

2:32A-2.4 Transfer of race

(a) (No change.)

(b) It shall not be the responsibility of the New Jersey Sire Stakes Board of Trustees to individually inform [Sire Stakes] **Standardbred Development Fund** nominators, agents, or trainers of any of the changes in (a) above.

(c) The Board shall advertise or publicize changes in racing interest trade magazines, such as the various Standardbred related magazines and/or newsletters, and suggests all program participants communicate with the New Jersey Sire Stakes office.

2:32A-2.5 Yearling nominations

(a) All yearlings to be nominated to the Standardbred Development Fund Program must be registered with the United States Trotting Association or any Standardbred registry recognized by the United States Trotting Association and must hold a certificate of registration dated on or before the time of nomination.

1. Nominations of yearlings to the Standardbred Development Fund **Program** shall be received along with the nomination fee payment, by the office of the New Jersey Sire Stakes, not later than May 15 of each yearling year or, if May 15 falls on a Saturday, Sunday, or holiday, on the next business day following that date. Nominations received after the closing date will not be accepted.

2. Any yearling that has been nominated to the New Jersey Sire Stakes Program shall also be considered nominated to the Standardbred Development Fund Program without further payment of any additional nominating fees. **Payment of the nomination fee covers nomination to both the Standardbred Development Fund Program and Premier Program. Thereafter, each program will have separate sustaining payments.**

**3. Nomination payments are to be made to the New Jersey Sire Stakes, P.O. Box 330, Trenton, NJ 08625.**

[3.] **4.** The nomination fee for those yearlings otherwise meeting all Standardbred Development Fund **Program** eligibility requirements of this chapter, but which were foaled as a result of a breeding with a non-resident New Jersey stallion, shall be \$50.00 if accompanied by a certificate of registration or a copy of a certificate of registration from the United States Trotting Association or from a Standardbred registry body recognized by the United States Trotting Association. These yearlings shall only be eligible to compete in the Standardbred Development Fund Program and not the New Jersey Sire Stakes Program[, however]. An additional \$25.00 processing fee shall be due if said certificate of registration is not submitted. [Payment of the nomination fee covers nomination to both the Green Acres and Premier divisions.] Thereafter, each [division] **program** will have separate sustaining payments. [Nomination payments are to be made to the New Jersey Sire Stakes, P.O. Box 330, Trenton, NJ 08625.]

[4.] **5.** (No change in text.)

2:32A-2.8 Eligibility

(a) In order for the Standardbred Development Fund eligible two-year-old horses to remain eligible as three-year-olds, their owners must have made the yearling nominations and the first two-year-old sustaining payments.

(b) A two-year-old that makes the nomination payment but fails to make the first sustaining payment may regain [their] **its** eligibility for [their] **its** three-year-old season by payment of a penalty of \$1,000 plus the amount of the first sustaining payment within 30 days of the original due date of the payment. The horse will not be eligible to compete as a two-year-old in the program to which the payment was missed, but will be able to compete as a three-year-old provided those payments are made in a timely fashion.

2:32A-2.21 Final races

(a) There will be a [two-and] **two- and** three-year-old "Final" race in each Standardbred Development Fund division [at the pari-mutuel raceways] **licensed facility approved by the New Jersey Racing Commission** as scheduled by the New Jersey Sire Stakes Board of Trustees.

(b)-(e) (No change.)

(f) In the event of a dead heat for any position in a New Jersey Standardbred Development Fund race, the points shall be divided evenly among the horses [involved] **that finish** in the dead heat.

(g)-(i) (No change.)

2:32A-2.29 Payments, correspondence, and inquiries

(a) If accepted for payment, checks in payment of fees set forth in this chapter shall be made payable to: New Jersey Sire Stakes [Standardbred Development Fund].

(b) All nominating and sustaining payments, correspondence, and inquiries shall be directed to:

New Jersey Sire Stakes [Standardbred Development Fund]  
PO Box 330  
Trenton, NJ 08625.

Inquiries may also be directed to (609) 292-8830.

**MILITARY AND VETERANS' AFFAIRS**

(a)

**OFFICE OF THE ADJUTANT GENERAL**

**Leaves of Absence for Military Duty for and by Members of the Organized Militia**

**Proposed Readoption with Amendments: N.J.A.C. 5A:2**

Authorized By: Brigadier General Michael L. Cunniff, The Adjutant General, Commissioner, Department of Military and Veterans' Affairs.

Authority: N.J.S.A. 38A:3-6(o) and 38A:4-4.

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

Proposal Number: PRN 2014-161.

Submit written comments by December 5, 2014, to:

Mark A. Preston, Chief  
Administrative Services Bureau  
Department of Military and Veterans' Affairs  
PO Box 340  
Trenton, NJ 08625-0340  
[Mark.preston@dmava.nj.gov](mailto:Mark.preston@dmava.nj.gov)

The agency proposal follows:

**Summary**

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5A:2 is set to expire on January 22, 2015. As the Department of Military and Veterans' Affairs (Department) has filed this notice of readoption before that date, the expiration date is extended 180 days to July 21, 2015, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules, and with exception of the amendments discussed below, finds them reasonable, necessary, and appropriate for the purposes for which they were originally promulgated.

The current chapter provides clarification of N.J.S.A. 38A:4-4, which provides for paid leaves of absence for members of the State's organized militia, that is the New Jersey Army National Guard, New Jersey Air National Guard, New Jersey Naval Militia, and the New Jersey State Guard.

N.J.A.C. 5A:2-1 currently establishes the scope and purpose of the chapter, reiterates the obligation to release employee members of New Jersey's organized militia ordered to perform military duty, refers public employee members to the applicable statute, and identifies the rule that addresses public employee leaves of absence for military service. This subchapter also contains the definitions of terms used in the chapter.

N.J.A.C. 5A:2-2 currently reiterates the leave requirements of N.J.S.A. 38A:4-4 and details various types of military duty that are not eligible for paid military leave.

The Department proposes amendments to N.J.A.C. 5A:2. Such amendments are necessary to conform with N.J.S.A. 38A:4-4, which provides for leaves of absence for New Jersey's public employees that are

members of New Jersey's organized militia. The amendments are necessary to alleviate confusion among employers who are the State, a board, commission, authority, or other instrumentality of the State or a county, school district, or municipality of this State.

Amendments are proposed at N.J.A.C. 5A:2-1.1(b) and (c) by replacing "Department of Personnel, Merit System Board" and "Merit System Board" with "Civil Service Commission," respectively.

Throughout N.J.A.C. 5A:2-2.1(b) amendments are proposed to change "assemblies" to "assemblies/periods" and to update the coinciding acronym in order to reflect the correct terminology used by the Army and Air Force for training.

At N.J.A.C. 5A:2-2.1(b)1 the phrase "or battle assembly" is added in order to reflect the correct terminology used by the Army and Air Force for training.

Proposed new N.J.A.C. 5A:2-2.1(b)3 is added to address Multiple Unit Training Assemblies/Periods (MUTA/MUTP): This training is for multiple UTAs / UTPs.

Recodified N.J.A.C. 5A:2-2.1(b)5 is amended by adding the word "Flying" between the words "Flight" and Training" in order to reflect the correct terminology used by the Army and Air Force for training.

Recodified N.J.A.C. 5A:2-2.1(b)6 is amended as discussed above and the phrase "plan/prepare" was changed to "plan, manage, and/or prepare."

Existing N.J.A.C. 5A:2-2.1(b)7 is proposed for deletion and replaced with new N.J.A.C. 5A:2-2.1(b)8, deleting reference to the M-COFT training device.

Proposed new N.J.A.C. 5A:2-2.1(b)11 is added and states "Equivalent Training Assembly/Period (ETA/ETP): This training is a makeup period for a UTA / UTP."

Proposed new N.J.A.C. 5A:2-2.1(b)12 is added and states "Junior Leader Training for Civil Disturbance (JLTCD): This training is in addition to IDT for Junior Leaders to train on civil disturbance."

Proposed new N.J.A.C. 5A:2-2.1(b)13 is added and states "Additional Simulation Training Assembly/Period (ASTA/ASTP): Additional time authorized for training/validation on simulator devices."

Proposed new N.J.A.C. 5A:2-2.1(b)14 is added and states "Inactive Duty Funeral Honors (IDFH): This is for performance or duty as a participant during a military funeral honors."

N.J.A.C. 5A:2-2.1(c) is amended by adding the words "but without loss of time" in order to clarify the requirements of N.J.A.C. 4A:6-1.11.

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

#### Social Impact

There is no adverse social impact based upon the rules proposed for readoption with amendments. There is a positive impact, insofar as clarification of the rules will assist both employers and employees in complying with the rules and statute, avoiding disputes or misunderstandings related to absences for military service in the organized militia of New Jersey. The intent of N.J.A.C. 5A:2 is to clarify the entitlement of New Jersey public employees serving in New Jersey's organized militia to paid leaves of absence for certain types of military duty. The proposed entitlements do not change entitlements as published but rather reduce confusion regarding applicability. The Legislature acknowledged the benefits to society gained from the military service of the State's organized militia members and provides paid leaves of absence for military service as an added incentive for public employees to serve.

#### Economic Impact

There is an economic impact from the rules proposed for readoption with amendments in that salaries and benefits will be paid to public employees who are on military leave as required by N.J.S.A. 38A:4-4. However, the impact of the program is mitigated by the fact that the organized militia makes significant contributions to the economy of the State through military pay and entitlements to the individual service member and through the various operational programs of the organized militia.

The costs to the State generated by the military leave program are far less than the costs that would be entailed if the State had to establish,

equip, and maintain some force or organization that could be available to the Governor and the State in a manner similar to the present organized militia.

There is no additional economic impact to the State as a result of the proposed amendments.

#### Federal Standards Statement

The rules proposed for readoption with amendments are a clarification of N.J.S.A. 38A:4-4, which requires paid leaves of absence, which are not required by Federal law. Federal law only requires that employers grant employees excused leaves of absence for military service. See 38 U.S.C. §§ 4301 et seq. The New Jersey Legislature has provided benefits in addition to those required by Federal law in recognition of the sacrifices members of New Jersey's organized militia in serving both the State and the Nation.

#### Jobs Impact

The Department anticipates no jobs will be generated or lost as a result of the rules proposed for readoption with amendments.

#### Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact upon the agriculture industry in the State.

#### Regulatory Flexibility Statement

The rules proposed for readoption with amendments are a clarification of N.J.S.A. 38A:4-4, which requires paid leaves of absence for public employees for certain types of military duty. The rules identify the type of duty for which a paid leave of absence must be granted under State law. The rules do not impose any requirements on small businesses, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules apply to public employees who are members of the organized militia only and their public employers.

#### Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have no impact on affordable housing in New Jersey and would not evoke a change in the average costs associated with housing because the rules set forth paid leaves of absence for public employees for certain types of military duty pursuant to N.J.S.A. 38A:4-4.

#### Smart Growth Development Impact Analysis

The rules proposed for readoption with 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 set forth paid leaves of absence for public employees for certain types of military duty pursuant to N.J.S.A. 38A:4-4.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5A:2.

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

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 5A:2-1.1 Scope

(a) (No change.)

(b) Members of other Reserve Components of the Armed Forces to include the Army Reserve, Navy Reserve, Air Force Reserve, Coast Guard Reserve, Marine Corps Reserve, and members of the National Guard of other states whose employers are the State of New Jersey, a county, school district, municipality, board, commission, or authority should refer to New Jersey [Department of Personnel, Merit System Board] **Civil Service Commission** rule on military leave for guidance. See N.J.A.C. 4A:6-1.11.

(c) For members of the organized militia, [these rules] **this chapter** should be read in conjunction with the [Merit System Board] **Civil Service Commission** rule on military leave. See N.J.A.C. 4A:6-1.11.

(d) (No change.)

## SUBCHAPTER 2. MILITARY LEAVE

## 5A:2-2.1 General policy

(a) Employers that are the State or a board, commission, authority, or other instrumentality of the State or a county, school district, or municipality of the State are required to grant leaves of absence to members of the organized militia in accordance with N.J.S.A. 38A:4-4, which provides:

1. A permanent or full-time temporary officer or employee of the State or of a board, commission, authority, or other instrumentality of the State or of a county school district or municipality who is a member of the organized militia shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence from his or her respective duties without loss of pay or time on all days during which he or she shall be engaged in any period of State or Federal active duty provided, however, that the leaves of absence for Federal active duty or active duty for training shall not exceed 90 work days in the aggregate in any one calendar year. Any leave of absence for such duty in excess of 90 work days shall be without pay but without loss of time.

2.-3. (No change.)

(b) Leaves of absence with pay are not authorized for Inactive Duty Training. Inactive Duty Training (IDT) is defined by Army, Air Force, National Guard, and State [Regulations] **rules and regulations** and includes, but is not limited to:

1. Unit Training Assemblies/**Periods** (UTA/UTP): This training is commonly known as weekend drill or **battle assembly**;

2. Rescheduled Unit Training Assemblies/**Periods** (RUTA/RUTP): This training is a makeup period for a UTA/UTP;

**3. Multiple Unit Training Assemblies/Period (MUTA/MUTP): This training is for multiple UTAs/UTPs;**

[3.] **4. Split Unit Training Assemblies/Periods** (SUTA/SUTP): This training is a makeup period for a UTA/UTP;

[4.] **5. Additional Flight/Flying Training Period** (AFTP): Additional time authorized for flight training/validation;

[5.] **6. Readiness Management Assemblies/Periods** (RMA/RMP): Used to [plan/prepare] **plan, manage, and/or prepare for training**;

[6.] **7. Additional Training Assemblies/Periods** (ATA/ATP): Used to accomplish administrative actions in support of training;

[7. M-COFT AUTA: Authorized additional training time authorized for instruction of operation of M-COFT training device;]

**8. Additional Unit Training Assembly/Period (AUTA/AUTP): Additional time authorized for training and instruction;**

[8.] **9. Proficiency Training** (PT); [and]

[9.] **10. Training Period Preparation Assembly** (TPPA);[.];

**11. Equivalent Training Assembly/Period (ETA/ETP): This training is a makeup period for a UTA/UTP;**

**12. Junior Leader Training for Civil Disturbance (JLTCDD): This training is in addition to IDT for Junior Leaders to train on civil disturbance;**

**13. Additional Simulation Training Assembly/Period (ASTA/ASTP): Additional time authorized for training/validation on simulator devices; and**

**14. Inactive Duty Funeral Honors (IDFH): This is for performance or duty as a participant during a military funeral honors.**

(c) Employees are entitled to leaves of absence without pay **but without loss of time** for inactive duty training as identified in (b) above.

## EDUCATION

### (a)

#### STATE BOARD OF EDUCATION

##### Special Education

#### 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

Authorized By: New Jersey State Board of Education, David C. Hesse, 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](mailto: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 students' 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.