

Effective Date: June 20, 2023.

New Expiration Date: June 20, 2030.

Take notice that N.J.A.C. 10:92, Educational Services of the Commission for the Blind and Visually Impaired, was scheduled to expire on September 8, 2023. The rules of this chapter make possible a Statewide itinerant educational services program for children who are blind or visually impaired to facilitate their inclusion in the least restrictive, most appropriate, educational setting. The Department of Human Services (Department) recognizes that further rulemaking is necessary to update this chapter to be consistent with best practices. To that end, the Department is considering substantive amendments to be published following this reoption.

The following is a summary of the subchapters at N.J.A.C. 10:92.

Subchapter 1, Overview of Educational Services, provides the purpose and scope of the subchapter, including describing the types of educational services provided to children who are blind or visually impaired. This subchapter also includes the definition of terms utilized throughout the chapter. These include blindness education services, specialized services for infant and toddlers, and specialized services for blind and visually impaired school age children who have multiple disabilities.

Subchapter 2, Eligibility Standards for Educational Services, describes the criteria needed to establish eligibility to receive education services from the Commission for the Blind and Visually Impaired (“Commission” or “CBVI”). This subchapter also describes the steps taken when a child is determined ineligible and the elements contained in the notification letter, which include the basis for the decision and the process for review.

Subchapter 3, Itinerant Education Services, includes a description of the role of provider service agreements, which are contracts between the Commission and a school district for the provision of itinerant services to assess and determine a child’s level of need. There are four different levels of service a school can contract for, and this subchapter describes what specifically is included at each level. This subchapter also describes the services provided to infants and toddlers with blindness or vision impairment, services provided to students with multiple disabilities, including blindness or vision impairment, and the financial needs standard.

Subchapter 4, Loan and Provision of Materials, Aids, and Equipment, sets forth the resources available through the George F. Meyer Instructional Resource Center to students receiving blindness education services, instructional materials and adaptive equipment, as appropriate, to the individual student’s needs. Eligible students may receive accessible materials, such as Braille or Large Print instructional materials, as well as adaptive equipment, including Braille Writers and electronic note-taking devices. The subchapter also provides the protocols for eligible students to borrow State-owned educational equipment through CBVI, as determined necessary by the Commissioner instructor.

Subchapter 5, Commission Services Available to Eligible Children, describes the additional services that are available to eligible children, including recreational and development programs, independent living skills instruction, such as orientation and mobility training, and transition services.

Subchapter 6, Educational Program Options, describes the Commission’s role in determining the educational placements of eligible children receiving Blindness Education Services. Federal law, through the Individuals with Disabilities Education Act of 2004, mandates that students are to be educated in the least restrictive environment. The determination of educational placement is the responsibility of the local school district, in collaboration with the student’s parent or guardian. The itinerant teacher of the Commission shall collaborate with the school district and assist by identifying characteristics of an optimal educational placement.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated, as required at N.J.S.A. 30:1-12 et seq. In accordance with N.J.S.A. 52:14B-5.1.c(1), these rules should be readopted and continue in effect for a seven-year period.

OTHER AGENCIES

(a)

NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

Authority Administrative Rules

Fees

Adopted Amendments: N.J.A.C. 19:30-6.1, 6.2, 6.3, 6.4, and 6.7

Adopted New Rule: N.J.A.C. 19:30-6.1A

Proposed: April 3, 2023, at 55 N.J.R. 597(a).

Adopted: June 21, 2023, by the New Jersey Economic Development

Authority, Tim Sullivan, Chief Executive Officer.

Filed: June 21, 2023, as R.2023 d.088, **without change**.

Authority: N.J.S.A. 34:1B-1 et seq.

Effective Date: July 17, 2023.

Expiration Date: May 8, 2025.

Summary of Public Comment and Agency Response:

The public comment period ended June 2, 2023. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted fee amendments and new fee rule are not subject to any Federal laws, requirements, or standards.

Full text of the adoption follows:

SUBCHAPTER 6. FEES

19:30-6.1 Application fees

(a) Unless otherwise established in accordance with N.J.A.C. 19:30-6.1A, a non-refundable fee of \$1,000 shall accompany every application for Authority assistance, except for:

1. (No change.)

2. An application for assistance under the Small Business Fund and the New Jersey Local Development Financing Fund Act, N.J.S.A. 34:1B-47 et seq., for which the fee is \$300.00; and

3. An application for assistance under the Real Estate Impact Fund, for which the fee is \$2,500.

(b) (No change.)

(c) (No change in text.)

(d) An application fee may be refunded, in whole or in part, where an application is not processed or approved because the application is incomplete or the funding for the program or initiative is exhausted.

19:30-6.1A General fee applicability

(a) Except as otherwise provided at (b) below, applicants for Authority assistance shall be subject to a fee in accordance with:

1. The applicable fees specifically adopted through a rulemaking for the administration of a program or initiative; or

2. The generally applicable fee established in accordance with this subchapter, unless otherwise established by law.

(b) The members of the Board may set separate program or initiative specific fees or establish that fees will not be charged, as determined to be reasonable and in the best interest of the Authority, under the following circumstances:

1. Any emergency assistance program or initiative established in connection with a declared state of emergency, for which the Authority’s Board has set different fees in an open public meeting, which fees shall be based on factors that may include, but are not limited to:

i. The nature of the state of emergency;

ii. The amount of funding available;

iii. The hardship to the prospective applicants as a result of the emergency;

iv. The anticipated demand for assistance;

v. The need to provide assistance under exigent circumstances;

vi. The administrative costs to the Authority; and/or
 vii. The availability of other sources of funding for the Authority's administrative costs;

2. Any pilot program or initiative that will be in effect for three or fewer years, for which the members of the Board have set different fees in an open public meeting, which fees shall be based on factors that may include, but are not limited to:

- i. The nature of the pilot program or initiative;
- ii. The amount of funding available;
- iii. The mission of the prospective applicant pool;
- iv. The anticipated demand for the assistance;
- v. The administrative costs to the Authority; and/or
- vi. The availability of other sources of funding for the Authority's administrative costs; or

3. Any program or initiative where there is availability of other sources of funding for the Authority's administrative costs.

19:30-6.2 Commitment fees

(a)-(d) (No change.)

(e) A non-refundable commitment fee of .875 percent of the loan amount is charged with the acceptance by an applicant of any direct loan commitment other than as described at (a), (b), (c), or (d) above.

(f) A non-refundable extension fee of \$750.00, per extension requested by the borrower or applicant, shall be charged for the granting of an extension of the commitment letter or of conditions required in an approval letter beyond the original expiration date.

19:30-6.3 Bond closing fees

(a)-(e) (No change.)

19:30-6.4 Bond post-closing fees

(a) (No change.)

(b) When a bond transaction does not by its terms fall into one of the above categories, the Authority, in its discretion, shall determine the appropriate category based on the substance of the transaction. The categorization of the transaction on U.S. Department of the Treasury, Internal Revenue Service Form 8038 will be a significant factor in the determination of the fee.

(c) (No change in text.)

19:30-6.7 Fee waiver

(a) The Chief Executive Officer may, with the approval of the members of the Board, waive certain fees upon demonstration by an applicant that the imposition of the fee(s) would impose an undue financial hardship.

(b) The members may adopt criteria for the waiving of fees in an open public meeting and delegate authority to the Chief Executive Officer for approving fee waivers under those criteria. The criteria may include, but are not limited to, the nature of the applicant or whether the fee presents an undue financial hardship for the applicant.

(c) The members may delegate to the Chief Executive Officer, who may further delegate authority to waive a loan commitment extension fee; or authority to waive late fees when the cause for the late fee is beyond the control of the borrower.

(d) The Chief Executive Officer, with the approval of the members, may waive, postpone, or decrease fees for municipal governmental agency(s), State agency projects, or transactions that support multi-jurisdictional, interstate projects. In the case of State agency projects, such waiver, postponement, or decrease shall be in accordance with the directives of the State Treasurer regarding the specific State agency projects.