

New Jersey Department of Education

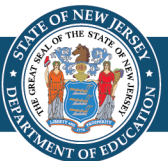


Chapter 14, Special Education Proposal Level

Office of Special Education

Division of Educational Services

October 4, 2023





Chapter 14



- This chapter sets forth the rules and regulations for providing students with disabilities a free, appropriate, public education.
- The Department is proposing limited amendments to ensure students continue to receive all the services to which they are entitled.





Reminder



Note, the NJDOE is proposing to allow related services to be provided in the following limited circumstances when a student with disability is:

- 1) Suffering from a chronic or temporary health condition, preventing the student from attending school and when a parent submits a request with a written order from a student's physician (N.J.A.C. 6A:14-3.9(c)(1));
- 2) Attends a district or school building that is closed for emergency reasons and when students are receiving virtual instruction. (N.J.A.C. 6A:14-3.9(c)(2))(This is already permissible under N.J.S.A. 18A7F-9.b); or
- 3) Requires a mandatory period of isolation/quarantine for at least five days (N.J.A.C. 6A:14-3.9(c)(3)).

Proposed Change to N.J.A.C. 6A:14-3.9(c)



- **Proposed change:** “Related services required by the student’s IEP may be provided through [[telemedicine or telehealth, or through electronic communications, which include which include]] virtual [[, remote, or other online platforms]] **instruction**, as appropriate and pursuant to the following conditions:...”
- **Rationale:** This proposed change would provide clarity by adopting one overarching term (“virtual instruction”) instead of using multiple terms, which may lead to confusion.





Proposed Change to N.J.A.C. 6A:14-1.3



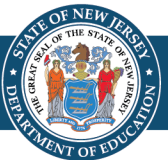
- ***Proposed change:*** To add a new definition: “‘virtual instruction’ means the same as that term is defined pursuant to N.J.A.C. 6A:32-2.1.”
- ***Rationale:*** The proposed definition would provide clarity to the term “virtual instruction” as it is used in N.J.A.C. 6A:14-3.9(c).

Proposed Change to N.J.A.C. 6A:14-3.9



The proposed language applies to the limited situations when a parent requests virtual related services because the student is “confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment” or when a student requires a mandatory period of isolation.

- **Proposed change:** “The IEP team shall meet to determine, for each related service required by the IEP, whether the related service will be provided virtually or in-person. The school district shall provide the student with virtual related services within five school days after the school district’s receipt of the school physician’s verification or, if verification is made prior to the student’s confinement, during the first week of the student’s confinement to the home or out-of-school setting.”
- **Rationale:** The proposed change would clarify that the IEP team must meet to determine whether related services are available through virtual instruction or must be provided in-person. This proposed change will allow parents and the other members of the IEP team to consult with one another before deciding how related services will be provided.





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