



New Jersey Department of Education, Office of Nonpublic School Services

**Guidelines for Auxiliary and Remedial Services (Chapters 192 and 193)
for Nonpublic School Students
February 2025**

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Disclaimer

The information contained in this document is informational only, and is not intended to be construed as, or relied upon, as legal advice.

Part I
Chapter 192 (Auxiliary Services) and Chapter 193 (Remedial Services)
Statutes and Administrative Code

Purpose

This guidance document provides the statutes and administrative code related to the Chapter 192 and 193 programs. In addition, it provides New Jersey Department of Education (NJDOE) policies and guidelines for implementation of the programs. The education statutes (N.J.S.A. 18A) can be accessed via the [Rutgers University School of Law - Newark](#) website: [Chapter 192 \(18A:46A et seq.\)](#) and [Chapter 193 \(18A:46 et seq.\)](#). Readers can also access the [Administrative code for Chapters 192 and 193](#) as well as the [NJDOE Nonpublic School Services FAQ](#).

Chapter 192 (Auxiliary Services) Statutes

18A:46A-1. Intent of Legislature

The Legislature hereby finds and determines that the welfare of the State requires that present and future generations of school age children be assured opportunity to develop to the fullest their intellectual capacities. It is the intent of this Legislature to insure that the State shall furnish on an equal basis auxiliary services to all pupils in the State in both public and nonpublic schools.

L. 1977, c. 192, s. 1, effective Aug. 25, 1977.

18A:46A-2. Definitions

As used in this act:

- a. "Commissioner" means the State Commissioner of Education.
- b. "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).
- c. "Auxiliary services" means compensatory education services for the improvement of students' computation skills; compensatory education services for the improvement of students' communication skills; supportive services for acquiring communication proficiency in the English language for children of limited English-speaking ability; and home instruction services.
- d. (Deleted by P.L.1990, c.52).

- e. "Compensatory education services" means preventive and remedial programs offered during the normal school day, or in programs offered beyond the normal school day or during summer vacation, which are integrated and coordinated with programs operated during the regular school day and year. The programs shall be approved by the State Board of Education, supplemental to the regular programs and designed to assist pupils who have academic needs that prevent them from succeeding in regular school programs.

L. 1977, c. 192, s. 2; amended 1990, c. 52, s. 62; 1991, c. 128, s. 2.

18A:46A-3. Auxiliary services to nonpublic school children

In the 1977-78 school year, and each school year thereafter each board of education of a district in which a nonpublic school is located shall provide for the receipt of auxiliary services by children between the ages of five and 20 residing in the State and enrolled full-time in a nonpublic school located within the district.

For the purposes of this act, a child who boards at a school in a district in which his parents do not maintain a residence shall not be considered a resident of the district.

L. 1977, c. 192, s. 3, effective Aug. 25, 1977. Amended by L. 1984, c. 122, s. 1, effective Aug. 8, 1984.

18A:46A-4. Services to eligible children

Auxiliary services shall be provided only to those children who would be eligible for such services if they were enrolled in the public schools of the State.

L. 1977, c. 192, s. 4; amended 1990, c. 52, s. 63.

18A:46A-5. Consent required; location

Auxiliary services shall be provided only upon the consent of the parent or guardian and shall be provided in a location determined by the local board of education.

L. 1977, c. 192, s. 5; amended 1998, c. 12, s. 1.

18A:46A-6. Cost of transportation; State aid

If the provision of services pursuant to this act requires transportation or the maintenance of vehicular classrooms, the board of education of the district in which a nonpublic school is located shall provide for such transportation and maintenance, and the cost shall be paid from additional State aid received by the district for the purpose of this act.

L. 1977, c. 192, s. 6, effective Aug. 25, 1977. Amended by L. 1984, c. 122, s. 2, effective Aug. 8, 1984.

18A:46A-7. Contracts for auxiliary services

Any board of education may contract with an educational improvement center, an educational services commission or other public or private agency, other than a church or sectarian school, approved by the commissioner for the provision of auxiliary services. Prior to any change in the provision of these services, the board shall provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents.

L. 1977, c. 192, s.7; amended 1990, c.52, s. 64; 1999, c. 364, s. 2.

18A:46A-8. Cost of limitations

No more than 6% of the aid received by any district pursuant to this act shall be used by such district for administration of the act, and no more than 18% of such aid shall be used to rent facilities needed to implement the provisions of this act.

L. 1977, c. 192, s. 8, effective Aug. 25, 1977.

18A:46A-9. Calculation of cost by commissioner

The apportionment of State aid among local school districts shall be calculated by the commissioner as follows:

- a. The per pupil aid amount for providing the equivalent service to children of limited English-speaking ability enrolled in the public schools, shall be \$1274.03. The appropriate per pupil aid amount for compensatory education shall be \$628.71.
- b. The appropriate per pupil aid amount shall then be multiplied by the number of auxiliary services received for each pupil enrolled in the nonpublic schools who were identified as eligible to receive each auxiliary service as of the last school day of June of the prebudget year, to obtain each district's State aid for the next school year.
- c. The per pupil aid amount for home instruction shall be determined by multiplying the base per pupil amount by a cost factor of 0.0037 by the number of hours of home instruction actually provided in the prior school year.

Amended 1984, c. 122, s. 3; 1990, c. 52, s. 65; 1991, c. 128, s. 3; 1996, c. 138, s. 78; 2007, c. 260, s. 74.

18A:46A-10. Report of nonpublic school children; anticipated number to be served

Annually, on or before November 5, each board shall file a report on the number of such pupils who have been identified as eligible to receive each auxiliary service as of the last school day in October.

L. 1977, c. 192, s. 13; amended 1984, c.122, s. 4; 1990, c. 52, s. 66.

18A:46A-12. Notice of amount apportioned to district

By December 15 the commissioner shall notify each district of the amount of aid apportioned to it pursuant to this act for the next school year and each district shall include such amount in its budget for the next school year.

L. 1977, c. 192, s. 15; amended 1990, c. 52, s. 67.

18A:46A-13. Monthly payments

In the 1978-79 school year and each year thereafter, aid pursuant to this act shall be payable in equal amounts beginning on the first day of September and on the first day of each month during the remainder of the school year. If a local board of education requires funds prior to the first payment, the board shall file a written request with the commissioner stating the need for the funds. The commissioner shall review each request and forward the requests for which need has been demonstrated to the appropriate officials for payment.

L. 1977, c. 192, s. 16, effective Aug. 25, 1977. Amended by L. 1984, c. 122, s. 5, effective Aug. 8, 1984.

18A:46A-14. Reduction of state aid

In the event the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the completion of the school year. These refunds shall be paid no later than December 1. In any year, a district may submit a request for additional aid pursuant to P.L.1977, c. 192 (C.18A:46A-1 et seq.). If the request is approved and funds are available from refunds received from school districts from the prior year, payments for the additional aid shall be made immediately from those funds.

L. 1977, c. 192, s. 17, effective Aug. 25, 1977. Amended by L. 1984, c. 122, s. 6, effective Aug. 8, 1984.

18A:46A-15. Limit of expenditure

In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received pursuant to this act for that year.

L. 1977, c. 192, s. 18, effective Aug. 25, 1977.

18A:46A-16. Apportionment of appropriation

If in any year the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

L. 1977, c. 192, s. 19, effective Aug. 25, 1977.

18A:46A-17. Severability

If any provision of this act or the application of such provision to any person or circumstance is

declared invalid, such invalidity shall not affect other provisions of this act which may be given effect; and to this end, the provisions of this act are declared to be severable.

L. 1977, c. 192, s. 20, effective Aug. 25, 1977.

Chapter 193 (Remedial Services for Handicapped Children) Statutes

18A:46-19.1. Intent of legislature

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 this Legislature to require that the State and local communities identify and provide remedial services for handicapped children in both public and nonpublic schools.

L. 1977, c. 193, s. 1, effective Aug. 25, 1977.

18A:46-19.2. Definitions

As used in this act:

- a. "Commissioner" means the State Commissioner of Education.
- b. "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).

L. 1977, c. 193, s. 2, effective Aug. 25, 1977.

18A:46-19.3. Scope of facilities and programs

The provision of facilities and programs pursuant to chapter 46 of Title 18A of the New Jersey Statutes shall apply only to children enrolled in the public schools of the State except as specifically provided by law.

L. 1977, c. 193, s. 5, effective Aug. 25, 1977.

18A:46-19.4. Services of certified speech correctionist

Each board of education shall provide for the services of a certified speech-language specialist for each child attending a nonpublic school located in the school district and classified pursuant to N.J.S.18A:46-8 as requiring the services of a certified speech-language specialist.

L. 1977, c. 193, s. 6; amended 1991, c.128, s. 4.

18A:46-19.5. Services for nonpublic school children

Services for children enrolled in nonpublic schools shall be provided only upon the consent of the parent or guardian and shall be provided in a location determined by the local board pursuant to rules and regulations of the State board.

L. 1977, c. 193, s. 7; amended 1998, c. 12, s. 2.

18A:46-19.6. Cost of transportation state aid

If the provision of services, pursuant to this act requires transportation or the maintenance of vehicular classrooms, the board of education of a district in which a nonpublic school is located shall provide for such transportation and maintenance and the cost shall be paid from State aid received by the district for the purpose of this act.

L. 1977, c. 193, s. 8, effective Aug. 25, 1977. Amended by L. 1984, c. 120, s. 1, effective Aug. 8, 1984.

18A:46-19.7. Contracts for speech correction services

A board of education may contract with an educational improvement center, an educational services commission or other public or private agency approved by the commissioner other than a church or sectarian school, for the provision of examination, classification and speech correction services required by this act. Prior to any change in the provision of these services, the board shall provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents.

L. 1977, c. 193, s. 9; amended 1999, c. 364, s. 1.

18A:46-19.8. Costs and provisions for speech correction services¹²

- a. On November 5 of each year, each board of education shall report the number of nonpublic school children who attended a nonpublic school located within the district who were identified as eligible to receive examination, classification, and speech correction services pursuant to this act during the previous school year. The number of these pupils requiring an initial evaluation or reevaluation for examination and classification shall be multiplied by \$990.73. The number of these pupils requiring an annual review for examination and classification shall be multiplied by \$297.06. The number requiring speech correction shall be multiplied by \$786.70. These products shall be added to determine the estimated cost for providing examination, classification, and speech corrections services to nonpublic school children during the next school year. Each board of education shall report the number of nonpublic school children who attended a nonpublic school located within the district, who were identified as eligible for supplementary instruction services during the preceding school year. The number of

¹ All costs provided in statute can be superseded by funding amounts in the annual appropriations act. Refer to the [New Jersey Department of the Treasury](#) for the most current fiscal budget and the annual notice from the NJDOE indicating prorated amounts for nonpublic school services.

² Notwithstanding the title of this statutory citation, the content of the statute includes costs and provisions for *all* 193 services, not only speech correction.

these pupils shall be multiplied by \$752.41. This product shall be added to the estimated cost for providing examination, classification and speech correction services.

In preparing its annual budget, each board of education shall include as an expenditure the estimated cost of providing services to nonpublic school children pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.).

In preparing its annual budget, each board of education shall include as a revenue State aid in an amount equal to the estimated cost of providing services to nonpublic school children pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.).

During each school year, each district shall receive an amount of State aid equal to 10% of the estimated cost on the first day in September and on the first day of each month during the remainder of the school year. If a board of education requires funds prior to September, the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review each request and forward those for which need has been demonstrated to the appropriate officials for payment. In the event the expenditures incurred by any district are less than the amount of State aid received, the district shall refund the unexpended State aid after completion of the school year. The refunds shall be paid no later than December 1. In any year, a district may submit a request for additional aid pursuant to P.L.1977, c.193 (C.18A:46-19.1 et al.). If the request is approved and funds are available from refunds of the prior year, payment shall be made in the current school year.

- b. For the purposes of the report provided pursuant to subsection a. of this section, a board of education shall include a pupil enrolled in a nonpublic school located within the district who does not reside in the State in the number of pupils requiring an initial evaluation or reevaluation for examination and classification or requiring an annual review for examination and classification.

Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or any other section of law to the contrary, a school district may use State aid received pursuant to the provisions of P.L.1977, c.193 (C.18A:46-19.1 et al.) for the initial evaluation or reevaluation for examination and classification or annual review for examination and classification of a nonpublic school pupil who is not a resident of the State.

L. 1977, c. 193, s. 14; amended 1984, c. 120, s. 2; 1991, c. 128, s. 5; 1996, c. 138, s. 75; 2010, c. 71.

18A:46-19.9. Severability

If any provision of this act or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect; and, to this end, the provisions of this act are declared to be severable.

L. 1977, c. 193, s. 16, effective Aug. 25, 1977.

18A:46-19.10. Certain state funds excluded from minimum funding requirement calculation under IDEA

State funds appropriated pursuant to P.L.1977, c.193 (C.18A:46-19.1 et seq.) to provide special education and related services to students enrolled in nonpublic schools shall not be included by a school district in the calculation of the minimum funding requirement for nonpublic school students under the "Individuals with Disabilities Education Act," 20 U.S.C. s. 1400 et seq.

L. 2001, c. 230.

Chapters 192 and 193 Administrative Code

6A:14-6.2 Provision of programs and services provided under N.J.S.A. 18A:46A-1 et seq. and 18A:46-19.1 et seq.

- (a) The board of education of the district in which the nonpublic school is located shall provide to nonpublic school students the programs and services required by this subchapter by itself, or through joint agreements with other boards of education or through contracts with educational services commissions or with clinics and agencies approved under [N.J.A.C. 6A:14-5](#).
- (b) Specifications for contracts to provide programs and services covered by this subchapter shall be approved by the county superintendent of schools.
- (c) Identification, evaluation, determination of eligibility, development of service plans and the provision of speech and language services, home instruction and supplementary instruction shall be provided according to this [chapter](#).
- (d) English as a second language shall be provided according to N.J.S.A. 18A:46A-2c.
- (e) Compensatory education shall be provided according to N.J.S.A. 18A:46A-2e.
- (f) All special education programs and services required by this subchapter shall be provided with parental consent in accordance with N.J.A.C. 6A:14-2.3.
- (g) Those procedural safeguards available to nonpublic school students with disabilities and their parents as specified by Federal law and rules under Part B of the IDEA shall apply.

1. The right to request mediation or a due process hearing applies only to the location, identification, evaluation, determination of eligibility, and reevaluation of students with disabilities enrolled in nonpublic schools.
 - i. For the services provided, the service plan for a student with a disability enrolled in a nonpublic school shall include the components described in N.J.A.C. 6A:14-3.7(e)1 through 6, (e)8 and (e)14 through 16.
 2. Disputes regarding the provision of services to a particular nonpublic school student with a disability shall be addressed through the complaint procedures according to N.J.A.C. 6A:14-9.2.
- (h) Personnel providing a program or service under this subchapter shall be highly qualified and shall meet appropriate certification and if required, licensing requirements. Personnel shall not be employed by the nonpublic school in which the student is enrolled with the exception of personnel providing the types of instruction specified in N.J.A.C. 6A:14-5.1(c)2ii and iii.
- (i) Programs and services for nonpublic school students shall be provided in facilities approved by the Department of Education through its county superintendent of schools according to N.J.S.A. 18A:46-5 and [18A:46-19.5](#).
- (j) Public and nonpublic school students may be grouped for speech correction and the other instructional programs provided under this subchapter, when appropriate.
- (k) When the provision of programs and/or services under this subchapter requires transportation or the maintenance of vehicular classrooms, the board of education of the district in which the nonpublic school is located shall provide the transportation and maintenance and the cost shall be paid from State aid received under this subchapter.
- (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:14-6.3 Fiscal management provided under N.J.S.A. 18A:46A-1 et seq. and 18A:46-19.1 et seq.

- (a) Each board of education of the district in which the nonpublic school is located shall provide programs and services under this subchapter at a cost not to exceed the amount of State aid funds.
- (b) Each board of education of the district in which the nonpublic school is located shall maintain an accounting system for nonpublic programs and services according to [N.J.A.C. 6A:23A-16 through 22](#).

- (c) At the close of each school year, the board of education shall report to the Department of Education the total district cost for programs and services provided under this subchapter.
- (d) Each board of education of the district in which the nonpublic school is located shall receive State aid for programs and services required by this subchapter for the succeeding school year as available from appropriated funds for nonpublic school programs and services.

6A:14-6.4 End of the year report provided under N.J.S.A. 18A:46A-1 et seq. and 18A:46-19.1 et seq.

- (a) Annually, the board of education shall submit to the Department of Education a report describing the programs and services provided under this subchapter.
- (b) The end of the year report shall include the numbers of nonpublic school students provided each program or service and such other information as may be required by the Department of Education.

Part II

Guidelines for Implementation

Chapters 192 and 193

Introduction

Auxiliary Services, commonly referred to as Chapter 192 programs, provide nonpublic school students with services designed to assist pupils who have academic needs that prevent them from succeeding in regular school programs, including compensatory education (*supplemental* to the regular programs) for the improvement of math and language arts literacy skills, English as a second language (ESL), also called English language (EL) services for multilingual learners (MLs)³, and home instruction.

Remedial services, commonly referred to as Chapter 193 programs, provide nonpublic school students with evaluation and classification for determination of eligibility for special education services, and with limited services (explained in depth in Part IV) that are *supplemental* to federal IDEA programs.

Chapter 192 and Chapter 193 programs are provided to eligible students who are enrolled full-time in grades K through 12 in nonpublic elementary and secondary schools in New Jersey.

Summary of Services

Pursuant to administrative code at [N.J.A.C. 6A:14-6.2\(c\) – \(e\)](#), the following auxiliary/Chapter 192 services are available:

- Compensatory instruction in math and language arts (supplementary to regular instruction)
- English as a Second Language (ESL)
- Home instruction

Pursuant to administrative code at [N.J.A.C. 6A:14-6.2\(c\)](#), the following remedial/Chapter 193 services are available:

- Evaluation and classification to determine eligibility for special education
- Supplementary instruction in math and language arts
- Speech-Language services

Note: LEAs are required to use the entire proportionate share of [IDEA-B funds](#) to provide for services to students with disabilities parentally placed in private (nonpublic) schools. State (Chapter 193) and local funds may supplement and in *no case* supplant the proportionate

³ Pursuant to [N.J.A.C. 6A:15 et seq.](#), the term “multilingual learner” is synonymous with “English learner” (EL) or “English language learner” (ELL).

share, according to [34 CFR §300.133\(d\)](#). Funding for evaluation (initial evaluation, reevaluation, and annual evaluation) to determine eligibility for special education services is provided *only through Chapter 193 and not through IDEA*, while all other special education services for nonpublic school students must be provided through IDEA funds *before* 193 funds are expended.

Summary of General Eligibility Requirements

By law, 192 and 193 services are available only to students who meet all of the following criteria, with an exception noted below (see Notes):

- Are enrolled full-time in grades K-12 in a nonpublic elementary or secondary school located in New Jersey
- Have parents or a guardian who live in New Jersey

Notes:

- 1) When a student boards at a nonpublic school in New Jersey, the state in which the parent(s) reside is considered the child's state of residence.
 - 2) Non-resident (out of state) students who attend a nonpublic school located in New Jersey *are eligible to receive Chapter 193 evaluation and classification services*, but not speech correction services (pursuant to N.J.S.A. 18A:46-19.8(b))⁴ or supplementary instruction, and cannot receive any Chapter 192 services.
- Are between the ages of five and twenty for Chapter 192 services, and between five and twenty-one for Chapter 193 services
Note: Kindergarten students must meet the age requirements of the school district where the nonpublic school is located in order to be eligible to receive services. Typically, a student must be 5 years old by October 15 of the current school year to be eligible.
 - Meet the criteria for eligibility as determined by the NJDOE for the specific service (see Part III and Part IV for specific eligibility criteria)
 - Have parent or guardian consent by their signature on the student application for the Chapter 192 and Chapter 193 services (407-1 form)

Student Application for Services

During the school year, the parent or guardian of a nonpublic school student must request Chapter 192 and Chapter 193 services by completing a signed student application (407-1 form) and submitting it according to the instructions from the school district.

Submission of the student application does not make the student eligible for the Chapter 192 or Chapter 193 services. The school district responsible for Chapter 192 and 193 services must

⁴ The provision of evaluation and classification services to non-NJ resident students through Chapter 193 ensures that school districts will receive funding to provide the federally required services to these nonpublic school students.

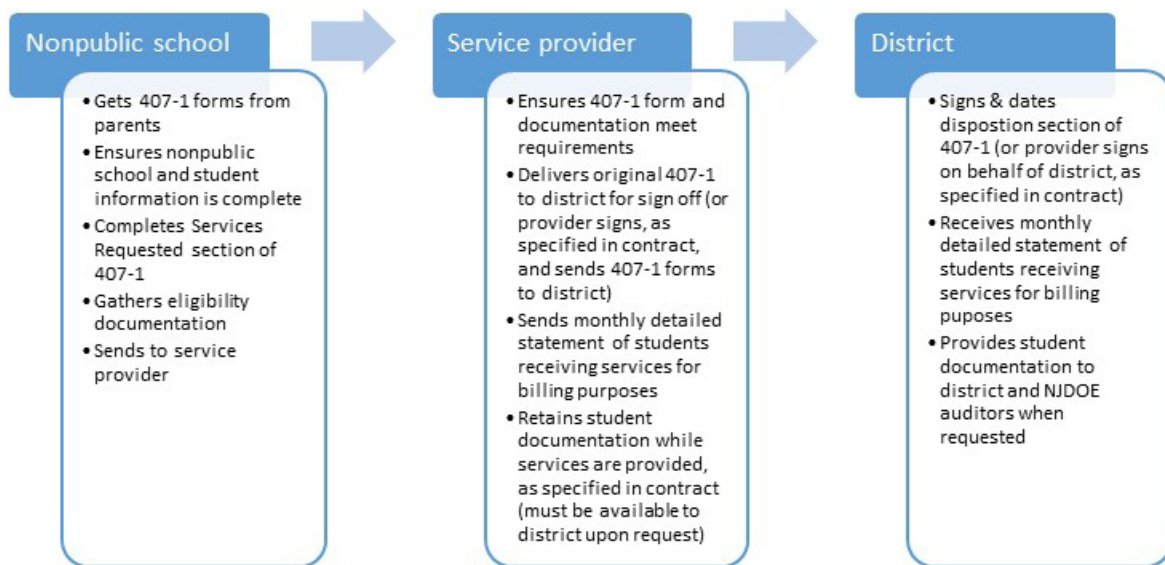
approve eligibility according to the specific eligibility requirements for each allowable service by completing the disposition section of the student application stating whether the services will be provided.

Student Application Process

A new student application (407-1 form) for each student must be completed and submitted *each year* before services can be provided. A separate 407-1 must be filled out for each type of service requested. Template 407-1 forms are provided on the [NJDOE Nonpublic School Services website](#). School districts and third-party providers may use these forms or create custom forms that include all the requested information.

The suggested process described below assumes the school district is contracting with a service provider to process 407-1 forms and related documentation and to provide Chapter 192/193 services to nonpublic school students. Alternatively, the school district may choose to perform all or some of the administrative functions and/or provide the student services directly; in this case, the school district will perform some or all of the functions of both provider and school district described herein. Each service provider and school district may have its own processes; providers and school districts should work together on the processes they will use to facilitate communication, 407-1 processing, and timely service delivery to students.

Figure 1: School districts that use a third party provider to process 407-1 forms and deliver services



Nonpublic school processes

The nonpublic school should transmit the bulk of the signed student applications and eligibility documentation to either the local school district or service provider (according to the instructions from the school district) no later than *June 30*⁵ for services in the upcoming school year. Any applications received after this date should be sent to the school district/provider as soon as possible. A separate application must be provided for each service. Student applications cannot include requests for multiple services.

Service provider processes

The provider receives the 407-1 forms and supporting documentation from the nonpublic schools. The provider should check that all information and documentation have been provided, and determine if documentation meets the criteria. The provider may use the [407-1 Eligibility Documentation Checklist](#) as part of the documentation review process.

The school district may give the provider authority to sign the disposition section of the 407-1 form. The authority given should be detailed in the contract between the school district and third-party provider. Once the school year has started, providers that sign off on 407-1 forms should do so *within five working days* after receipt from the nonpublic school so that services can be provided promptly. In the event that funding is not available and a request for additional funding is necessary (see the “ADDL” link on the [NJDOE Homeroom webpage](#)), providers must

⁵ Refer to the recommended timeline in Appendix G.

wait until school districts confirm available funding before signing off on the 407-1 forms and providing the services⁶.

The provider should send the school district a monthly detailed statement of the students receiving services for billing purposes.

School district processes

As noted above, the school district will determine if the provider has the authority to sign the disposition section of the 407-1 form in lieu of the school district. The authority given should be detailed in the contract between the school district and third-party provider. Once the school year has started, if the school district signs off on the forms, it should do so *within five working days* after receipt⁷, except in cases when additional funding is requested. In the event that funding is not available and a request for additional funding is necessary, school districts must confirm available funding before signing off on the 407-1 forms and authorizing providers to begin providing services.

The school district should receive the original 407-1 forms and a detailed statement of students receiving services before making payment for services to the provider. The NJDOE Office of Nonpublic Services has created a [192/193 tracking spreadsheet](#) that school districts may use to keep track of each nonpublic student and service, including documentation provided, service dates, and vendor billing dates.

For record-keeping and audit purposes, the school district is responsible for maintaining and providing for the security of all records of nonpublic school students receiving services in accordance with *N.J.A.C. 6A:32-7.1 et seq.* If the school district contracts with a service provider, the service provider may retain student records as specified in the contract with the school district while services are being provided. The Chapter 192/193 original student records must be returned to the school district when the programs are terminated and the student is no longer eligible for services. In addition, the school district must provide all the student documentation (either hard copy or electronic) to the auditor when requested.

Staff Requirements

The school district is responsible for staffing by district employees or through a contract with another school district, an educational services commission, an approved clinic or agency, or personnel of the nonpublic school (with the exception noted in the paragraph below). Any nonpublic school staff contracted to provide services shall not provide service for the clinic or agency during the hours of that individual's nonpublic school employment, pursuant to [N.J.A.C. 6A:14-5.2 \(a\)3i](#). The NJDOE maintains an [Approved Clinics and Agencies Directory](#)

⁶ Please note that sign off on 407-1 forms may be delayed when additional funds are requested for the student, since such payments are made by the NJDOE on a monthly basis.

⁷ School districts with more than 10,000 nonpublic students receiving services may use a more flexible processing timeline so long as it does not cause undue delay in the delivery of services to students.

that have met specified criteria according to N.J.A.C. 6A:14-5 and are approved to contract with school districts to provide Chapter 192 and Chapter 193 services. The staff providing the Chapter 192 and Chapter 193 services must be appropriately certified (see Appendix F).

According to [N.J.A.C. 6A:14-5.1\(c\)2i,ii,iii](#) and [N.J.A.C. 6A:14-6.2 \(h\)](#), school districts may contract with personnel employed by the nonpublic school to provide the following types of instruction:

- Supplementary instruction, speech language services and home instruction for students determined eligible for such services; and
- English language services according to N.J.A.C. 6A:15 and compensatory education according to [N.J.S.A. 18A:46A-2e](#) for students eligible for such services.

*Note that evaluation, determination of eligibility, classification and the development of a service plan are **not** included among the types of instruction or services that may be provided by personnel employed by the nonpublic school and contracted with the school district, in accordance with [N.J.A.C. 6A:14-6.2 \(h\)](#).*

Clinic and agency approval, required under [N.J.A.C. 6A:14-5](#), ensures that the agency has personnel certified and is licensed according to State statutes and rules; has conducted the criminal history check of each professional; has an adequate accounting system according to generally accepted accounting principles; has a system for the collection, maintenance, confidentiality and access of student records; and maintains a service log with specified information.

The school district or service provider must direct and supervise the instructional services. During the time of instruction, the school district or service provider must ensure that religious matter is not introduced.

Contracts with a Third-Party Provider

School districts retain complete responsibility for administering and overseeing the Chapter 192/193 program and ensuring students receive the appropriate services, pursuant to [N.J.S.A. 18A:46A-1 et seq.](#) and [N.J.S.A. 18A:46-19.1 et seq.](#) and [N.J.A.C. 6A:14-6.2 et seq.](#), regardless of whether they contract with a third-party provider or provide the services directly. Entering into an agreement with a provider *does not relinquish school district responsibility for the oversight* of Chapter 192 and Chapter 193 services.

Third party contracts established between the school district and the provider should include the following:

- 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
- A budget with the following costs outlined:

- administration
- per student amounts for each service
- total program

It is recommended that multi-year contracts not exceed three years. Contracts should be reviewed annually to ensure providers are providing services as contracted.

Annual Consultation Requirement

The school district is required to provide annual consultation, as well as “timely and meaningful consultation with appropriate nonpublic school representatives, including parents” *prior* to any change in the provision of services, pursuant to [N.J.S.A. 18A:46-19.7](#) and [N.J.S.A 18A:46A-7](#).

The goal of *timely* and *meaningful* consultation is to reach agreement on how to provide effective programs for eligible students. Toward that end, the NJDOE recommends that discussions occur between the appropriate school district administrator and the head of the nonpublic school and or his/her designee in a timeframe suitable to understand the students’ needs and properly arrange for services to begin as close to the start of the school year as possible. If competitive contracting for services is to occur, the consultation should occur no later than the end of March to have sufficient time to receive and consider the bids. In addition, the school district and nonpublic schools are encouraged to consult on other issues that may arise throughout the year.

School districts that contract with a third party provider may wish to invite the provider to the consultation meetings. Third party providers may coordinate the scheduling of the meetings to enable their attendance, but the NJDOE strongly advises that the local school district representative also attend the meetings since the school district is responsible for the delivery of services to the nonpublic schools.

The NJDOE has provided a [consultation form](#) to guide the discussions between the school district/third party provider and the nonpublic school designees, including the following topics:

- The total amount of funds allocated to the nonpublic school for the upcoming school year (not available until July, after the State budget is passed)
- The total amount of administrative fees anticipated
- The time, place and format of services
- The methods of student assessment for both evaluative and formative purposes and the means by which the results will be communicated to both the nonpublic school and parents of the nonpublic school students
- The amount of funds remaining mid-way and near the end of the year, with sufficient time for the funds to be used in an efficient and effective manner

The NJDOE recommends the consultation to discuss a change in provider of services include the following:

- Input from the nonpublic school administrator and/or designee and parents regarding their level of satisfaction with the current provider and any concerns relative to the delivery and quality of services and outcomes desired
 - Input from parents may be gathered through a survey, a face-to-face meeting or through the nonpublic school administrator
- The board's reasons why it wants to change the provider
- A listing of providers being considered and their suitability for the students' needs

Once a decision to change providers has been made, and prior to the effective date of the change in service, the nonpublic school must be notified.

The school district is responsible for retaining letters of correspondence, notices of consultation and signed consultation forms.

Telephone/video conferencing is acceptable, provided the school district obtains a signature from the nonpublic school administrator on the consultation form acknowledging the discussion of the required topics.

Ongoing Communication Between School District/Provider and Nonpublic School

Ongoing communication regarding any changes or updates that impact the delivery of services to nonpublic school students is critical to the success of the program. For example, the nonpublic school administrator must be provided with the schedule of services delivered to students during school hours. If services are not to be provided according to the schedule, the nonpublic school administrator must be informed of such.

Location

The school district is responsible for determining the location for the instructional services, according to [N.J.S.A. 18A:46-19.5](#).

The 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 provisions summarized below⁸.

Before providing the Chapter 192 and Chapter 193 instructional services in a sectarian nonpublic school, the school district or service provider must ensure that the space for instruction within the school has the appropriate certificate of occupancy and health and fire inspection certificates, pursuant to the [Health and Safety Requirements of Nonpublic School Facilities](#).

⁸ As decided in *Agostini v. Felton* (1997) and in accordance with [IDEA Sec. 300.139\(a\)](#).

The school district or service provider shall not use Chapter 192/193 funds to repair, remodel or perform construction on the nonpublic school building in order to prepare the facility for the provision of these services.

If the school district or service provider is 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:26-6.1 et seq.](#), as applicable. 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 \(a\)](#)).

Student Transportation to Location and Maintenance of Vehicular Classrooms

The school district must request funds through the Report of Nonpublic Auxiliary and Handicapped Services (listed in Homeroom as Ch 192-193; due in November of the prior year) to provide students with transportation to and from the instruction area and/or to provide the maintenance of the vehicular classrooms, if needed. See the [Fiscal Management](#) section below for more information on requesting these funds.

Student Records

The school district must maintain and provide for the security of the Chapter 192 and/or Chapter 193 records of nonpublic school students receiving services in accordance with NJ records retention policy [N.J.A.C. 6A:32-7.1 et seq.](#) Records should be retained for seven years as specified in New Jersey's records retention policy⁹. If the school district contracts with a service provider, the service provider may retain student records while services are being provided. The school district maintains access to an electronic version or the original 407-1 forms. All other files for the students may be maintained at the service provider until the end of the year, or when the programs are terminated and the student is no longer eligible for services, when all files should be sent to the school districts. The provider should retain a copy of the cover page of the student's service plan (SP) and 407-1 form for record-keeping purposes.

For each student requesting Chapter 192 services, the fully completed 407-1 form must include test scores and other eligibility criteria and the back-up data must be available upon request. The school district and service provider may be asked to provide evidence that the scores were compiled and reviewed. For students classified under 193, the 407-1 form must list the student's classification, and the SP must be available.

⁹ When a document is used as a support for a State aid application, it becomes an audit support document and records retention requires seven year retention.

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

Please see the *Chapter 192/193 Procedures for State Aid Audit* in [Appendix E](#) for detailed information on the documentation that must be maintained by the school district.

Fiscal Management

Funding

In accordance with [N.J.S.A. 18A:46-19.8](#) and [18A:46A-9\(b\)](#), to obtain Chapter 192 and Chapter 193 state funds for the next school year, the school district must submit the [Report of Nonpublic Auxiliary and Handicapped Services](#) (listed in Homeroom as *Ch192-193*) in November of the present school year to the NJDOE Office of School Funding. The report contains the following information:

- The number of Chapter 192 compensatory education services provided, the number of students who received English language services, and the number of students who received home instruction during the prior school year, as represented by a 407-1 form
- The number of nonpublic school students who received services under Chapter 193 during the prior school year, as represented by a 407-1 form
- 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

In accordance with [N.J.S.A. 18A:46-19.8](#) and N.J.S.A. [18:46A-14](#), the school district must request additional state funds to provide services for *additional pupils identified* under the provisions of Chapters 192 and 193. It is to be used only when the present funding level is insufficient to provide services for the *additional students identified*. If requests for additional funding are approved and funds are available from refunds of the prior year, payment will be made in the current school year. The school district must submit the [Request for Additional Funding Under the Provisions of Chapters 192/193](#) (listed in Homeroom as “ADDL”) to the NJDOE Office of School Funding to obtain approval.

Funding Limitations

In accordance with [N.J.S.A. 18A:46A-8](#), the school district is permitted no more than six percent of the state funds received by the district under *Chapter 192* for administration of the program and no more than 18 percent of those funds for rent/facilities. With regard to *Chapter 193*, the school district is permitted no more than six percent of the state funds received by the district for administration¹⁰. The school district must provide the services to nonpublic school students

¹⁰ As decided by OAL DKT. NO. EDU 8786-04 Monmouth-Ocean Educational Services Commission v. New Jersey Department of Education, Monmouth Superintendent of Schools, 2005 and the [Commissioner’s decision](#).

at a cost not to exceed the amount of the state funds received by the school district for the programs.

Project Completion Report

In accordance with [N.J.A.C. 6A:14-6.4\(a\) and \(b\)](#), the school district must submit the [Nonpublic Student Services Project Completion Report](#) (listed in Homeroom as *NPCR*) in the fall.

In accordance with [N.J.A.C. 6A:14-6.3\(b\)](#), the school district must maintain an accounting system for the Chapter 192 and Chapter 193 programs and services according to the financial accounting procedures of the NJDOE Office of School Funding. If the expenditures are less than the state funds received by the district for the programs, N.J.S.A. 18A:46A-14 requires the school district to return the unexpended state funds to the NJDOE no later than December 1 following the close of the school year.

Specific Responsibilities of Nonpublic Schools

The nonpublic school must:

- Submit the [Nonpublic School Enrollment Data Report](#) (search for “*NonPublic Enrollment*” in Homeroom) each year in the fall. The NJDOE will send out an email to registered nonpublic schools notifying them when the report is open for submission.
- Keep its contact and location information current. If a nonpublic school moves to a new school district, it is critical to notify the NJDOE and update the information so that funds will be redirected to the new school district of location. If the funding allocation from the NJDOE is sent to the old school district, the nonpublic school must work with the two school districts to either have the funds transferred to the new school district or seek an agreement with the old school district to continue the provision of services for the current school year. This may cause a delay in receiving services.
- Carefully review its school entitlement notice when received in July and notify NJDOE of any errors. Changes will be at the discretion of NJDOE.

Part III

Chapter 192 Services: Eligibility and Service Requirements

The following are eligibility guidelines based on NJDOE policy and, where cited, statute and code.

Compensatory Education (Revised for FY2025)

Compensatory education services are available to an eligible student in English language arts (ELA) literacy (i.e., reading and/or writing) and mathematics and are supplementary to the regular instruction in these subject areas. A student is eligible if the school district or provider determines, based on the criteria listed below, that the student has academic needs that prevent the student from succeeding academically in regular school programs¹¹. The nonpublic school is responsible for administering any assessments and providing to the school district or third-party provider all information for determining eligibility, as described below. Students must be tested annually to determine continued eligibility for services.

Eligibility Criteria for Students in Grades 3 – 12

If a student in grades 3-12 exhibits poor class performance, including low/failing classroom test grades in ELA literacy and/or mathematics, the student may be assessed for eligibility for compensatory education services.

Types of Assessments

Nonpublic schools must use either of the following types of assessments to determine eligibility for Chapter 192 services:

1. A valid and reliable commercial, norm-referenced, standardized instrument that assesses basic or foundational academic skills, is administered systematically, is based on objective data, and yields a national percentile score (NP), or
2. a New Jersey state-administered standardized criterion-based assessment for which the level of proficiency needed to meet academic expectations has been established.

IQ tests such as the Stanford Binet do not meet these criteria. College admissions tests such as the SAT and ACT and college admissions practice tests like the PSAT are not appropriate for this purpose.

Nonpublic schools should use the following questions to determine whether the assessment is appropriate for 192 Compensatory Education Eligibility for Students in Grades 3 – 12. If the answer is yes to all of the applicable questions, the assessment is appropriate. It is the responsibility of the nonpublic school to use an assessment that meets these criteria.

¹¹ “Regular school programs” is intended to mean those in which instruction is equivalent to that provided in the public schools for children of similar grades and attainments. Learn about [NJ Student Learning Standards](#) for every grade span.

1. Is the primary purpose of the assessment to assess *basic or foundational* academic skills?
2. If the NJ state-administered assessment is *not* used, is the assessment a valid and reliable commercial, norm-referenced, standardized instrument?
3. For ELA assessments, does it include a comprehensive reading and/or writing score?
4. Does the assessment yield a national percentile score (NP)?

A comprehensive score in reading, writing, or math must be obtained for each student to determine eligibility for the corresponding compensatory education services. Nonpublic schools provide results of the standardized test to the school district or third-party provider to determine eligibility for Chapter 192 services.

Age and Timing of Assessment

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 but then must transition to the most recent version of the test.

If the student's application for services is submitted before February 1, the nonpublic school can use the student's assessment results from the previous spring to determine eligibility for Chapter 192 services. If the student does not have a test score from the previous spring, then the student must take an assessment in the current school year. If the student's application for services is submitted on or after February 1, a current assessment should be used.

Score Criteria for Norm-Referenced Assessments of Basic Skills (Revised for FY2025)

In grades 3 - 12, a student must score *below* the 35th national percentile (NP) on a valid and reliable commercial, norm-referenced, standardized instrument that assesses basic or foundational academic skills, is administered systematically, and is based on objective data.

If a student in grades 3-11 exhibits poor class performance, including low/failing test grades in ELA and/or mathematics, and scored *between the 35th and 39th* percentile, then eligibility for services will be determined by educationally related objective criteria that may be agreed upon during the consultation, including at least two of three measures listed below:

1. Samples of student's work collected over time (minimum 30 days in school in the current grade) that demonstrate need in a specific content area (math and/or ELA), including performance based assessments
 - a. If the student was serviced the previous year, "application to continue service" should be noted, and a sampling of the previous year's work must be submitted for the student to start services. If the 407-1 for a student serviced the prior year is submitted after Nov. 1, then the current school year work should be included.
 - b. The school district may establish a minimum number of work samples that must be submitted.

- c. Work samples must be original, include student's name and be graded appropriately.
 - d. All work must be in the subject (math or ELA) that the student needs services in and *must be in English*.
 2. Tests and/or projects
 - a. Tests must have accurate scores.
 3. Report card grades (low/failing)
 - a. Report cards must show academic level in subject for which services are being requested (i.e. math grades, writing grades, reading grades).

A student in 12th grade must score *below* the 35th national percentile (NP) and then eligibility for services will be determined by educationally related objective criteria that may be agreed upon during the consultation, including at least two of three measures listed above.

Score Criteria for New Jersey State Assessments

The NJDOE establishes the performance level needed on the state assessments to meet the requirements. Refer to the [NJDOE Office of Assessments web page](#) for the current assessments and performance levels, and to determine if an assessment would be appropriate for determining CE eligibility.

Eligibility Criteria for Students in Kindergarten through Grade 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 early development and due to limited test-taking skills in kindergarten through grade 2, determination of eligibility must be based on multiple measures of the child's performance. The school district may provide guidance on what should 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 should include an observational assessment (e.g., Developmental Tasks for Kindergarten Readiness II, DTKR-II), developmental screenings (e.g., Early Screening Inventory for Kindergarten, ESI-K) and samples of work to establish an academic baseline, according to requirements agreed upon in the consultation. It is also recommended that a reading screening (e.g., Developmental Reading Assessment, DRA2) be given mid-year and end-of-year during the kindergarten year to support the students' early language and literacy acquisition and differentiation of instruction as needed.

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. By the end of the kindergarten year, the portfolio should include an observational assessment done at the end of the year, work

samples collected over time, report cards, and teacher recommendations from both the classroom teacher and Comp Ed teacher, and any other documents agreed upon in the consultation.

For students in grades 1 and 2, the assessments used to determine eligibility will include information from at least three of four measures, as defined below:

1. Teacher and parent survey, interviews, observational assessments
 - b. Teacher observation form is to be a reflective, narrative piece of evidence that reflects individual student academic (not behavioral) need.
2. Work samples collected over time, including performance based assessments
 - a. If the student was serviced the previous year, “application to continue service” should be noted, and a sampling of the previous year’s work must be submitted for the student to start services. If the 407-1 for a student serviced the prior year is submitted after Nov. 1, then the current school year work should be included.
 - b. The school district may establish a minimum number of work samples that must be submitted.
 - c. Work samples must be original, include student’s name and be graded appropriately.
 - d. All work must be in the subject (math or reading/writing) that the student needs services in and must be in English.
3. Developmental screenings
4. Report cards, tests, projects
 - a. Test must have an accurate score.
 - b. Report cards must show academic level in subject for which services are being requested (i.e. math grades, writing grades, reading grades).

The nonpublic school is responsible for the following:

- Identifying the appropriate assessments to use based on the four eligibility measures listed above, with approval by the school district.
- Determining the content of a portfolio of evidence that demonstrates the child’s areas of need, with approval by the school district.
- If three of the four eligibility measures listed above are met, providing a copy of the portfolio to the school district by June 30 for audit purposes.

NOTE: Definition of terms is provided in [Appendix A](#). Acceptable performance-based assessments, developmental screenings, and reading screening examples can be found in [Appendix B](#). [Appendix C](#) includes a list of best practice methods for supports for students in kindergarten through grade 3.

Record Keeping

The original or an electronic version 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 school district or service provider is unable to produce these documents an audit finding may result in a recovery of funds.

Providing Services

To provide Chapter 192 compensatory education, a certified teacher of the school district or the service provider develops and implements an individual student improvement plan for the students in need of compensatory education. The student improvement plan may be kept by the service provider, but must be returned to the school district if the provider is terminated. 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 ELA and/or mathematics and multiple assessment criteria in addition to test scores).

Providing Supplemental Services

According to the statutory definition¹², Chapter 192 services are "supplemental to the regular programs" and may not replace the instructional program provided to all students in the school. Services shall be deemed supplemental if there is evidence of an academic program in absence of Chapter 192 funding and if the following conditions are met:

- Students receiving 192 compensatory education services must be enrolled in and attend grade-specific math and language arts literacy classes that are part of the regularly scheduled education program and must attend a minimum of 40% of the regularly scheduled class time on a weekly basis. It is the school district's responsibility to ensure services are supplemental to the regular programs.
- The 192 compensatory education services may be provided as "push-in" (inclusion) services. Push-in services must be delivered by a teacher who is not the teacher of the regularly scheduled education program.
- The 192 compensatory education services may be provided as additional services outside of the regular education program.

¹² 18A:46A-2e. "Compensatory education services" means preventive and remedial programs offered during the normal school day, or in programs offered beyond the normal school day or during summer vacation, which are integrated and coordinated with programs operated during the regular school day and year. The programs shall be approved by the State Board of Education, supplemental to the regular programs and designed to assist pupils who have academic needs that prevent them from succeeding in regular school programs.

- When providing pull-out services, students may not be pulled-out for academic support for more than sixty percent of the regularly scheduled class time for which they are receiving services.
- Student class schedules and class rosters can be used as documentation for audit purposes.

Compensatory Education Teachers

- The teachers of the regularly scheduled program for which the students are receiving 192 services must be employed by the nonpublic school directly or through a contracted provider and cannot be paid with 192 program funds.
- If the teacher providing Chapter 192 services is an employee of the nonpublic school and is contracted by the school district, the 192 services are not to be provided during the hours of that employee's nonpublic school employment.
- A teacher who provides Chapter 192 compensatory education must be an appropriately certified general education teacher.

English Language Services for Multilingual Learners

In accordance with [N.J.A.C. 6A:15 et seq.](#), English language (EL) services are available to an eligible student identified as a multilingual learner (ML). The student develops proficiency in English language acquisition based on the English language development standards.

A teacher who provides EL services to MLs shall hold a valid New Jersey instructional certificate (N.J.A.C. 6A:15-1.8).

Eligibility Criteria

To determine student eligibility for EL services, the nonpublic school must follow the Identification process presented below:

Multilingual Learner (ML) Identification Process for Nonpublic School Students			
Steps	Description	Who completes/conducts	When
Step 1	<ul style="list-style-type: none"> Conduct Home Language Survey (HLS); see the following resources: <ul style="list-style-type: none"> ✓ Fact sheet ✓ Home Language Survey provided in many languages Conduct records review of academic achievement results, prior transcripts or test scores Submit survey results and records to district/provider 	<ul style="list-style-type: none"> Nonpublic school or school district Nonpublic school 	Upon student enrollment
Step 2	<ul style="list-style-type: none"> Review survey results (see Note 1) & records from Step 1 and, if determined eligible, approve testing 	<ul style="list-style-type: none"> School district/provider 	Within 2 to 4 weeks of receipt of survey results & records (NJDOE guidance)
Step 3	<ul style="list-style-type: none"> Administer WIDA assessment to identify ML students: <ul style="list-style-type: none"> WIDA Screener WIDA MODEL Composite proficiency level must be below 4.5 to qualify 	<ul style="list-style-type: none"> School district/provider¹³ (must be WIDA trained) 	Within 2 weeks of Step 2 approval (NJDOE guidance) <ul style="list-style-type: none"> Tests are available throughout year Test results available within hours
Step 4	<ul style="list-style-type: none"> District/provider sends parent notification of initial program placement and 407-1 to fill out: Navigate to "Parent Multilingual (ML) Placement Letter"¹⁴ Parent submits 407-1 to district/provider District/provider reviews & approves 407-1 	<ul style="list-style-type: none"> School district/provider and parent 	Parent notification letter <i>must</i> be sent within 30 days of the start of the school year
Step 5	<ul style="list-style-type: none"> Provide EL services to ML students 	<ul style="list-style-type: none"> School district/provider 	As scheduled

Notes:

¹³The school district may assign the provider responsibility for administering the WIDA assessment. The responsibilities given should be specified in the contract between the school district and third-party provider.

¹⁴ The letters were created for school district use, therefore, modify as needed for nonpublic schools.

1. The student’s primary language must be other than English. The student’s primary 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.
2. The NJDOE mandates the use of a [State-approved language proficiency test](#). The student must score below the cut-off level of English language proficiency on a State-approved English language proficiency test and the corresponding standards for determining limited English proficiency.
3. The student must have multiple indicators, including any of the following: assessment of English reading level, assessment of academic performance in English, input of teaching staff members responsible for the educational program of the pupil, and any other assessments agreed upon in the consultation.

Providing Services

The parent(s) or guardian(s) must be notified by letter in their primary language (navigate to [“Parent Multilingual \(ML\) Placement Letter”](#)) to ensure their understanding of the process, their rights, and information needed on the 407-1 form.

To provide Chapter 192 EL services to MLs, an appropriately certified teacher of the school district or service provider develops and implements an individual student improvement plan for the students. An individual student improvement plan for MLs must address:

- The student’s needs based on an assessment in English language skills
- 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
- Students must be assessed annually to determine eligibility for continued services.

Home Instruction

Eligibility Criteria

According to [N.J.A.C. 6A:16-10.1](#), home Instruction aid is available for nonpublic school pupils unable to attend school due to “a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting.” The pupil must be unable to attend school for more than 10 consecutive school days or 20 cumulative school days because of illness or injury. To document eligibility for home instruction, a letter from the student’s physician must include documentation of the illness or injury and a recommendation for home instruction with start and end dates. The school district physician must verify the need for home instruction or provide reasons for denial.

Providing Services

The school district responsible for the Chapter 192 home instruction must ensure that home instruction is provided as soon as the student is determined eligible, but in no case later than five school days after determination. The school district/service provider must provide home instruction that meets the requirements of the nonpublic school in which the student is enrolled full-time, *excluding religious studies*. Home instruction services must be provided by an appropriately certified general education teacher (see Appendix F) who may be employed by the school district directly, through online services, or through contract with another district board of education, educational services commission, jointure commission, approved clinic or agency or employee of the nonpublic school. If the services are provided with an independent contractor who is also a nonpublic school employee, the services cannot be provided during the hours of that employee's nonpublic school employment.

If home instruction services are not rendered, at no fault of the school district or provider, home instruction may be terminated.

Home instruction may be provided for a period up to 60 calendar days, after which the student must be evaluated by the child study team. If the child study team specifies that home instruction is needed in the service plan, only those services covered by Chapter 193 may be provided. If the child study team does not specify the need for home instruction, then a letter from the student's physician must document the continued need for home instruction. The school district physician must verify the continued need for home instruction or provide reasons for denial.

Part IV

Chapter 193 Services: Eligibility and Service Requirements

The following are eligibility requirements and guidelines based on NJDOE policy and, where cited, statute and code.

Referral, Evaluation and Determination of Eligibility

Rules and procedures for identification/referral, evaluation, determination of eligibility, and reevaluation, included in Chapter 193 ([N.J.A.C. 6A:14-6.2](#)), are also covered under the federal and New Jersey Administrative Code for special education ([N.J.A.C. 6A:14 et seq.](#)). Please reference those laws when appropriate.

Referral for Initial Evaluation

In accordance with N.J.A.C. 6A:14-3.3, referral and evaluation procedures are provided for the purpose of determining eligibility for special education and related services and for developing a service plan. Once a student application (407-1 form) for Chapter 193 services is submitted to the local school district or service provider, the student is considered to have been referred.

When a school age student is referred for an *initial evaluation* to determine eligibility for special education programs and services, the full Child Study Team (CST), 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 CST, 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 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, the CST will determine the nature and scope of the evaluation and identify what additional data, if any, are needed. A determination will then be made on which CST members and/or specialists will conduct the evaluation.

Parents will receive a written notice of the meeting and a copy of “ [Parental Rights in Special Education](#),” which relates to the nonpublic services that are included under IDEA: identification, evaluation, determination of eligibility, and reevaluation [See N.J.A.C. 6A:14-6.2 (g)] The notice of the meeting must be sent early enough to ensure parental participation.

The meeting notice must be written in language understandable to the general public and in the primary language of the parent, unless it is clearly not feasible. The notice must 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 "Procedural Safeguards Statement" located in the [Service Plan Components](#) form (p. 12).

Written notice regarding the determination(s) and proposed action(s) with the short procedural safeguards statement must be 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 service plan for the student must be completed within 90 calendar days.

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

Initial Evaluation

According to N.J.A.C. 6A:14-3.4(f), an initial evaluation of a student for Chapter 193 must consist of a multi-disciplinary assessment in all areas of suspected disability. Such evaluation must include *at least two assessments* conducted by at least two members of the CST 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 necessary¹⁵. "Each evaluation of the student shall:

- 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;
- Include valid and reliable assessments which are administered 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 the student's communication needs, and assessment of the need for assistive technology devices and services."

The parent(s) or guardian(s) must receive a copy of the evaluation reports at least 10 days prior to the eligibility conference.

¹⁵ If the CST agrees to accept an evaluation completed by an outside agency, that evaluation counts as one of the two assessments required for payment for an initial evaluation or reevaluation.

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(a), as follows:

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

If eligible, the student must have a service plan developed in accordance with N.J.A.C. 6A:14-6.1(f)1 and N.J.A.C. 6A:14-6.2(g)1i. The service plan must include the following components, in accordance with N.J.A.C. 6A:14-3.7(e)1-6, 8, 14-16:

- A 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;
- A 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;
- A 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;
- A statement, as appropriate, of integrated therapy services to be provided addressing the student's individualized needs in his or her educational setting;
- An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class;
- A 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:14.1 et seq. that will transfer to the student on reaching age of majority;
- A statement of how the student's progress toward annual goals will be measured; and

- A 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.

Annual Review

In accordance with N.J.A.C. 6A:14-2.3(k), annually, or more often if by parent request and school district approval, a service plan must be reviewed in an annual evaluation meeting that includes: the parent, not less than one CST 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, not less than one special education teacher or service provider, the case manager who is a CST 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 when appropriate. A school district may request parent consent to excuse a team member whose area is not being discussed, in accordance with N.J.A.C 6A:14-2.3(k).

An annual review cannot take place within six months of a reevaluation unless the parent requests it in writing and submits a 407-1 form and the school district determines conditions warrant it (i.e., concerns over the student’s academic performance or a change in the student’s behavior), as documented on the 407-1 form, notwithstanding parent rights to request mediation or a due process hearing in accordance with [“Parental Rights in Special Education.”](#)

Reevaluation

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

- Must complete a multi-disciplinary reevaluation (must be two or more different tests to qualify for funding) to determine whether the student continues to be a student with a disability.
- Must be conducted within three years of the previous classification.
- May be conducted sooner than three years if conditions warrant or if the student's parent or teacher requests the reevaluation based on concerns over the student's educational performance. However, 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 school district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted.
- Must be conducted within 60 days of the date the parent provides consent for the assessments to be conducted.
- If a parent provides written consent and the school 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 will constitute the date upon which the next three-year period for conducting a reevaluation will begin.

- As part of any reevaluation, the evaluation team must determine the nature and scope of the reevaluation according to a review of the existing evaluation data on the student and then identify what additional data, if any, are needed.
- If a parent or evaluation team rejects additional testing as part of the reevaluation, that determination may not be overridden by a request for an early evaluation.

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

Supplementary Instruction

In accordance with N.J.A.C. 6A:14-4.6, 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. *It may not replace the instruction provided by the general education teacher.* The program of supplementary instruction must be specified in the service plan. An appropriately certified general education teacher provides supplementary instruction individually or in groups limited in number according to N.J.A.C. 6A:14-4.6 (m).

Eligibility Criteria

- The student must be determined eligible in accordance with N.J.A.C. 6A:14-3.5. For the services provided, the student must have a service plan developed in accordance with N.J.A.C. 6A:14-6.2(g)1i and N.J.A.C. 6A:14-3.7(e)1-6, 8, and 14-16.

Process

If the student is evaluated by a child study team and found eligible for supplemental instruction, a separate 407-1 form with the required service plan documentation (electronic access or hard copy of program description and related services pages) must be provided for the student to receive services. Given the need to begin supplemental instruction shortly after evaluation, the 407-1 for supplemental instruction must be approved quickly.

To document eligibility for supplementary instruction, attach a copy of the program description and any related services pages from the student service plan.

Speech-Language Evaluation and Services (called ESLs)

In accordance with N.J.A.C. 6A:14-3.6, a student is eligible for speech-language services if the student has a language and or speech disorder in articulation, phonology, voice, and or fluency.. Speech-language services are provided to a classified student as an addition to the school’s regular instructional program. The program of speech-language services must be specified in

the service 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 for speech-language services in accordance with N.J.A.C. 6A:14-3.6. The evaluation for a speech-language disorder shall be conducted according to N.J.A.C. 6A:14-3.4(g).
- For the services provided, the student must have a service plan developed in accordance with N.J.A.C. 6A:14-3.7 (e)1-6, 8,14-16.

Process

When the suspected disability is a language and or a speech disorder and the student is determined eligible for services by a speech-language specialist *only* (i.e., no other 193 evaluation or services are being requested or provided), the parent/guardian must submit the 407-1 application form to request speech-language evaluation for their child.

If a student is evaluated and found eligible for speech-language *services only*, a separate 407-1 with the required service plan documentation must be provided for the student to receive services; however, if the provider evaluates for speech-language *and* the student is found eligible for services, the **provider may bill for either the evaluation or the service, not both**. (Funding is provided to the school district for either the speech evaluation or the services, as explained in the following section.)

To document eligibility for speech-language services, attach a copy of the program description and any related services pages from the student's service plan.

Reporting and Funding

Evaluation and Reevaluation

A school district cannot use Chapter 193 funds for a child study team meeting unless one or more of the services delineated in statute is included (see N.J.S.A. 18A:46-19 et seq.). There is no State funding source for a child study team meeting alone. An evaluation that is funded under Chapter 193 must include all of the requirements enumerated in N.J.A.C. 6A:14-3.4(f)¹⁶.

An evaluation that is funded under Chapter 193 must include at least two assessments. The parameters around the assessments are defined in N.J.A.C. 6A:14-3.4(f). A school district cannot use Chapter 193 funds for a child study team meeting alone.

A reevaluation must be conducted pursuant to N.J.A.C. 6A:14-3.8.

¹⁶ In the case of a speech disorder when the suspected disability is a disorder of language, articulation, voice or fluency *only*, the evaluation shall include the requirements enumerated in N.J.A.C. 6A:14-3.4(g).

Students with Speech-Language Only Evaluation or Services (no other 193 evaluation or services are being requested or provided)

If a student is referred for evaluation when the suspected disability is a disorder of language, voice, articulation and/or fluency *only*, then the “speech correction” funding amount (as provided in [N.J.S.A. 18A:46-19.8](#)) should be used. If it is determined that the child is eligible for speech correction *services*, then the school district/provider *should not charge an additional amount* to the 193 program for those services (though IDEA may cover those services). In other words, both the speech evaluation/reevaluation *and* the services are included in the statutory amount provided.

Note: If available, IDEA funds may be used to provide speech services, thus allowing the full per pupil dollar amount for speech-language services to be expended on the speech-only evaluations. The use of IDEA funds must be discussed separately via consultation between the school district and the nonpublic school.

If a student (New Jersey resident or nonresident) is referred for an initial evaluation or reevaluation to determine eligibility for special education programs and services, including speech, then the “initial evaluation or reevaluation” funding amount should be used. The full child study team, including a speech-language specialist, must be convened.

Appendix A
Definition of Terms for Kindergarten through Grade 2 Eligibility Criteria for Compensatory Education

Terms	Definitions
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.
Developmental 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 <i>not</i> designed to show progress over time and should be 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 in order to improve teaching and support children's progress. A checklist or notes are often used to record what has been observed.

Appendix B
Assessment and Screening Examples for Kindergarten through Grade 2 Eligibility Criteria for Compensatory Education

Performance Based Assessment Examples			
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 2.5-6 years)

Developmental Screening Examples			
Instrument	Areas Assessed	Ages	When 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	When 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	Kindergarten: winter and spring Grades 1 & 2: fall, winter and spring

Appendix C

Assessment Procedures for Kindergarten through Grade 2 Compensatory Education

The following checklist can be used 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 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 evaluation team to determine if the child would be eligible for special education services.

Appendix D

Recommended Supports for Struggling Students in Kindergarten through Grade 3

- Provide support as a seamless part of classroom activities that do not isolate a child or diminish a child’s sense of well-being, competence or being a part of their age group.
- Any special assistance should be as non-intrusive as possible.
- Provide “push-in” or “in the classroom” supports (i.e., data driven small group instruction) with the primary teacher’s input.
- Supports need to be individualized and revisited frequently.
- Build on strengths and interests of the child and what a child already knows (i.e., developmental learning trajectories to determine strengths and zone of proximal development.)
- Provide materials that are meaningful, authentic, “hands-on” manipulatives, in a context where the instructor is embedded in small groups of children or one-on-one with the child.

Align instruction with the student performance expectations outlined in the NJ Student Learning Standards (NJSLS).

- Supports should be assessed with a high quality and research-based ongoing Kindergarten through Grade 3 performance-based assessment tool based on actual work samples, along with a high quality and research-based screening (Kindergarten: 3 times a year starting within 6-8 weeks of kindergarten entrance; 1-3rd grades: 3 times a year).

Appendix E

Chapter 192/193 Procedures for State Audit

The Office of Fiscal Accountability and Compliance (OFAC) State Aid Audit Unit (SAAU) conducts verifications of student services reported on the annual Chapter 192 and 193 *Nonpublic Project Completion Report (PCR)*. The audits verify state aid paid to school districts by verifying eligibility for nonpublic students reported on the PCR. This entails detailed examination of individual student record files for all services reported on the PCR. In order to facilitate the information needed for OFAC audit, the following information must be retained and provided for audit by each school district or nonpublic service provider:

- A separate, completed application form (407-1) indicating each specific service for all students that generate state aid, as reported on the PCR.
- A complete student service listing indicating the name of every student eligible for services that have been reported on the PCR for each service category.
- Documentation that each Chapter 192 student has been tested or evaluated in accordance with the Department of Education’s Guidelines for Auxiliary and Remedial Services (Chapters 192 & 193) for Nonpublic School Students, as follows:
 - For students in kindergarten through grade two, a file that contains complete portfolio information demonstrating the criteria used to determine eligibility for Compensatory Education.
 - For students in grades three through eleven, evidence of allowable tests administered and the resulting test scores. For all students testing *between the 35th and 39th national percentile (NP)*, a file containing multiple measures documenting continued eligibility in the program must be presented for review. Note: No students scoring at or above the 40th NP on allowable tests will be included as an eligible student on a state aid audit for PCR reporting.
 - A student in 12th grade must score *below* the 35th NP and then eligibility for services will be determined by educationally related objective criteria that may be agreed upon during the consultation, including at least two of three multiple measures.
- Appropriate State-approved assessment results for all applicable multilingual students reported on the PCR.
- Documentation for each Chapter 193 student, including a Service Plan (SP) developed by the Child Study Team (CST) for students receiving Supplemental Services. Evaluation

requiring Speech Correction and/or Supplemental Instruction must be verified. *Evaluations must contain evidence of the minimum two tests administered by the CST¹⁷.*

- Speech correction funding includes either the evaluation for speech services or the provision of speech services, *or both*, however, the school district/provider cannot charge for the evaluation and services separately.
- If a student (New Jersey resident or nonresident) is referred for an initial evaluation or reevaluation to determine eligibility for special education programs and services, including speech, then the “initial evaluation or reevaluation” funding amount should be used. The full child study team, including a speech-language specialist, must be convened.
- If a student is referred for evaluation when the suspected disability is a disorder of language, voice, articulation and/or fluency *only (and no other Chapter 193 services)*, then the “speech correction” funding amount (as provided in N.J.S.A. 18A:46-19.8) should be used. “The decision to evaluate and the determination of the nature and scope of the evaluation shall include the speech-language specialist, the parent and the general education teacher of the student who has knowledge of the student's educational performance” (the full child study team is not necessary). If it is determined that the child is eligible for speech correction services, then the school district/provider should not charge an additional amount to the 193 program for those services (though IDEA may cover those services). In other words, both the speech evaluation/reevaluation and the services are included in the statutory amount. Following this understanding of the use of 193 funds, a school district may use 193 funds to charge as “speech correction” for the evaluation/reevaluation of speech, *but not the services*, of a nonpublic student who is *not a resident of the State*.
- For evaluation and determination, the signature page of the SP must be signed by all evaluation team members. If written consent is provided to excuse one of the team members, the letter must be attached to the SP, along with a signature from the school district administrator indicating approval and a signature from the parent indicating consent.
- The allowable timing of a student’s reevaluations and annual reviews is limited as follows:
 - 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.

¹⁷ If the CST determines to accept an evaluation completed by an outside agency, that evaluation counts as one of the two assessments required for payment for an initial evaluation.

- Annual review: one per fiscal year (unless written request by parent has been made for additional annual review and the school district approves, based on a determination that conditions warrant it)
 - Reevaluation: cannot be conducted prior to one year from the date the parent or guardian was notified of the student's eligibility in the most recent evaluation or reevaluation, unless the parent and school district *both* agree that a reevaluation prior to one year is warranted. (If within a period of six months of an annual review, must have parent's written request for reevaluation and documentation of school district approval)
- Each Chapter 192 or 193 student must be identified as an enrolled student in attendance records of each nonpublic school in order for the students to be counted as eligible for state aid purposes. The SAAU examines the enrollment status for students who are eligible for state aid funding. If necessary, as an alternative to the nonpublic school attendance records, students can be verified to B8T forms using the certification of nonpublic student transportation.
 - Each Chapter 192 or 193 student must be verified to a service billing record submitted to the school district for payment of Chapter 192/193 services. This service billing must be submitted by the service provider for the appropriate school year.
 - In coordination with service billing, the provider must document on a Chapter 192 or 193 service record that services were provided by the appropriate teacher employed by the service provider. This will be used to verify the state aid payment for each service.

Examples of Audit Findings that Can Lead to Disqualification of State Aid

- No 407-1 application on file for each student indicating each individual service
- Student not included as an enrolled student in nonpublic attendance register or B8T
- Lack of complete eligibility portfolio for kindergarten through grade 2 students – compensatory education
- No tests administered for grade 3 through grade 12 students-compensatory education
- Students scoring at or above the 40th NP
- Students in grade 12 scoring at or above the 35th NP and or without multiple measures
- Students in grades 3 through 12 scoring at the 35th percentile and under the 40th percentile without multiple measures such as teacher recommendation for continued services, report cards, writing samples, quizzes, etc.

- Bilingual, ESL, LEP student with no appropriate test score documented
- Student not included on the service provider’s service/attendance records
- Parental refusal, student transferred or dropped out of school prior to delivery of any services
- Initial evaluations or reevaluations with fewer than two forms of tests administered as part of the CST review
- Annual reviews which occur during the same fiscal year, within a period of six months of a reevaluation, without written request for reevaluation by the parent and proof of school district approval based on a determination that conditions warrant it

Other Compliance Requirements

- When included as part of the OFAC audit, up to 6% program administration costs must be utilized to implement administrative services by the school district pursuant to N.J.S.A. 18A:46A-8, if such funds are retained by the district.
- When included as part of the OFAC audit, up to 18% facilities rental costs must be utilized within the limits established, pursuant to N.J.S.A. 18A:46A-8.
- When included as part of the OFAC audit, transportation and vehicular maintenance costs must include documented proof of cost

Frequently Asked Questions

Evaluation

Q: If a child study team meets and determines that a student does not need to be evaluated for services, does this qualify for State funding?

A: A school district cannot use Chapter 193 funds for a child study team meeting unless one or more of the services delineated in statute is included (see N.J.S.A. 18A:46-19 et seq). There is no State funding source for a child study team meeting alone. An evaluation that is funded under Chapter 193 must include all of the requirements enumerated in [N.J.A.C. 6A:14-3.4\(f\)](#).

Speech Evaluation

Q: What is the proper school district reporting of an evaluation for a speech-only student under Chapter 193? Can an evaluation of speech-only students be funded as an “initial evaluation or reevaluation for examination and classification”?

A: An evaluation for a speech-only student should be reported as speech correction services (not “initial evaluation or reevaluation for examination and classification”), pursuant to N.J.S.A. 18A:46-19.8. This funding source is to be used for *either* the evaluation of speech-only students *or*, if found eligible, the services to be provided throughout the school year.

Note: If available, IDEA funds may be used to provide speech *services*, thus allowing the full per pupil dollar amount for speech correction services to be expended on the speech-only evaluations. The use of IDEA funds must be discussed separately during the consultation process between the school district and the nonpublic school.

If a student (New Jersey resident or nonresident) is referred for an initial evaluation or reevaluation to determine eligibility for special education programs and services, *including speech*, then the “initial evaluation or reevaluation” funding amount should be used. The full child study team, including a speech-language specialist, must be convened.

Reevaluation

Q: If the child study team meets to reevaluate a student and determines that no additional student assessment is needed, can the school district receive funding for a reevaluation under Chapter 193?

A: A reevaluation that is funded under Chapter 193, like an initial evaluation, must include at least two assessments, unless exempted in the code. The parameters around the assessments are defined in [N.J.A.C. 6A:14-3.4\(f\)](#). A school district cannot use Chapter 193 funds for a child study team meeting alone.

Appendix F
Teacher Certification Requirements for Chapter 192/193 Services

Chapter 192/193 Services:	Compensatory math and language arts	English Language Services	Home Instruction	Supplemental instruction in math and language arts	Speech-Language	Evaluation and classification to determine eligibility for special education and development of service plans¹⁸
Certification required:	Appropriately certified general education teacher	Appropriately certified general education teacher	Appropriately certified general education teacher	Appropriately certified general education teacher	Certified speech-language specialist	Certification according to specific function on child study team

All 192/193 services, with one exception noted in chart above, must be provided by an appropriately certified teacher who may be employed by the school district directly, through online services, or through contract with another district board of education, educational services commission, jointure commission, approved clinic or agency or employee of the nonpublic school, provided the services are not provided during the hours of that employee’s nonpublic school employment. Evaluation and classification services cannot be provided through a contract with an employee of the nonpublic school.

¹⁸ Evaluation and classification services cannot be provided by a nonpublic school teacher who is contracted with the school district/provider, pursuant to [N.J.A.C. 6A:14-5.2\(a\)3i](#).

Appendix G
Chapter 192 and Chapter 193 Recommended Timeline

TASK/ACTIVITY	TIME FRAME
1. The school district determines how services will be provided for the upcoming school year -- either directly with their own personnel, or through a contract with an educational services commission or other public or private agency approved by the commissioner	No later than early March
2. If a new provider is considered, the school district initiates a consultation with the nonpublic schools, 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 appropriate nonpublic school representatives, including parents.” The nonpublic school will gather the parent input and provide it to the school district.	March
3. The school district or service provider consults with the nonpublic schools located within its boundaries to determine the Chapter 192/193 services to be provided to eligible students for the upcoming school year.	March-May
4. If a new provider is sought, the school district initiates the RFP or competitive contracting process in order to identify a third-party service provider for the provision of Chapter 192/193 services. <ul style="list-style-type: none"> • See sample vendor evaluation rubric for Nonpublic 192/193 Services (click on the 192/193 tab) 	Early April
5. The nonpublic schools provide 407-1 forms to all parents/guardians returning the following year and any new families.	May-June 1
6. The parents/guardians send the signed 407-1 forms to the nonpublic school for determination of eligibility. The nonpublic school collects the signed forms and provides them to the school district or service provider, as instructed by the school district. The school district should establish instructions for where forms will be collected and communicate this to all nonpublic schools in the school district. Note: Collection of 407-1 forms will be continuous throughout the school year as new students are referred for services.	Initial batch of 407-1 forms should be received by the district no later than June 30
7. If a new contract is required, the school district’s BOE approves the contract with a third-party service provider for the provision of Chapter 192/193 services.	June Board Meeting
8. School district Chapter 192/193 funding statements for the month of September are posted on the NJDOE Homeroom located under <i>SCHOOL AID</i> . <ul style="list-style-type: none"> • School districts will receive ten Chapter 192/193 funding statements throughout the course of the school year (September through June). 	Mid-August

TASK/ACTIVITY	TIME FRAME
<ul style="list-style-type: none"> The funding statements are based on the number of services provided or students served as of the end of the prior fiscal year (This is collected via the Chapters report.) 	
<p>9. Additional funding for Chapter 192/193 opens on the NJDOE Homeroom located under <i>ADDL</i>.</p> <ul style="list-style-type: none"> School districts can request additional funding for Chapter 192/193 services as new or existing students in the nonpublic schools are identified to receive services. 	Mid-August through the end of May
<p>10. The service provider or school district gathers nonpublic school schedules and class lists in order to determine the schedule for services.</p>	First two weeks of the school year
<p>11. The school district or service provider begins Chapter 192/193 services for eligible students attending nonpublic schools. Note: It may take up to three weeks from the start of the school year for speech services to begin as speech therapists are not only creating their schedules, but evaluating new students as well.</p>	No later than two weeks following the start of the school year
<p>12. The Chapters report opens in NJDOE Homeroom located under CH192-193.</p> <ul style="list-style-type: none"> The nonpublic school submits the number of services provided or students served as of the end of the prior fiscal year. Note: any students determined eligible but who did not receive services cannot be included in the count. 	September/October
<p>13. The school district submits the following documentation to the Executive County Superintendent with a copy to the nonpublic school administrator:</p> <ul style="list-style-type: none"> Written statement (signed consultation form) verifying that the required conference was held with the nonpublic school; Copy of the contract with another agency to provide Chapter 192/193 services (if a new contract is required) pursuant to N.J.A.C. 6A:14-6.2(b) BOE minutes documenting approval of the contract with another agency to provide Chapter 192/193 services (if a new contract is required). 	By October 1
<p>14. The school district should account for expenditures to date, forecast funds to be expended through the end of the fiscal year, and notify each nonpublic school of the amount of anticipated <i>unexpended funds</i>, so that decisions can be made about how best to use the remaining funds before the end of the fiscal year.</p>	March 1

Notes:

- For school districts with more than 10,000 nonpublic students receiving services, timeline dates may be extended.
- The school year is based on a September 1st to June 30th calendar.