and will be returned to the Meyer Center upon exit from the school system,” was added to clarify the loan status of adaptive equipment. For further clarity regarding adaptive equipment, examples of such equipment items were added.

Proposed new N.J.A.C. 10:92-4.1(b) states that eligible students who receive blindness education from a privately contracted certified Teacher of the Visually Impaired have access to materials, aids, and equipment.

At N.J.A.C. 10:92-4.2(a), the words, “who receives blindness education services through CBVI” were added for clarity.

At N.J.A.C. 10:92-4.2(b)1i, the words, “or has exited the school system for another reason,” was added to clarify that anyone exiting school must return all loaned equipment.

N.J.A.C. 10:92-4.2(d)3 and 4 were deleted to avoid financial hardship to parents and school districts should filing claims with insurance carriers result in the cost of deductible or increase in insurance rates.

At N.J.A.C. 10:92-4.3(a), “eligible” was added in regard to students who access loaned equipment from the Meyer Center.

At N.J.A.C. 10:92-4.4(b), the words, “Braille library books and,” were added to the list of hard copy Braille materials that can be accessed through the New Jersey State Library. Additionally, the words, “Library for the Blind and Handicapped,” were deleted and the words, “State Library Talking Books and Braille Center,” were added to reflect the current name of that resource facility.

In the heading of N.J.A.C. 10:92-4.6, the word “audio” was replaced with the words “alternate format,” to clarify that there are more alternatives for textbook formats other than audio. Also, the words, “Recordings for the Blind and Dyslexic (RFB&D)” have been deleted and replaced with “vendors that provide textbooks and materials in alternate format.” Specific vendors have not been listed because there is an array of choices for alternate format textbooks. The name and address of Recordings for the Blind and Dyslexic were also deleted because this information is now obsolete.

At N.J.A.C. 10:92-4.7(a), the words, “identified as” and “or who have been appropriately documented as functioning as blind or vision impaired” were added for clarity with regard to children who are eligible for American Printing House for the Blind materials.

At N.J.A.C. 10:92-4.7(b), the words, “or who have been appropriately documented as functioning as blind or vision impaired” were added for clarity with regard to eligible children, and the words, “and receiving Commission services,” was deleted because blind or vision impaired children who are not receiving blindness education services through the Commission are eligible to be registered with American Printing House for the Blind to receive materials.

At N.J.A.C. 10:92-5.1(a)3, the words, “that consists of a person providing live audio access reading materials for which the Commission provides,” were added to clarify that the Commission personnel do not provide reader services, but rather the Commission provides payment to the person (outside the Commission) who provides this service to the eligible child.

At N.J.A.C. 10:92-5.1(a)4, the word, “adaptive” was replaced with “independent” in regards to the array of independent living skills. To further clarify independent living services offered, the words, “including Orientation and Mobility and other independent living skills,” were added.

Proposed new N.J.A.C. 10:92-5.1(a)6 is added to include Assistive Technology Services, which are available to eligible children and can include assessment, instruction, hardware, and software.

Proposed new N.J.A.C. 10:92-6.1(c) is added to clarify that a Commission teacher may identify characteristics of an optimal educational setting for a child who is blind or vision impaired for purposes of assuring the child’s education in the Least Restrictive Environment

(LRE). This addition is also intended to clarify that Commission teachers do not endorse specific school placements.

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

Social Impact

In the State Fiscal Year 2015, the Commission provided blindness education services to a total of 2,268 eligible children including children birth to three years and children who attend Department of Children and Families school programs. Of the 2,268 children served, 1,729 were identified as “legally blind.” The remaining 539 children are identified as having vision impairment, but were not considered “legally blind.” A total of 1,687 eligible children received blindness education services that were funded by provider service agreements with local school districts or charter schools. The number of local school districts that entered into provider service agreements with the Commission totaled 364 and served 1,660 eligible children who are enrolled in school. There were also 27 charter schools that entered into provider service agreements with the Commission and served 27 students. A total of 581 eligible children also received blindness education services from the Commission without provider service agreements because they were either served within the New Jersey Early Intervention System or attended Department of Children and Families school programs. The provider service agreement system does not include these entities. The proposed amendments will benefit the people of New Jersey, including blind or vision impaired children, by providing them with an array of blindness education services that will be determined by the child’s full IEP team with consultation from the child’s Commission teacher. Additionally, the changes were intended to clarify and formalize

the access of eligible children to other services of the Commission, such as independent living services and vocational rehabilitation services.

The schools programs in which the children receiving blindness education services were provided with resources and opportunities for training in issues and approaches relevant to the education of blind or vision impaired children.

Society benefits from the Commission's blindness education services through the agency's provision of itinerant instruction and consultation from a certified Teacher of the Blind or Visually Impaired because these services foster high quality education and positive adult outcomes for children receiving these services. This leads to greater opportunities for post high school education, including college attendance and greater employability, so that these children become adults who are prepared to seek higher education, enter the workforce, and lead independent and productive lives.

Economic Impact

The proposed amendments will have a positive economic impact on eligible Commission students. Eligible children will have greater access to the array of appropriate Commission services and eligible children will have greater access to their assigned Commission instructor. Local school districts will continue to pay fees for services provided by the Commission via funding transfer through the New Jersey Department of Education.

Blindness education services provided by the Commission were funded through three funding sources including provider service agreements, Federal Quota funds, and State funds. During fiscal year 2015, the Commission received \$4,069,516 from provider service agreements. These funds provided for salaries and benefits to the Commission itinerant teachers. The

Commission also received \$515,242 (\$298.00 per eligible child) in Federal Quota funds through American Printing House for the Blind (APH). Federal Quota funds were used for alternative format textbooks and specialized APH materials and equipment. There were 1,093 APH-eligible children who received alternate format books, specialized materials, and equipment from APH. State funds were used to provide all Commission-eligible children with other specialized technology equipment and software applications. The total expenditure of State funds for these equipment items and software applications was \$1.2 million. Specialized training provided directly to eligible children in the use of specialized technology and software applications through the contract vendor, Advancing Opportunities, totaled \$278,000.

Federal Standards Statement

The proposed amendments do not contain any standards or requirements that are subject to Federal requirements or standards. As a result, an analysis of the rulemaking pursuant to Executive Order No. 27 (1994) is not required.

Jobs Impact

The Commission anticipates an increase in the number of jobs within the State of New Jersey as a result of the proposed amendments. Improved services to eligible children warrants an increase in the number of certified Teachers of the Visually Impaired in the Commission's employ. The proposed amendments are also expected to ultimately improve outcomes for students, thereby increasing the likelihood that they will become independent, productive, and employable citizens.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required. The proposed amendments reflect procedures, standards, and services as they apply to and benefit access to education and ultimately educational outcomes of blind and vision impaired children who receive blindness education services from the Commission. Itinerant teachers are required to provide written reports to local education agencies with provider service agreements. The amended rules do not impact the reporting requirements of itinerant teachers by increasing these reporting requirements. Existing staff can readily perform the reporting, recordkeeping, and other compliance requirements necessary for appropriate caseload management. Professional services need not be engaged in order to meet the requirement. Since the requirements are both minimal and a necessary part of the evaluation and rehabilitation process, no differentiation based on the business size is provided in the proposed amendments .

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey and would not evoke a change in the average costs associated with housing because the rules pertain to the Blindness Education Program of the Commission.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to the Blindness Education Program of the Commission.

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

SUBCHAPTER 1. OVERVIEW OF EDUCATIONAL SERVICES

10:92-1.1 Purpose and scope

(a) The New Jersey Commission for the Blind and Visually Impaired operates a Statewide itinerant educational services program for [eligible] children [which] **who are blind or vision impaired to** facilitate[s] their inclusion in the least restrictive, most appropriate, educational setting. These services shall be provided in educational and/or other appropriate settings.

Depending on individual needs, these services may include, but are not limited to, instruction in appropriate media, the use of specialized equipment and materials, and the use of accommodative techniques. There are three Commission education service programs, as set forth in (b) through (d) below.

(b) The itinerant education services program administered through provider service agreements facilitates the inclusion of children that are blind or [visually] **vision** impaired in the least restrictive, most appropriate, educational setting. For school aged students (aged three through 21 years), these services are provided in collaboration with local school districts through

provider service agreements. The [Appropriations Act] **appropriations act** for [the 2007-08] **each** fiscal year [directs the State Department of Education to] **will** reduce each **school** district's State aid by a determined contract amount[, in order to reimburse the Commission for services rendered].

(c) Specialized services are provided to infants and toddlers (aged [Birth] **birth** to three years), who are blind or [visually] **vision** impaired, as well as to their families. (By law, school districts are not responsible for children under age three, in accordance with N.J.A.C. 6A:14.)

(d) Specialized services are provided to school aged children who have significant multiple disabilities, who are blind or [visually] **vision** impaired and/or who are not covered by provider service agreements. These children include those who are enrolled in the Department of Children and Families Regional Schools and students who are determined wards of the State.

10:92-1.2 Definitions

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

“Accommodative technique” means special knowledge and skills needed by children who are blind or [visually] **vision** impaired to accomplish the tasks of daily living.

“Adaptive equipment” means devices designed or used specifically to meet the unique educational needs of children who are blind or [visually] **vision** impaired.

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

"Appropriate learning medium" means the communication **and instructional** mode that is determined to be the most appropriate learning method to use for reading and writing by a student who is blind or [visually] **vision** impaired.

"Augmentative communication skills" means [techniques] **communication methods used to supplement standard reading or writing methods** needed by students [who are multi-handicapped] **with multiple disabilities** or deaf-blind to supplement their existing forms of communication.

...

"Braille" means a [system] **tactile code** of raised dots used to enable persons who are blind **or vision impaired** to read [by touch] **and write**.

"Early intervention" means an agency program of services for infants and toddlers ages birth to three **including those** with blindness or [visual] **vision** impairment and their families.

“Expanded core curriculum” means the array of concepts and skills often requiring specialized instruction with students who are blind or vision impaired in order to access literacy, acquire skills in specialized technology, and compensate for reduced opportunities to learn incidentally by observing others.

"Functional vision assessment" means an evaluation, conducted by a certified Teacher of the Blind or Visually Impaired [or Teacher of Students with Disabilities], used to determine the modifications needed to maximize a student's visual efficiency in the education program **and in everyday life**.

“IEP” means individualized education plan that is a written statement of the education program designed to meet the child’s individual needs. Every child who receives special education services must have an IEP. The IEP is developed by an IEP team that

must include the parent(s), special education teacher, general education teacher, a school administrator, any other education professions providing supports or services to the child, and, when appropriate, the child.

"Itinerant instructor" means certified Teacher of the Blind or Visually Impaired [or Teacher of Students with Disabilities], who travel from school to school. They provide blindness and [visual impairment-related] **low vision-related** specialized instruction and consultation to, **and on behalf of**, students who are blind or [visually] **vision** impaired.

...

["Levels of service" means four categories of educational services that are provided by the Commission, through provider agreements. For each student who is blind or visually impaired, these are determined by the Commission's instructor through assessment, visual functioning, educational needs and skill development.]

...

["Provider service agreement" means a contract between the Commission and the school district defining the level of service that a student who is blind or visually impaired will receive from the Commission. Payment for these services is made through the transfer of funds by the Department of Education from a school district's State aid payments to the Commission.]

"Provider service agreement" means an agreement between the Commission and the school district for each student who is blind or vision impaired. The specific provisions of this agreement are determined through consultation and collaboration with the IEP team (or school district in the case of a child who does not have an IEP) and assessment of visual functioning, education need, and skill development.

“Technical assistance” means consultative and instructional services provided to school personnel and parents that address the disability-specific needs of students who are blind and [visually] **vision** impaired.

...

“Vision impaired” means central visual acuity that does not exceed 20/70 in the better eye with correction and/or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 40 degrees or field cuts caused by hemianopsia.

"Visual field [defect] **restriction**" means a [defect] **restriction or reduction** in [an area of vision that moves with the eye, as the eye turns in different directions] **the extent and distribution of the visual field**. A visual field [defect] **restriction** may be caused by brain damage, optic nerve damage, injury to the eye, or [disease] **a condition of the retina** of the eye.

[“Visually impaired” means central visual acuity that does not exceed 20/70 in the better eye with correction and/or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 40 degrees or field cuts caused by hemianopsia.]

...

SUBCHAPTER 2. ELIGIBILITY STANDARDS FOR EDUCATIONAL SERVICES

10:92-2.1 Eligibility determination

(a) The purpose of eligibility determination shall be to identify children, age 21 and younger, who, because of vision [loss] **impairment**, require [special] **specialized** instruction and/or disability specific services from the Commission in order to be included appropriately in the education process.

(b) (No change.)

[(c) As a condition of continued eligibility, the Commission shall require within 90 days of parental notification, updated eye information every three years or when there is evidence of a change in visual function.]

10:92-2.2 Notification of ineligibility

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

(c) Children closed from educational services because a school district did not comply with the provider service agreement may be referred for **other services provided by the Commission, including orientation, mobility, and independent living services and the Commission's vocational rehabilitation services as set forth in N.J.A.C. 10:95 [or adaptive living skills services as set forth in N.J.A.C. 10:93].**

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

SUBCHAPTER 3. ITINERANT EDUCATION SERVICES

10:92-3.1 Provider service agreements

(a) (No change.)

(b) The Commission's itinerant services include:

1. A functional vision assessment to evaluate the student's practical use of vision in the education program and any other blindness or low vision-related assessment, when deemed appropriate by the student's IEP team, including a literacy and learning media assessment to assist the IEP team to select the most appropriate learning media to meet the full literacy needs of the student;

2. Necessary instruction in Braille literacy, including Braille readiness skills leading to formal Braille instruction in both literary Braille and Nemeth Braille. Braille literacy and Nemeth Braille instruction shall be provided as appropriate for the student's academic levels in reading and mathematics;

3. Necessary instruction in other compensatory or alternative skills as outlined in the Expanded Core Curriculum of blindness skills;

4. For students who have already learned Braille reading and writing, short-term follow-up instruction to support the student's participation in higher level subject area instruction, such as advanced Nemeth Braille instruction for mathematics and science;

5. Necessary specialized materials and introductory instruction to equipment that enable students who are blind or vision impaired to have full access to instruction and be educated with their sighted peers;

6. Consultation to students and education staff regarding the student's vision impairment and its educational implications in order to enhance the student's participation in the educational process;

7. Specialized deaf-blind services to students who have auditory, as well as vision, impairment. Specialized services to address this combined sensory impairment include specialized consultation and assessment, as well as the provision of adaptive equipment, and sign language materials. Deaf-blind students are eligible to receive all other services provided to blind or vision impaired students who do not have auditory impairments; and

8. Specialized assessments regarding access to communication systems and instruction in skills to maximize the use of residual hearing and vision, as well as the

development of augmentative or alternative communication skills and the use of adaptive materials and equipment.

[(b)] (c) As appropriate, Level I Services may be provided in any of the following areas, based upon individual student need, as determined by the Commission instructor. These services shall be provided by a Certified Teacher of the Blind or Visually Impaired or Teacher of Students with Disabilities with a minimum of four contacts and a maximum of eight contacts per school year.

The fee for Level I Services is [\$1,600] **\$1,900**. Level I Services are:

1.-4. (No change.)

[(c)] (d) In the Level II Services category, as appropriate, services may be provided in any of the following areas, based upon individual student need, as determined by the Commission instructor. In addition, students shall be eligible for all services outlined in the Level I Services category. These services shall be provided by a Certified Teacher of the Blind or Visually Impaired and with a minimum of nine and a maximum of 30 lessons per school year. The fee for Level II Services is [\$3,900] **\$4,500**. Level II Services are:

1.-3. (No change.)

[(d)] (e) The Level III Services category will be necessary for a student for whom highly specialized media, such as braille or a CCTV, have been determined to be the appropriate learning medium. In this service category, as appropriate, services may be provided in any of the following areas, based upon individual student needs, as determined by the Commission instructor. In addition, students will be eligible for all services outlined in the Level I and Level II Services categories. A Certified Teacher of the Blind or Visually Impaired will provide two to three lessons per week. The fee for Level III Services is [\$10,900] **\$12,600**. Level III Services are:

1.-3. (No change.)

[(e)] (f) The Level IV Services category is provided to students who use braille as their primary reading medium. This level of service is intended for beginning readers who have mastered the braille alphabet, are participating in grade-level reading programs, and are learning the Contracted Braille Code. In this service category, as appropriate, services may be provided in any of the following areas, based upon individual student needs, as determined by the Commission instructor. In addition, students will be eligible for all services outlined in the Level I, Level II and Level III Services categories. A Certified Teacher of the Blind or Visually Impaired will provide four lessons per week. A lesson will consist of direct instruction for one academic period. The fee for Level IV Services is [\$12,000] **\$14,300**. Level IV Services are:

1.-3. (No change.)

[(f)] (g) When a school district does not enter into a provider service agreement with the Commission, the school district shall be responsible for [all necessary services, including instruction, materials and adaptive equipment.] **instruction in the student's appropriate literacy and learning medium as determined by the IEP team or local school district. Students served by these districts are eligible for the Commission's independent living services, and they are eligible to receive educational materials through the American Printing House for the Blind.**

[(g)] A school district that has not previously contracted with the Commission may during the academic year request educational services by returning a signed contract.

(h) Following the end of the academic year, the Commission shall compose a report of services provided to each student. These reports shall be distributed to each student's school district and

parent and shall furnish information regarding contact dates, instruction, technical assistance, materials, equipment, and services that were provided during the academic year.

(i) The Commission shall compose instructional assignments based on geography, staffing, and the itinerant nature of the education services program.

(j) Service contracts shall be offered to local school districts based on the individual instructional needs of students as assessed by the Commission.]

10:92-3.2 Services to infants and toddlers **with blindness or vision impairment**

(a) The Commission shall provide specialized blindness and [visual impairment-related] **low vision-related** services to infants and toddlers, ages birth to three, [and] their parents, guardians, or significant caregivers, **and early intervention service providers** based upon the eligibility criteria as set forth in N.J.A.C. 10:92-2.1, or upon the determination of a medical doctor that the young child has a [severe visual] **vision** impairment. As appropriate, the following services may be provided based upon infant, toddler, [and] **or** family needs, as determined by the Commission instructor, **in collaboration with the family and the early intervention providers.**

1. Assessment [and evaluation] of visual [impairment] **functioning that is performed in a manner that is developmentally appropriate for a young child;**

2. Collaboration with [families] **the family;**

3. Technical assistance to early intervention **providers;**

4. [Transition] **Consultation regarding the child's transition to a** local school district programs to facilitate the inclusion of [each] **the** child in the appropriate educational setting;

5. (No change.)

6. [Loan] **Provision** of adaptive aids and materials; and

7. (No change.)

10:92-3.3 Services to students with multiple disabilities, including blindness or [visual] **vision** impairment

(a) The Commission shall provide specialized services to eligible school aged children with [very severe] multiple disabilities, [and] who are not covered by [reimbursement] **provider service agreements** as defined in N.J.A.C. 10:92-1.1(d). Services may include:

[1. Assessment and evaluation;]

1. Functional vision assessment and any other vision impairment-related assessments;

2. Technical assistance provided to the facility's education and support staff; [and]

3. The [loan] **provision** of educational aids, **equipment**, and materials[.]; **and**

4. Other available blindness education services.

10:92-3.4 Financial need standard

The financial need standard as set forth in N.J.A.C. 10:91-3.3 shall apply to **all children receiving education [clients] services from the Commission, but this financial need standard does not apply to education services that are entitlements under the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004, which guarantees the provision of a free and appropriate public education (FAPE) to all students.**

SUBCHAPTER 4. LOAN AND PROVISION OF MATERIALS, AIDS, AND EQUIPMENT

10:92-4.1 The George F. Meyer Instructional Resource Center

(a) The George F. Meyer Instructional Resource Center ([The] **the** Meyer Center) shall provide to [Commission education clients] **students receiving blindness education services**, instructional materials and [loan] adaptive equipment as appropriate to individual student needs. As determined by the Commission instructor, [these] **materials** may include textbooks in [braille] **Braille** or large print, as well as accommodative materials. **Adaptive equipment may include Braille writers, electronic note taking devices, media players for accessing electronic format publications, computers and tablets with specialized applications, and electronic low vision devices. Adaptive equipment is considered to be on loan to the student, and will be returned to the Meyer Center upon exit from the school system.**

(b) **Students who are identified through the American Printing House (APH) for the Blind quota census are eligible to receive APH products through the Meyer Center based on the per student allocation. This group includes students who receive blindness education services from a privately-contracted certified Teacher of the Blind or Visually Impaired.**

[(b)] (c) (No change in text.)

10:92-4.2 Loan of educational equipment

(a) As determined by the Commission instructor, equipment owned by the State of New Jersey may be lent to any eligible student **who receives blindness education services through CBVI**. Equipment lent shall remain the property of the State of New Jersey.

(b) The following terms and conditions shall apply to the loan of equipment:

1. The borrower shall be permitted to use the equipment until such time as:

i. He or she has graduated from high school **or has exited the school system for another reason;**

ii.-iv. (No change.)

(c) (No change.)

(d) In the event that [State owned] **State-owned** equipment on loan to a student is lost or stolen, the student or his or her parent or guardian or school official shall:

1. Notify the Commission instructor in writing; **and**

2. Notify the police and complete a police report[;].

[3. The parent or school district must file a loss or theft claim with his or her homeowner's and/or school insurance carrier, requesting that the settlement be made payable to the Commission for the Blind and Visually Impaired; and

4. Forward the check to the supervisor of the Meyer Center upon receipt of the settlement.]

(e) (No change.)

10:92-4.3 Student responsibilities for loaned equipment

(a) [Students] **Eligible students** who borrow any equipment from the Meyer Center shall be responsible for the routine maintenance of the equipment according to the directions given to the student for the care of the equipment.

(b) (No change.)

10:92-4.4 Provision of [braille] **Braille** materials

(a) The Meyer Center shall provide materials and textbooks, based on their availability, to students who are [braille] **Braille** users as determined by the Commission instructor.

(b) [Leisure] **Braille library books and leisure** books and magazines in [braille] **Braille** may be obtained by students from the New Jersey [Library for the Blind and Handicapped] **State Library Talking Books and Braille Center**. More information may be obtained by telephoning the library, toll free, at (800) 792-8322.

10:92-4.6 Provision of [audio] **alternative format** textbooks

Education students are eligible to receive services from [Recording for the Blind and Dyslexic (RFB&D)] **vendors that provide textbooks and materials in alternate format**. The Commission shall authorize payment of the registration and service fees for school age education students. [After registration, audio textbooks may be ordered directly from:

Recording for the Blind and Dyslexic

20 Roszel Road

Princeton, NJ 08540

Telephone: 609-452-0606

800-221-4792]

10:92-4.7 Provision of American Printing House for the Blind equipment and materials

(a) The American Printing House for the Blind, a Federally funded agency, provides books, equipment, and other materials to the Commission for use by children who are **identified as legally blind or who have been appropriately documented as functioning as blind or vision impaired**.

(b) All students who are legally blind [and receiving Commission services] **or who have been appropriately documented as functioning as blind or vision impaired** shall be registered with the American Printing House each year by the Commission.

SUBCHAPTER 5. COMMISSION SERVICES AVAILABLE TO ELIGIBLE CHILDREN

10:92-5.1 Additional services

(a) In addition to services specified in N.J.A.C. 10:92-[3 and] 4, the following **services** shall be made available to eligible children, subject to the availability of funds:

1. Recreational and developmental programs, operated by the Commission for children who are blind or [visually] **vision** impaired;
2. (No change.)
3. Reader service[,] that [is,] **consists of a person providing live audio access to reading materials for which the Commission provides** payment to [a] **the** person (other than a family member) who provides [a] **this** service designed to equalize the student's participation in his or her education program;
4. Specialized evaluation and/or instruction from other Commission personnel in [adaptive] **independent** living skills [services, as set forth in N.J.A.C. 10:93], **including orientation, mobility, and other independent living skills;** [and]
5. Transition services, provided in accordance with N.J.A.C. 10:95[.]; **and**
6. **Assistive technology services to include assessment to determine the most appropriate technology and/or software application, instruction in the use of technology equipment, and/or accessible software applications, and the loan of technology equipment for use by the student at school and at home for educational purposes.**

SUBCHAPTER 6. EDUCATIONAL PROGRAM OPTIONS

10:92-6.1 School placement

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

(c) In collaboration with a student's IEP team, a Commission teacher may identify characteristics of an optimal educational setting and offer guidance with regard to instructional and environmental accessibility within the educational placement to assure that the student is educated in the least restrictive environment (LRE) as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004.