

Chapter 192 & 193 Programs For Nonpublic School Students 2013-2014

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PART 1 OVERVIEW

INTRODUCTION

New Jersey's Chapter 192 and Chapter 193 programs are provided to eligible students enrolled full-time in nonpublic elementary and secondary schools in New Jersey. Chapter 192 programs provide nonpublic school students with auxiliary services such as compensatory education, English as a second language, and home instruction. Chapter 193 programs provide nonpublic school students with remedial services such as evaluation and determination of eligibility for special education and related services, supplementary instruction, and speech-language services.

STATUTES

N.J.S.A. 18A:46A-1 et seq. (Chapter 192, Laws of 1977) authorizes the provision of auxiliary services to students enrolled in nonpublic elementary and secondary schools in the state: "The Legislature hereby finds and determines that the welfare of the state requires that present and future generations of school age children be assured the opportunity to develop to the fullest of their intellectual capacities. It is the intent of the Legislature to insure that the State shall furnish on an equal basis auxiliary services to all students in the state in both public and nonpublic schools."

“Nonpublic school means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964 (P.L.88-352).”

N.J.S.A. 18A:46-19.1 et seq. (Chapter 193, Laws of 1977) authorizes the provision of remedial services for handicapped students enrolled in nonpublic elementary and secondary schools in the state: "The Legislature hereby finds and determines that the security and welfare of the state require that all school-age children be assured the fullest possible opportunity to develop their intellectual capacities. In order to achieve this objective it is the intent of the Legislature to require that State and local communities identify and provide remedial services for handicapped children in both public and nonpublic schools."

SERVICES

Under Chapter 192, the following auxiliary services are available:

- Compensatory Education
- English as a Second Language
- Home Instruction

Under Chapter 193, the following remedial services are available:

- Evaluation and Determination of Eligibility for Special Education
- Supplementary Instruction
- Speech-Language

GENERAL ELIGIBILITY REQUIREMENTS

Chapter 192 and Chapter 193 services are available only to students who meet all of the following criteria:

- Are enrolled full-time in a nonpublic elementary or secondary school (grades K-12) located in New Jersey;
- Parent(s) or guardian(s) live in New Jersey;
NOTE: When a student boards at a nonpublic school, the public school district in which the parent(s) reside is considered the child's district of residence;

NOTE: A student who is a resident of another state but is enrolled in a nonpublic school located within New Jersey may receive initial evaluation or reevaluation for examination and classification or annual review for examination and classification for Chapter 193 services.

- Would be eligible for such services if they were enrolled in a public school;
NOTE: A student must be eligible to attend public kindergarten school to be eligible for Chapter 192 and Chapter 193 services.
- Are between the ages of five and twenty for Chapter 192 services, or between five and twenty-one for Chapter 193 services;
- Meet the criteria for eligibility as determined by the New Jersey Department of Education for the specific service; and
- Parent(s) or guardian(s) have given their consent by signing the Application for the Chapter 192 and Chapter 193 Services (407-1 form).

STUDENT APPLICATION

N.J.S.A. 18A:46A-5 and 18A:46-19.5

N.J.A.C. 6A:14-6.2

During the school year, the parent or guardian of a nonpublic school student may request the Chapter 192 and Chapter 193 services by completing and submitting a signed student application (see 407-1 form in Part IV, Appendices) through the following three options:

1. To the nonpublic school;
2. Directly to the local public school district where the nonpublic school is located; or
3. To the service provider.

If the parent or guardian submits a signed student application (407-1 form) to a nonpublic school, the nonpublic school transmits the signed student application to the local public school district within five working days.

In instances where a district contracts with a third-party provider, the nonpublic school or parent may submit the student application directly to the third-party provider as specified in the district contract with the third party provider. Third-party providers must send copies of the applications to the district at least every 30 days.

If the application is sent to a local public school district that contracts with a service provider, the district transmits the student application to the service provider within five working days after receipt from the nonpublic school.

Submission of the student application (407-1 form) does not make the student eligible for the Chapter 192 and Chapter 193 services. The public school district responsible for Chapter 192 and Chapter 193 services must verify the eligibility and complete the disposition section of the student application stating whether the services will be provided. If the public school district contracts with a third-party provider, the third-party provider may sign the disposition section of the application if the contract with the district specifically allows this. NOTE: Services can only be denied if a student is deemed ineligible as determined by the eligibility criteria.

In instances where the student has been determined to be eligible and has received services in the current school year, a new student application must be completed and submitted before services can be provided in the following year. Because the student application is designed to request the services and to account for the student receiving a service, a student application must be submitted for each service requested for a student.

Template 407-1 forms are provided in the Appendix. Districts and third party providers may use these forms or create custom forms that include all requested information.

PARTICIPATING NONPUBLIC SCHOOLS

N.J.S.A. 18A:46A-2, 18A:46-19.2 and 18A:38-25
N.J.A.C. 6A:14-6.2

A nonpublic school in New Jersey is an elementary or secondary school other than a public school, offering education for grades K-12, or any combination of them, wherein students may legally fulfill the compulsory school attendance requirement for children between the ages of six and 16 years by receiving an education that is academically equivalent (curricular content) to that provided in the public school for students of similar grades and attainments.

The nonpublic school:

- Complies with the requirements of the Civil Rights Act of 1964 (P.L. 88-352): no person in the United States shall on the grounds of race, color, or national origin, religion, sex, age or disability be subjected to discrimination under any program or activity receiving state and/or federal financial assistance; and
- Complies with the applicable regulations of the State Board of Education.

To participate in state and/or federal programs, the nonpublic school, in accordance with *N.J.S.A.* 18A:6-4, submits the Nonpublic School Enrollment Data Report form to the Department of Education, Office of Educational and Information Technology each year. The completion of the form does not imply approval, licensure or regulation of the nonpublic school by the State Department of Education.

The Chapter 192 and Chapter 193 programs should also be coordinated with other state and federal programs.

Nonpublic responsibilities:

- If the nonpublic school moves after the completion of the nonpublic enrollment report, it is the responsibility of the nonpublic school to notify the NJDOE, Office of Nonpublic School Services, to have funding redirected to the new district of location. However, if the funding allocation has already been sent to the district from which the school moved, the nonpublic school must work with the two districts and the NJDOE, Office of Finance, to have funds transferred. This may cause a delay in receiving services.
- Any change in contact information, email, address, or any other information collected on the Nonpublic School Enrollment Data Report must be submitted to the Office of Nonpublic School Services. Failure to do so may result in loss of communication of important information from the office.

- Carefully review your school’s entitlement notices for both Nonpublic Textbook and Nursing when you receive them, and notify NJDOE of any errors. Changes will be at the discretion of NJDOE.

RESPONSIBILITY OF THE DISTRICT BOARD OF EDUCATION

N.J.S.A. 18A:46A-3 and 18A:46-6

N.J.A.C. 6A:14-6.1

In accordance with the state laws (*N.J.S.A. 18A:46A-3 and 18A:46-6*), the district board of education of the public school district in which the nonpublic school is located is responsible for ensuring that the Chapter 192 and Chapter 193 services are provided to eligible students enrolled full-time in the nonpublic elementary or secondary schools. The public school district shall verify the eligibility of the students and provide the services in accordance with the policies and procedures of the New Jersey Department of Education regarding Chapter 192 (*N.J.S.A. 18A:46A-1 et seq.*) and Chapter 193 (*N.J.S.A. 18A:46-6, 8, 19.1 et seq.*) and the regulations of the State Board of Education pertaining to compensatory education (*N.J.A.C. 6A:14-6.2(e)*); English as a second language (*N.J.A.C. 6A:15 et seq.*); evaluation and determination of eligibility for special education and related services, supplementary instruction, speech-language services and home instruction (*N.J.A.C. 6A:14 et seq.*).

Annual Consultation Requirement

It is the responsibility of the public school district in which the nonpublic school is located to consult annually with the nonpublic school representatives regarding the provisions of services to the students under the Chapter 192 and Chapter 193 programs.

Districts that contract with a third party provider may wish to invite the provider to the consultation meeting. Third party providers may coordinate the scheduling of the meetings to enable their attendance, but the local school district representative must attend the meeting.

District is required to:

- Retain letters of correspondence or other notices of consultation meetings
- Retain dated sign in sheets of all consultation meetings
- Retain signed agreement of service, or any other documentation that provides proof that meaningful consultation occurred with each nonpublic school in the district

Telephone conferencing is acceptable, provided the district obtains a signature from the nonpublic school administrator acknowledging his/her attendance and provides a summary of the outcome of the phone conference.

NOTE: In accordance with *N.J.S.A. 18A:46-19.7 and 18A:46A-7*, “prior to any change in the provision of these services, the board shall provide timely and meaningful consultation with the appropriate nonpublic school representatives, including parents.”

Districts Contracting with a Third-party Provider

The public school district in which the nonpublic school is located must provide the required service itself or may contract with another district, an educational services commission or an NJDOE approved clinic or agency to provide all or part of the required services. If the public school district contracts with a third-party provider, the district retains complete responsibility for overseeing the Chapter 192 and Chapter 193 services.

If the public school district responsible for Chapter 192 and Chapter 193 services enters into a contract with a third-party provider, the public school district may give the third-party provider authority to sign the disposition section of the 407-1 form. The authority given should be detailed in the contract between the district and third-party provider. **Entering into this agreement with the provider does not relinquish district responsibility for the oversight of Chapter 192 and Chapter 193 services.**

If the public school district responsible for Chapter 192 and Chapter 193 services enters into a contract with a third-party provider, the public school district should receive from the third-party provider a monthly detailed statement of the students receiving services for billing purposes. The public school district shall have either received the original 407-1 form, or a copy of the form, depending on the contract with the provider, before payment can be made for services.

Districts that contract with third-party providers are required to establish a written contract with the service provider regarding:

- The scope and nature of services;
- The cost and method of payment for services;
- Professional staff, facilities and student records for services;
- Details of administration of the programs to be provided

Each contract should include a budget page with the following costs outlined:

- Program
- Administration and other
- Per student amounts for each service.

Existing contracts between districts and providers should be reviewed and updated according to the guidance above. It is recommended that multi-year contracts not exceed three years. Contracts should be reviewed annually to ensure providers are providing services as contracted.

Staff Responsible for Services

N.J.S.A. 18A:46A-7 and 46-19.7

N.J.A.C. 6A:14-6.2(h)

The public school district responsible for the Chapter 192 and Chapter 193 services is responsible for staffing either internally or through a contract with staff from another district, an educational services commission, or an approved clinic or agency. The staff providing the Chapter 192 and Chapter 193 services must be employees of the public school district, educational services commission or approved clinic or agency and must be appropriately certified.

Facilities

N.J.S.A. 18A:46A-5 and 46-19.5

N.J.A.C. 6A:14-6.2(i)

The public school district or service provider responsible for Chapter 192 and Chapter 193 services is responsible for determining the site for the instructional services and discussing it in the annual consultation with the principal or his/her representative of the nonpublic school.

The public school district and service provider are permitted to provide the Chapter 192 and Chapter 193 instructional services in a sectarian nonpublic school in accordance with the state statutes *N.J.S.A.* 18A:46A-5 and 46-19.5.

Before providing the Chapter 192 and Chapter 193 instructional services in a religious nonpublic school, the public school district or service provider must ensure that the space for instruction within the school is adequate for education. The nonpublic school must have appropriate certificate of occupancy and health and fire inspection certificates for the school. The public school district or service provider may not repair, remodel or perform construction on the nonpublic school building to provide these services.

When the public school district, service provider and nonpublic school agree to provide the Chapter 192 and Chapter 193 instructional services within a sectarian nonpublic school, the public school district or service provider must direct and supervise the instructional services. During the time of instruction, the public school district or service provider must ensure that: religious matter is not introduced; and staff providing the instructional services are employees of the public school district or service provider, or are contracted by the public school district.

If the public school district or service provider are utilizing a trailer or mobile unit placed on nonpublic school property to provide the Chapter 192 and 193 services, the trailer or mobile unit must be approved by the County Superintendent in accordance with *N.J.A.C.* 6A:26-6 *et seq.* The facility approval includes a certificate of occupancy and also health and fire inspection certificates. Trailers and mobile units for Chapter 192 and Chapter 193 services must be accessible to individuals with disabilities in accordance with the Barrier Free Code of the Uniform Construction Code (*N.J.A.C.* 5:23-7.1 and 7.2 (a)).

If the public school district or service provider provides the Chapter 192 and Chapter 193 services using computer assisted instruction (CAI) in a nonpublic school, the public school

district or service provider must direct and supervise the computer assisted instruction program.

Student Transportation

N.J.S.A. 18A:46A-6 and 46-19.6

N.J.A.C. 6A:14-6.2(k)

The public school district responsible for the Chapter 192 and Chapter 193 services must request Chapter 192 and Chapter 193 funds through the Report of Nonpublic Auxiliary and Handicapped Services to provide students with transportation to and from the instruction area and/or to provide the maintenance of the vehicular classrooms if required under the provision of Chapter 192 and Chapter 193 services. In accordance with *N.J.S.A.* 18A:46A-6 and 18A:46-9.6, the district board of education of the public school district in which the nonpublic school is located shall provide for such transportation and maintenance, and the cost shall be paid from state funds received by the district for the programs.

Student Records

N.J.A.C. 6A:14-6.2(l)

The board of education of the district in which the nonpublic school is located shall maintain all records of nonpublic school students receiving programs and/or services under this subchapter according to *N.J.A.C.* 6A:32.

6A:32-7.4 Maintenance and security of student records

- (a) This subchapter applies to all district boards of education or private agencies that provide educational services using public funds
- (b) The chief school administrator or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.
- (c) Records for each individual student shall be maintained in a central file at the school attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required.

NOTE: the “school attended by the student” refers to the local public district unless contracted with the third party provider to maintain the file.

The public school district responsible for the Chapter 192 and Chapter 193 services must maintain the Chapter 192 and/or Chapter 193 records of nonpublic school students receiving services following the procedures in *N.J.A.C.* 6A:32-7 *et seq.* If the public school district contracts with a service provider for the services, the service provider may retain student records as contracted with the public school district while services are being provided. The Chapter 192 and Chapter 193 student records are returned to the public school district responsible for the services when the programs are terminated. The provider should retain a copy of the cover page of the student’s ISP and 407-1 form for record-keeping purposes. Records should be retained for seven years as specified in New Jersey’s records retention policy.

For each student requesting Chapter 192 services, the fully completed 407-1 form must be maintained by the service provider and/or local district. The test score and other criteria will be written on the 407-1 form and the back-up data must be available upon request and is subject to an audit. If the form does not include a test score, the district or service provider may be asked to provide evidence that the scores were actually compiled and reviewed.

For classified students, the 407-1 form may list the student's classification; however the entire ISP must be available.

Electronic record keeping is an alternative to paper files. The same rules apply to electronic record keeping as to paper files. Third-party providers **MUST** obtain an agreement with the district(s) they contract with in regard to electronic files.

Fiscal Management

N.J.S.A. 18A:46A-8, 9, 10, 11, 12, 13, 14 and 46-19.8

N.J.A.C. 6A:14-6.3 and 6.4

Funding - The public school district in which the nonpublic school is located provides the Chapter 192 and Chapter 193 programs and services utilizing state funds received by the public school district for the programs and services. To obtain Chapter 192 and Chapter 193 state funds for the next school year, the public school district must submit the Report of Nonpublic Auxiliary and Handicapped Services in November of the present school year to the New Jersey Department of Education, Office of School Funding. The report contains the following information:

- The number of nonpublic school students identified to receive services under Chapter 192 during the prior school year;
- The number of nonpublic school students identified to receive services under Chapter 193 during the prior school year; and
- Anticipated cost of transportation and/or maintenance of vehicular classrooms required for nonpublic school students to receive services for the next school year.

Additional Funds - The public school district responsible for Chapter 192 and Chapter 193 services must request additional state funds when the present level of funding is insufficient to provide services for additional students identified under the provisions of Chapters 192 and 193. The public school district must submit the Request for Additional Funding Under the Provisions of Chapters 192/193 to the New Jersey Department of Education, Office of School Funding, to obtain approval.

Funding Limitations - To provide the Chapter 192 services, the public school district responsible for the Chapter 192 services is permitted no more than six (6) percent of the state funds received by the district under Chapter 192 for administration of the program, and no more than six percent of the state funds received by the district under Chapter 193 for administration of the program. Also the public school district is permitted no more than 18

percent of the state funds received by the district under Chapter 192 to rent facilities. The public school district must provide the services to nonpublic school students at a cost not to exceed the amount of the state funds received by the district for the programs.

Project Completion Report - The public school district responsible for the Chapter 192 and Chapter 193 services must submit the Nonpublic Student Services Project Completion Report for the Chapter 192 Services and the Chapter 193 Services according to the online filing schedule in the current school year to the New Jersey Department of Education, Office of School Funding.

The public school district must maintain an accounting system for the Chapter 192 and Chapter 193 programs and services following the financial accounting procedures of the New Jersey Department of Education, Office of School Funding. At the end of the school year, if the expenditures are less than the state funds received by the district for the programs, the public school district must return the unexpended state funds to the New Jersey Department of Education no later than December 1.

PART II
CHAPTER 192 SERVICES

COMPENSATORY EDUCATION

N.J.S.A. 18A:46A-2(e)

N.J.A.C. 6A:14-6.2(e)

Compensatory education services are available to an eligible student in language arts literacy (reading and/or writing) and mathematics. A student is eligible if the public school district determines, based on the criteria listed below, that the student has academic needs that prevent the student from succeeding academically in the classroom. The nonpublic school is responsible for providing all information for determining eligibility, as follows:

Eligibility Criteria for students in grades 3 - 12

Nonpublic schools must administer a standardized test to determine eligibility for Chapter 192 services. Nonpublic schools provide results of the standardized test to the local school district or third-party provider to determine eligibility for Chapter 192 services.

In grades 3 - 12, a student must score at or below the 40th percentile on the most recent version of a valid and reliable commercial standardized instrument that assesses academic skills, is administered systematically, and based on objective data. IQ tests (such as the Stanford Binet) and college admission or preliminary college admission tests (such as the PSAT) do not meet these criteria. If a nonpublic school is using a testing instrument that is not the most current version of the instrument, the nonpublic school may use the older version for up to two years and then must transition to the most recent version of the test. Students must be tested annually to determine eligibility for services. If a student in grades 3-12 exhibits poor class performance including low/failing test grades in language arts literacy and/or mathematics, did not score below the 40th percentile, but did score below the 50th percentile on a commercial standardized instrument administered by the nonpublic school, eligibility for services will be determined by educationally related objective criteria such as report card grades, book level tests, teacher ratings and writing samples.

If a student enters a nonpublic school from a public school district prior to October 1, the nonpublic school may use the scores from the previous spring's New Jersey statewide testing program. A student is determined to be eligible for support in language arts literacy and/or mathematics if his/her scores fall in the partially proficient range of the subject area on the New Jersey Assessment of Skills and Knowledge (NJ ASK) or High School Proficiency Assessment (HSPA).

Note: For students entering in grades 10 and 11, and for students entering in grades 4-9 and 12 with no NJ ASK or HSPA results, the nonpublic school may use scores from a standardized assessment administered after March 15 of the previous spring, if available.

Eligibility Criteria for students in grades K – 2

To assess young children's strengths, progress, and needs, assessment methods that are developmentally appropriate, and culturally and linguistically responsive must be used. These assessments should be drawn from children's performance during daily activities. Because of variability in development and due to limited test-taking skills in grades K-2, determination of eligibility must be based on multiple measures of the child's performance. It is the responsibility of individual nonpublic schools to define what will be included in the child's portfolio of evidence.

Kindergarten students can gain entrance in the program after 30 days in school and evidence of need, which must include an observational assessment (i.e. Developmental Tasks for Kindergarten Readiness II DTKR-II), and samples of work to establish an academic baseline. Over the course of the Kindergarten year, a portfolio of student's work will be collected to provide evidence of eligibility for services in first grade. At the end of the kindergarten year, the portfolio gathered throughout the kindergarten year shall include an observational assessment done at the end of the year, work samples, report cards, and teacher recommendation from both the classroom teacher and Comp Ed teacher.

For students in grades 1 and 2 (who were not determined eligible for services in Kindergarten) the assessments used to determine eligibility will include at minimum one criteria from at least three of four measures, as defined below:

- 1. Teacher and parent survey, interviews, observational assessments**
- 2. Samples of children's work that are collected over time (minimum 30 days of school in the current grade)**
- 3. Developmental screenings or performance based assessments**
- 4. Tests and/or projects. Include report cards as they become available**

The nonpublic school is responsible for determining eligibility, as follows:

- Identifying the appropriate assessments to use based on the four eligibility measures listed above
- Developing a portfolio of evidence that demonstrates the child's areas of need
- If three of the four measures listed are met, a copy of the portfolio is to be provided to the local school district/third-party provider who maintains a copy of the portfolio for audit purposes

Districts and providers: Use the following checklist to determine if an assessment procedure is appropriate and the portfolio presented by the nonpublic school can be accepted:

1. Assessments use multiple sources of evidence gathered over time (no less than 30 days of attendance in any given school year). The assessment system emphasizes repeated, systematic observation, documentation, and other forms of performance assessment.

2. Families are part of the assessment process with regular communication, partnership, and involvement. They are notified before and after any formal assessments, and are included in any decisions regarding the provision of services.
3. Ethical principles underlie all assessment practices. Decisions are not made about children on the basis of a single assessment.
4. Assessments are used in ways consistent with the purposes for which they were designed.
5. Assessments are designed for and validated for use with children whose ages, cultures, home languages, socioeconomic status, abilities and disabilities, and other characteristics are similar to those of the children with whom the assessments will be used.
6. Formal assessments are valid and reliable. Accepted professional standards of quality are the basis for selection, use, and interpretation of any assessment instruments, including screening tools.
7. The evidence used to assess young children's characteristics and progress is derived from real-world classroom or family contexts that are consistent with children's culture, language, and experiences.
8. When a screening or other assessment identifies concerns, appropriate follow-up is used. Eligibility is not determined based on a brief screening or one-time assessment.
9. Formal standardized testing and individually administered, norm-referenced and criterion-referenced tests are limited to situations in which such measures are appropriate and beneficial.
10. Persistent and/or significant concerns about individual children are referred to the child study team to determine if the child would be eligible for special education services.

NOTE: Definition of terms, acceptable performance-based assessments, screenings, and reading screening examples can be found in the appendix section.

Record Keeping

A copy of the student's assessment results and/or other educational documentation used to determine student eligibility for services must be made available at the request of the NJDOE. If the district or service provider is unable to produce these documents an audit finding may result in a recovery of funds.

To provide Chapter 192 compensatory education, a certified teacher of the public school district/service provider develops and implements an individual student improvement plan for the students in need of compensatory education. An individual student improvement plan in reading, writing and/or mathematics addresses the student's needs, instructional program (goals and measurable objectives, frequency and duration, and also teaching techniques, materials, and resources), evaluation procedures that are used to measure progress toward performance standards, and exit criteria (at or above the minimum level of proficiency in reading, writing and/or mathematics and also multiple assessment criteria in addition to test scores).

To document eligibility for language arts literacy (reading and writing) and/or math, record student's assessment results (primary measures) and secondary measures on the student application (407-1 form). Check the appropriate service in Section 5 of the student application (407-1 form):

Examples

- If eligible for language arts literacy, submit one student application (407-1 form) with language arts literacy checked. Indicate either reading or writing or both reading and writing; and
- If eligible for math, submit one student application (407-1 form) with math checked.

ENGLISH AS A SECOND LANGUAGE

N.J.S.A. 18A:46A-2(c)

N.J.A.C. 6A:15 et seq.

English as a second language services are available to an eligible student identified as limited English proficient. The student develops proficiency in English language skills in the areas of aural comprehension, speaking, reading and writing. A teacher appropriately certified as a teacher of English as a second language from the public school district or service provider provides the service.

Eligibility Criteria

- The student's native language must be other than English;
- The student must score below the cut-off level of English language proficiency on a department-approved language proficiency test (appendices section); and
- The student must have at least one other indicator*.

The parent(s) or guardian(s) must be notified in their native language to ensure their understanding of the process, their rights, and the form completion. For Chapter 192 English as a second language (ESL) services, the parents or guardians must identify the student's native language in Section 5 of the student application (407-1 form), thus certifying that the student's native language is other than English. In accordance with *N.J.A.C. 6A:15-1.2*, the student's native language means: "the language first acquired by the student, the language most often spoken by the student or the language most often spoken in the student's home, regardless of the language spoken by the student." The local public school district/service provider determines the student's English language proficiency and eligibility for Chapter 192 ESL services through an English language proficiency test and other indicators.

The New Jersey Department of Education mandates the use of a department-approved language proficiency test. State-approved English language proficiency tests and the

corresponding standards for determining limited English proficiency may be found at http://www.state.nj.us/education/bilingual/resources/prof_tests.htm

New Jersey public school districts that receive Title III funds for limited English proficient (LEP) students must assess the English language proficiency progress of these students with the ACCESS for ELLs™ language proficiency test. Information on the ACCESS for ELLs™ test may be obtained at www.nj.gov/njded/bilingual. The public school district/service provider that provides language assistance services to LEP nonpublic school students must annually assess the progress that these students make in learning English. The public school district/service provider may choose either the ACCESS for ELLs™ test or continue to use one of the other approved English Language proficiency tests.

*Other indicators include: assessing the level of reading in English, reviewing the previous academic performance of the student as well as standardized tests in English and reviewing the input of teaching staff members responsible for the educational program of the pupil.

To provide Chapter 192 English as a second language (ESL) services, a certified teacher of the public school district or service provider develops and implements an individual student improvement plan for the students in English as a second language. An individual student improvement plan for English as a second language addresses:

- The student's needs assessment in English language skills (aural comprehension, speaking, reading, and writing)
- Instructional program (goals and measurable objectives, frequency and duration, and also teaching techniques, materials and resources)
- Exemptions from standardized testing in English, if applicable
- Evaluation procedures that are used to determine progress toward performance objectives
- The criteria for exiting the ESL program: at or above the cut-off level of English language proficiency on the department-approved language proficiency test (see appendices section) and assessed on the basis of multiple indicators which at a minimum must include classroom performance, the student's reading level in English, the judgments of teaching staff members responsible for the educational program of the student, and performance on achievement tests in English.

To document eligibility for English as a second language (ESL) services, record the results of the student's assessment on the student application (407-1 form) and check the appropriate service in Section 5 of the student application (407-1 form).

HOME INSTRUCTION

N.J.S.A. 18A:46A-2(c)

N.J.A.C. 6A:16-10.1(b)

Home instruction services are given in lieu of regular classroom instruction to an eligible student who is enrolled full-time in a nonpublic school and is unable to attend school for 10 consecutive school days or 15 cumulative school days or more during the school year due to temporary or chronic health condition or need for treatment which precludes participation in their usual educational setting. The teacher providing the instruction must be appropriately certified for the subject and grade level in which instruction is given pursuant to *N.J.A.C. 6A:9*.

Eligibility Criteria

- The student must be enrolled in a registered nonpublic school;
- The student is unable to attend school for a period of 10 consecutive school days or 15 cumulative school days or more during the school year due to temporary or chronic health condition or need for treatment which precludes participation in their usual educational setting; and
- The student must be determined eligible in accordance with *N.J.A.C. 6A:16-10.1*.

The public school district/service provider responsible for the Chapter 192 home instruction must provide home instruction as soon as possible, but no later than five school days after the student is determined eligible. In Chapter 192 home instruction, the public school district/service provider provides instruction that meets the requirements of the nonpublic school in which the student is enrolled full-time for promotion and graduation excluding religious studies.

A certified teacher of the public school district/service provider provides Chapter 192 home instruction. The teacher providing the instruction is appropriately certified for the subject, grade level and special needs of the student in accordance with *N.J.A.C. 6A:9*. The teacher provides the instruction in accordance with *N.J.A.C. 6A:16-10.1(c)*.

To document eligibility for home instruction, attach a copy of the licensed physician's recommendation to the student application (407-1 form) and check the appropriate service on the student application (407-1 form).

PART III
CHAPTER 193 SERVICES

REFERRAL, EVALUATION AND DETERMINATION OF ELIGIBILITY

N.J.S.A. 18A:46-19.1 et seq.

N.J.A.C. 6A:14 et seq.

Referral

Referral and evaluation procedures are provided for the purpose of determining eligibility for special education and related services and for developing a service plan for the services that will be provided. Once a student application (407-1 form) for Chapter 193 evaluation and determination of eligibility for special education and related services is submitted to the local public school district or service provider, the student is considered referred.

In accordance with *N.J.A.C. 6A:14-3.3(e)*:

When a school age student is referred for an initial evaluation to determine eligibility for special education programs and services under this chapter, the full child study team, parent and regular education teacher who has knowledge of the student's educational performance must meet within 20 calendar days of the receipt of the student application (407-1 form) to determine whether an evaluation is needed.

The child study team, parent and regular education teacher will review the existing evaluation data on the student including evaluations and information provided by parents, current classroom-based assessments and observations, and the observations of teachers and related service providers. On the basis of that review, they will determine whether an evaluation is warranted.

If an evaluation is warranted, they will determine the nature and scope of the evaluation in accordance with *N.J.A.C. 6A:14-3.4(a)*. They will identify what additional data, if any, are needed, and determine which child study team members and/or specialists will conduct the evaluation.

Parents will receive a written notice of the meeting and copy of "Parental Rights in Special Education." The notice of the meeting must be sent early enough to ensure parental participation.

Notice shall be written in language understandable to the general public and in the native language of the parent, unless it is clearly not feasible. The notice shall include: a description of the action proposed or denied; an explanation of such action; a description of any options considered and the reason why the options were rejected; a description of the procedures, tests, records or reports and factors used to propose or deny an action; a description of any other factors relevant to the proposal or refusal; and a copy of the short procedural safeguards statement. Written notice regarding the determination(s) and proposed action(s) with the short procedural safeguards statement is sent to parents within 15 calendar days of the determination.

After parental consent to the initial evaluation is obtained, the evaluation, determination of eligibility for special education and related services, and if eligible, the development and implementation of the services plan for the student must be completed within 90 calendar days.

A case manager shall be assigned to a student when it is determined that an initial evaluation shall be conducted. A child study team member or speech-language specialist, when acting as a member of the child study team, shall be designated and serve as the case manager for each student with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the student's services plan. The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

Initial Evaluation

An initial evaluation of a student for Chapter 193 shall consist of a multi-disciplinary assessment in all areas of suspected disability. Such evaluation shall include at least two assessments conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary. The evaluation must: be conducted in the language or form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally unless it is not feasible to do so; apply standards of validity, reliability and administration for each assessment by trained personnel in accordance with protocols and instructions of the producer of the assessment; and include standardized test(s) and a functional behavior assessment, an assessment of the language needs of a child with limited English proficiency, assessment of student's communication needs, and assessment of the need for assistive technology devices and services as required in *N.J.A.C. 6A:14*. Each evaluation of the student by the child study team shall be conducted in accordance with *N.J.A.C. 6A:14-3.4*. The parent(s) or guardian(s) must receive a copy of the evaluation reports at least 10 days prior to the eligibility conference.

All CST evaluations must be complete by June 30 of the current school year to bill in the current year. If the evaluation is not complete by June 30, the entire evaluation is billed in the new school year.

CST evaluations must be complete to receive payment. Partial evaluations will not be reimbursed.

Eligibility Criteria

- The student must be determined eligible in accordance with *N.J.A.C. 6A:14-3.5*.
- If eligible, the student must have a services plan developed in accordance with *N.J.A.C. 6A:14-6.2 (g)1i*.

The services plan includes the following components:

- Statement of student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general education curriculum;
- statement of measurable annual goals that are related to the core curriculum content standards through the general education curriculum unless otherwise required according to the student's educational needs;
- short-term objectives to enable the student to be involved in and progress in the general educational curriculum and to meet the educational needs resulting from the student's disability;
- statement of special education and related services and supplemental aids and services that are provided to the student, or statement of program modifications or supports that are provided for school personnel on behalf of the student to advance to the annual goals, to be involved in and progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other students with disabilities and nondisabled students;
- statement, as appropriate, of integrated therapy services to be provided addressing the student's individualized needs in his or her educational setting;
- explanation of the extent if any, to which the student will not participate with nondisabled students in the general education class;
- statement of the projected date for the beginning of services and modifications, and the anticipated frequency, location and duration of services and modifications;
- beginning at least three years before the child reaches age 18, a statement that the child has been informed of the rights under *N.J.A.C. 6A:14* that will transfer to the student on reaching age of majority;
- statement of how the student's progress toward annual goals will be measured;
- statement of how the student's parents will be regularly informed of the student's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year, and the parents of the student are informed of the progress as often as parents of a nondisabled student are informed of their child's progress.

NOTE: To avoid a conflict of interest or the appearance of any conflict of interest, the NJDOE recommends that districts contract with one entity to evaluate students for services and a different entity to deliver services to students.

Annual Evaluation

Annually, or more often if necessary, a services plan will be reviewed in a meeting that includes: the parent, at least one child study team member who can interpret the instructional implications of the evaluation results, at least one general education teacher of the student who is knowledgeable about the student's educational performance, at least one special education teacher or service provider, the case manager who is a child study team member, other appropriate individuals at the discretion of the parent or public agency, a representative of the public agency (who may be the case manager) and the student where appropriate in accordance with *N.J.A.C. 6A:14-3.7(i)*. A team member whose area is not being discussed may be dismissed from a meeting with the consent of parents.

Reevaluation

Reevaluations must be conducted in accordance with *N.J.A.C. 6A:14-3.8*.

- Within three years of the previous classification, a multi-disciplinary reevaluation (must be two or more different tests) shall be completed to determine whether the student continues to be a student with a disability.
- Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher requests the reevaluation.
- A reevaluation shall not be conducted prior to the expiration of one year from the date the parent is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the parent and district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted.
- If a parent provides written consent and the district board of education agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the parent's written consent shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

An annual review may not take place within 6 months of a reevaluation unless the parent requested the reevaluation in the form of a written letter and 407-1 form.

At the time a student is determined to no longer need Chapter 193 services, but may not be ready for the regular instruction without additional support, the child study team may recommend the student may receive Chapter 192 services for one year. The CST recommendation will take the place of test score requirements for one year of Chapter 192 services.

In Section 5 of the student application (407-1 form), check the appropriate service: initial evaluation, annual review, or reevaluation.

The Chapter 193 program only provides supplementary instruction services and speech-language services to a student with disability classified as eligible for special education and related services or eligible for speech-language services.

SUPPLEMENTARY INSTRUCTION

N.J.S.A. 18A:46-19.1 et seq.

N.J.A.C. 6A:14 et seq.

In accordance *N.J.A.C. 6A:14-4.5*, supplementary instruction is provided to a student with a disability classified as eligible for special education and related services as an addition to the primary instruction for the subject being taught. The program of supplementary instruction shall be specified in the services plan. An appropriately certified teacher provides supplementary instruction individually or in groups according to the numbers for support resource programs.

Eligibility Criteria

- The student must be determined eligible in accordance with *N.J.A.C. 6A:14-3.5*.
- If eligible, the student must have a services plan developed in accordance with *N.J.A.C. 6A:14-6.2 (g)1i*.

To document eligibility for supplementary instruction, check the appropriate service in Section 5 of the student application (407-1 form). A copy of the service plan will be maintained by the local school district or service provider as contracted.

SPEECH-LANGUAGE

N.J.S.A. 18A:46-19.1 et seq.

N.J.A.C. 6A:14 et seq.

In accordance with *N.J.A.C. 6A:14-3.6*, speech-language services include language, articulation, voice, and fluency. Speech-language services are provided to a classified student as an addition to the regular instructional program. The program of speech-language services shall be specified in the services plan. An appropriately certified speech-language specialist provides speech-language services individually or in groups not to exceed five students.

Eligibility Criteria

- The student must be determined eligible in accordance with *N.J.A.C. 6A:14-3.6*.
- If eligible, the student must have a services plan developed in accordance with *N.J.A.C. 6A:14-6.2 (g)1i*.

To document eligibility for speech-language services, attach a copy of services plan to the student application (407-1 form) and check the appropriate service in Section 5 of the student application (407-1 form).

Record Keeping

All testing and service records should be retained by the district for proof that service was provided.

PART IV
APPENDICES

Definition of Terms for K-2 Eligibility Criteria	
ASSESSMENT	A systematic procedure for obtaining information from observation, interviews, portfolios, projects, tests, and other sources that can be used to make judgments about characteristics of children or programs.
PERFORMANCE-BASED ASSESSMENTS	Provides answers to the questions, “What is the child learning?” and “How can I better support the child’s learning and development?” With performance-based assessment, collections of data about each child are gathered by the teacher over time and from multiple sources, including, anecdotes, focused observations, children’s self-evaluations, and work samples. The data is interpreted through rubrics and rating scales with reliability and validity achieved by carefully scoring criteria and through training sessions to establish inter-rater reliability.
SCREENING	The use of a brief procedure or instrument designed to identify, from within a large population of children, those who may need further assessment to verify developmental and/or health risks. Includes a sampling of children’s skills across areas of language, reasoning, gross motor, fine motor, and social development; Screening tools are not designed to show progress over time; and should be only one of multiple sources of information when considering any kind of intervention.
FORMAL ASSESSMENTS	A procedure for obtaining information that can be used to make judgments about characteristics of children or programs using standardized instruments. Standardized tests are instruments that are administered, scored, and interpreted in a standard manner. They may be either norm-referenced or criterion-referenced. With a criterion-referenced test, the test-taker's performance (score) is interpreted by comparing it with a pre-specified standard or specific content and/or skills. With a norm-referenced test, the test-taker's performance is interpreted in relation to the performance of a group of peers who have previously taken the same test.
OBSERVATIONAL ASSESSMENT	A process in which the teacher systematically observes and records information about the child's level of development and/or knowledge, skills, and attitudes in order to make a determination about what has been learned, improve teaching, and support children's progress. A checklist or notes are often used to record what has been observed.

PERFORMANCE-BASED ASSESSMENTS

INSTRUMENT	COMPONENTS	SCORING	GRADES
Work Sampling System (WSS)	Seven broad areas of child development <ul style="list-style-type: none"> • Developmental Checklist • Portfolio Collection • Summary Report 	3 point scale	P-6th
Child Observation Record (COR)	Six broad areas of child development <ul style="list-style-type: none"> • Anecdotal Note cards • Parent Report Forms 	5 point scale	P-K (children 2 ^{1/2} -6 years)

SCREENINGS

INSTRUMENT	AREAS ASSESSED	AGES	ADMINISTERED
The Early Screening Inventory-Kindergarten (ESI-K)	<ul style="list-style-type: none"> • GENERAL • Visual motor/adaptive • Language and cognition • Gross motor skills 	4.5 – 6.0	upon entry to a kindergarten program
Brigance K & 1 Screen-II	<ul style="list-style-type: none"> • GENERAL • Motor • Concepts • Language • Self-help • Social development 	5.0 - 6.11	upon entry to kindergarten program and first grade

READING SCREENING EXAMPLES

INSTRUMENT	AREAS ASSESSED	GRADES	ADMINISTERED
The Dynamic Indicators of Basic Early Literacy Skills (DIBELS)	<ul style="list-style-type: none"> • phonological awareness • phonics • fluency • vocabulary • comprehension 	K-3	Fall, Winter, and Spring
Developmental Reading Assessment (DRA)	<ul style="list-style-type: none"> • phonological awareness • phonics • fluency • vocabulary • comprehension 	K-8	Fall and Spring

**New Jersey State Department of Education
Form 407-1**

**Nonpublic School Student Application for Chapter 192 Services
School Year 2013-2014**

This application form is for the parent/guardian to request auxiliary/remedial services for his/her child. The parent/ guardian complete the application and submit it to the nonpublic school or directly to the public school district where the nonpublic school is located (not the district where the parent resides). A separate application must be submitted for each service requested.

1. NONPUBLIC SCHOOL		2. STUDENT	
School:		Name (last):	
Address:		Name (first):	
City:		Address:	
Zip Code:	County:	City:	
Telephone:		Zip Code:	County:
Principal:		Telephone:	
		Grade:	Birth date:
		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
		Parents' email address:	
		Parents' cell phone:	
3. STUDENT DATA			
Race/Ethnicity: <input type="checkbox"/> American Indian <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Pacific <input type="checkbox"/> White			
City of Birth:			
State of Birth:			
Country of Birth:			
Resident District Name:		Resident School Name:	
4. CHAPTER 192 SERVICES			
Check one: <input type="checkbox"/> Initial application for service <input type="checkbox"/> Application to continue service			
Service requested (complete one form for each service requested)			
a) <input type="checkbox"/> Language Arts Literacy <input type="checkbox"/> Reading <input type="checkbox"/> Writing			
b) <input type="checkbox"/> Math			
Eligibility Criteria			
Grade 3-12: Assessment Name:		Score:	
Grades K-2 (must include 3 of the 4 listed below)			
___ Teacher and parent survey, interviews, observational assessments			
___ Work samples collected over time, including performance based assessments			
___ Developmental screenings, checklists			
___ Report cards, tests, projects			
c) <input type="checkbox"/> English Language Learner		Native Language of Student:	
d) <input type="checkbox"/> Home Instruction – see disposition below**			
Parent/ Guardian Request			
I hereby request that my child, named above, receive the services indicated herein pursuant to Chapter 192 Laws.			
I certify that the above named child and I are residents of the State of New Jersey and that the address given above is our domicile.			
I understand that the Board of Education of the public school district in which the nonpublic school is located is responsible for providing the services indicated herein pursuant to law and regulations.			
Print Name of Parent/Guardian:			
Signature:		Date:	
Disposition (The district board of education responsible for providing services completes this section.)			
Date Application Received:		Date Services Began:	Date Services Ended:
Services Not Provided (state reason):			
** No. of hours of Home Instruction Provided to Nearest Tenth:			
Name of Service Provider if Other Than District:			
Public School District:			
Signature of Chief School Administrator:		Date:	

**New Jersey State Department of Education
Form 407-1**

**Nonpublic School Student Application for Chapter 193 Services
School Year 2013-2014**

This application form is for the parent/guardian to request auxiliary/remedial services for his/her child. The parent/ guardian complete the application and submit it to the nonpublic school or directly to the public school district where the nonpublic school is located (not the district where the parent resides). A separate application must be submitted for each service requested.

1. NONPUBLIC SCHOOL		2. STUDENT	
School:		Name (last):	
Address:		Name (first):	
City:		Address:	
Zip Code:	County:	City:	
Telephone:		Zip Code:	County:
Principal:		Telephone:	
		Grade:	Birth date:
		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
		Parents' email address:	
		Parents' cell phone:	
3. STUDENT DATA			
Race/Ethnicity: <input type="checkbox"/> American Indian <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Pacific <input type="checkbox"/> White			
City of Birth:			
State of Birth:			
Country of Birth:			
Resident District Name:		Resident School Name:	
4. CHAPTER 193 SERVICES			
Check one: <input type="checkbox"/> Initial application for service <input type="checkbox"/> Application to continue service			
Service requested (complete one form for each service requested)			
e) <input type="checkbox"/> EVALUATION AND DETERMINATION OF ELIGIBILITY			
<input type="checkbox"/> Initial Evaluation			
<input type="checkbox"/> Annual Review			
<input type="checkbox"/> Reevaluation			
f) <input type="checkbox"/> SUPPLEMENTAL INSTRUCTION			
Student's Eligibility – Federal Category:			
g) <input type="checkbox"/> SPEECH - LANGUAGE			
<input type="checkbox"/> Speech Evaluation			
<input type="checkbox"/> Speech-Language Services			
Parent/ Guardian Request			
I hereby request that my child, named above, receive the services indicated herein pursuant to Chapter 193 Laws.			
I certify that the above named child and I are residents of the State of New Jersey and that the address given above is our domicile.			
I understand that the Board of Education of the public school district in which the nonpublic school is located is responsible for providing the services indicated herein pursuant to law and regulations.			
Print Name of Parent/Guardian:			
Signature:			Date:
Disposition (The district board of education responsible for providing services completes this section.)			
Date Application Received:	Date Services Began:	Date Services Ended:	
Services Not Provided (state reason):			
Name of Service Provider if Other Than District:			
Public School District:			
Signature of Chief School Administrator:			Date:

- District keeps a copy for its records and where applicable forwards a copy to the contracted service provider
- District keeps a copy for IDEA services when the student is eligible for supplementary instruction and/or speech-language services

New Jersey State Department of Education
Form 407-1 NR Non New Jersey Resident
Nonpublic School Student Application for Chapter 193 Services
School Year 2013-2014

This application form is for the parent/guardian to request auxiliary/remedial services for his/her child. The parent/ guardian completes the application and submit it to the nonpublic school or directly to the public school district where the nonpublic school is located (not the district where the parent resides). A separate application must be submitted for each service requested.

1. NONPUBLIC SCHOOL		2. STUDENT	
School:		Name (last):	
Address:		Name (first):	
City:		Address:	
Zip Code:	County:	City:	
Telephone:		Zip Code:	County:
Principal:		Telephone:	
		Grade:	Birth date:
		Gender: <input type="checkbox"/> Male	<input type="checkbox"/> Female
		Parents' email address:	
		Parents' cell phone:	
3. STUDENT DATA			
Race/Ethnicity: <input type="checkbox"/> American Indian <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Pacific <input type="checkbox"/> White			
City of Birth:			
State of Birth:			
Country of Birth:			
Resident District Name:		Resident School Name:	
4. CHAPTER 193 SERVICES			
Check one: <input type="checkbox"/> Initial application for service <input type="checkbox"/> Application to continue service			
Service requested (complete one form for each service requested)			
h) <u> </u> EVALUATION AND DETERMINATION OF ELIGIBILITY			
<input type="checkbox"/> Initial Evaluation			
<input type="checkbox"/> Annual Review			
<input type="checkbox"/> Reevaluation			
Parent/ Guardian Request			
I hereby request that my child, named above, receive the services indicated herein pursuant to Chapter 193 Laws.			
I understand that the Board of Education of the public school district in which the nonpublic school is located is responsible for providing the services indicated herein pursuant to law and regulations.			
Print Name of Parent/Guardian:			
Signature:		Date:	
Disposition (The district board of education responsible for providing services completes this section.)			
Date Application Received:	Date Services Began:	Date Services Ended:	
Services Not Provided (state reason):			
Name of Service Provider if Other Than District:			
Public School District:			
Signature of Chief School Administrator:		Date:	

- District keeps a copy for its records and where applicable forwards a copy to the contracted service provider
- District keeps a copy for IDEA services when the student is eligible for supplementary instruction and/or speech-language services