

permit (GP-018) for Boiler(s) or Heater(s) each less than 10 MMBTU/hr.

This general permit is available beginning on August 7, 2017, and is being included in the list of sources at N.J.A.C. 7:27-8.8(c) for which general permits are available.

GP-018A allows for the construction, installation, reconstruction, modification, and operation of a single or multiple boiler(s) and/or heater(s) with a maximum rated heat input to the burning chamber of greater than or equal to five million BTU per hour (MMBTU/hr) and less than 10 MMBTU/hr each.

A general permit is a pre-approved permit to construct and certificate to operate, issued pursuant to N.J.A.C. 7:27-8.8, for one or more types of similar sources at a minor facility. A minor facility operator with a qualifying source may register for and operate under the conditions of the general permit, rather than submit a case-by-case permit application.

The Department published notice of the proposed general permit in the September 19, 2016, New Jersey Register at 49 N.J.R. 1971(b), pursuant to the Air Pollution Control Act, N.J.S.A. 26:2C-9.2. The Department did not receive public comments during the 30-day comment period.

The general permit continues to provide for inspections and evaluations to ensure conformance with all provisions of N.J.A.C. 7:27. This general permit is issued under the authority of N.J.S.A. 26:2C-9.2 and N.J.A.C. 7:27-8.

How to Obtain a General Permit

To view the requirements of GP-018A, Boiler(s) and/or Heater(s) each greater than or equal to five MMBTU/hr and less than 10 MMBTU/hr, go to <http://www.nj.gov/dep/agpp/gp.html>. To register for an available general permit, click on the online application hyperlink under the general permit and follow the directions.

For technical questions, please contact the Bureau of Stationary Sources Help Desk at 609-633-2829 or 609-633-7259.

Notice of Administrative Change to N.J.A.C. 7:27-8.8(c)

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

SUBCHAPTER 8. PERMITS AND CERTIFICATES FOR MINOR FACILITIES (AND MAJOR FACILITIES WITHOUT AN OPERATING PERMIT)

7:27-8.8 General permits

- (a)-(b) (No change.)
- (c) A general permit is available for the following sources:
 - 1.-8. (No change.)
 - 9. [Boilers] **Boiler(s)** and/or [heaters] **Heater(s)** each **greater than or equal to five MMBTU/hr and less than 10 MMBTU/hr (GP-018A)**; [and]
 - 10.-23. (No change.)
 - (d)-(o) (No change.)

(a)

**AIR QUALITY, ENERGY, AND SUSTAINABILITY
DIVISION OF AIR QUALITY**

**Notice of Administrative Change and
Announcement of Availability of a New General
Operating Permit (GOP-008) for Boiler or Heater,
greater than or equal to Five MMBTU/hr and less
than 10 MMBTU/hr**

N.J.A.C. 7:27-22.14

Take notice that the Department of Environmental Protection (Department) is announcing the availability of a new General Operating Permit GOP-008 for major facilities (subject to Title V of the Federal Clean Air Act).

This new general operating permit is available beginning on August 7, 2017, and is being included in the list of sources at N.J.A.C. 7:27-22.14(c) for which general operating permits are available.

GOP-008 allows for the construction, installation, modification, and operation of a single boiler or heater with a maximum rated heat input to the burning chamber of greater than or equal to five million BTU/hr and less than 10 million BTU/hr.

A general operating permit is a pre-approved permit to construct and operate for major facilities, issued pursuant to N.J.A.C. 7:27-22.14, for one or more types of similar sources at a major facility. A major facility operator with a qualifying source may register for and operate under the conditions of the general operating permit, rather than submit a modification to the facility's operating permit.

The Department published notice of the proposed general operating permit in the September 19, 2016, New Jersey Register at 48 N.J.R. 1971(a), pursuant to the Air Pollution Control Act, N.J.S.A. 26:2C-9.2. No public comments were received.

This general operating permit is issued under the authority of N.J.S.A. 26:2C-9.2 and N.J.A.C. 7:27-22.

How to Obtain a General Operating Permit

To view the requirements of any general operating permit, go to www.nj.gov/dep/agpp/gop.html. To register for an available general operating permit, click on the online application hyperlink under the general operating permit and follow the directions.

For technical questions please contact the Operating Permit Help Line number at 609-633-8248.

Notice of Administrative Change to N.J.A.C. 7:27-22.14(c)

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

SUBCHAPTER 22. OPERATING PERMITS

7:27-22.14 General operating permits

- (a)-(b) (No change.)
- (c) A general operating permit is available for the following sources:
 - 1.-4. (No change.)
 - 5. Emergency generator burning gaseous fuels (GOP-004); [and]
 - 6. Boiler or Heater, greater than or equal to one MMBTU/hr and less than five MMBTU/hr (GOP-007)[.]; **and**
 - 7. **Boiler or Heater, greater than or equal to five MMBTU/hr and less than 10 MMBTU/hr (GOP-008).**
 - (d)-(f) (No change.)

HUMAN SERVICES

(b)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Blindness Education Program

Adopted Amendments: N.J.A.C. 10:92-1.1, 1.2, 2.1, 2.2, 3, 4.1, 4.2, 4.3, 4.4, 4.6, 4.7, 5.1, and 6.1

Proposed: January 17, 2017, at 49 N.J.R. 159(a).

Adopted: April 28, 2017, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: July 10, 2017, as R.2017 d.149, with **non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 30:6-1 et seq., and P.L. 2007, c.111.

Effective Date: August 7, 2017.

Expiration Date: September 8, 2023.

Summary of Public Comments and Agency Responses:

Comments were received from New Jersey Special Education Practitioners (NJSEP), Newark; and Mrs. Magaly Milton, Middletown.

1. COMMENT: "N.J.A.C. should specify the full breadth of services that CBVI can provide necessary to achieving Free and Appropriate Public Education (FAPE) as outlined in the U.S. Department of Education Policy Guidance dated June 8, 2000."

RESPONSE: A comprehensive list of services provided by the Commission for the Blind and Visually Impaired (CBVI) Blindness Education Program is listed in N.J.A.C. 10:92-3.1(a). These services are available to all students served by CBVI. CBVI endeavors to honor all standards outlined under the Individuals with Disabilities Education Act (IDEA). As CBVI is currently structured, services such as Orientation and Mobility, Activities of Daily Living, Assistive Technology, and Pre-Employment Transition/Transition are not currently housed within the Blindness Education Services Unit. Orientation and Mobility and Activities of Daily Living services are provided through the CBVI Independent Living Services Unit and are administered under N.J.A.C. 10:91; Pre-Employment Transition/Transition is administered under N.J.A.C. 10:95. Nevertheless, these services are provided to students, and Teachers of the Visually Impaired (TVIs) solicit feedback from professionals responsible for these service disciplines, so that they may be shared during Individualized Education Program (IEP) negotiations. Finally, where CBVI is not a school, but is a contracted vendor to local education agencies (LEAs), it is not obligated to reflect these training details in the way requested. Despite this, efforts are made to incorporate this information through CBVI's TVIs during their participation in the IEP dialog. Further, in response to the public's expression of concern regarding services that maybe subject to "available funds," CBVI recognizes that FAPE is an entitlement to all students, therefore, not subject to available funds. CBVI will delete "subject to the availability of funds" from N.J.A.C. 10:92-5.1(a), as it applies to Blindness Education services.

2. COMMENT: "The rule does not state that the services provided by CBVI are subject to the N.J.A.C. 6A:14 (Special Education), since funding of the provider service agreements comes from each LEA's state aid and that the TVIs and other specialists regularly attend IEP meetings, submit Present Levels of Academic Achievement or Functional Performance, and Annual Goals and Objectives."

RESPONSE: CBVI will add to N.J.A.C. 10:92-1.1(b) the words, "CBVI Blindness Education services are subject to N.J.A.C. 6A:14 (Special Education Programs)," and no reference will be made to the availability of funds. Additionally, as of the 2015-2016 academic year, all TVIs in blindness education are required to attend and participate in IEP meetings when scheduling permits. They are also required to submit proposed goals and objectives that are based on an assessment and a determination of the student's present level of performance related to the skill areas taught by the TVI. Once the full IEP team has reached consensus on these goals and objectives, they become the focus of CBVI blindness education services for a student during the academic year. Other accommodations and modifications are outlined and recommended in the TVI's assessment report that is provided to the parent and the rest of the IEP team. As of the 2016-2017 academic year, TVIs are required to provide a progress report at least two times per school year or as often as the LEA requests.

3. COMMENT: "Clarification is needed when services are provided to students without service agreements with LEAs, and CBVI must clarify service provision to students in NJ Department of Children and Families (DCF) schools, students in juvenile justice, students who attend parent placed private schools, and students who are homeschooled by their parents."

RESPONSE: Technical assistance and training services are provided to teachers of students who attend DCF school programs by request of those schools. Services are also provided to students in the juvenile justice system. Service agreements for these students are approved by LEAs or by county-based education services units. Likewise, CBVI provides services to students who attend parent-placed private schools. Services agreements for these students are also approved either by LEAs or by county-based education services units. Students who are homeschooled are not registered with a county-based or local educational authority, therefore, no service agreement can be executed. However, CBVI provides American Printing House (APH) materials and resources to parents on behalf of these students. All students in DCF schools,

juvenile justice, parent placed private schools, and who are homeschooled by parents are provided with independent living services (including orientation and mobility services), assistive technology services, and pre-employment transition services.

4. COMMENT: "CBVI's eligibility criteria for Blindness Education services should be aligned with the eligibility criteria for students with blindness and vision impairment in N.J.A.C. 6A:14-3.5(c)(14)."

RESPONSE: Students are considered ineligible for blindness education services and other services of CBVI if ocular or cortical blindness or vision impairment cannot be documented by a licensed eye health professional. A number of students with dyslexia have been referred for CBVI services. Most of these students presented visual acuity well within the typical acuity range, and do not present visual field restriction. CBVI eligibility criteria are outlined in N.J.A.C. 10:92-2.1(b)1, 2, 3, and 4, and are always subject to appeal.

5. COMMENT: "The Four Level contract system is contrary to the individualization of services required by IDEA."

RESPONSE: During the period of time that this rule has been under revision and amendments have been proposed, the current four level system of service has been and continues to be in place. CBVI has begun implementation of a multi-year transition from the four level contract system to a new system that will fully engage IEP teams and 504 planning teams in reaching consensus with CBVI regarding services TVIs will provide, as well as referrals to other CBVI service units. When the rule is so amended, it will reflect a new system of service delivery that eliminates the very restrictive four levels of service as recommended unanimously by the Education Reform Task Force.

6. COMMENT: "The financial needs test is in contradiction with IDEA. Students are entitled to FAPE irrespective of financial need."

RESPONSE: Services mandated under IDEA are not subject to a financial needs assessment. When a family makes a request for general health care or restorative medical treatment, as well as eyeglasses, hearing aids, or other personal devices, a needs assessment may be requested by CBVI. However, a needs assessment is not and should not be routinely requested by CBVI without purpose.

7. COMMENT: "IDEA mandates services and IEP participation in the areas of Independent Living, Technology, and Transition that are not part of Blindness Education services."

RESPONSE: CBVI endeavors to honor all standards outlined under IDEA. As CBVI is currently structured, services such as orientation and mobility, activities of daily living, assistive technology, and pre-employment transition are not housed within the Blindness Education Services Unit and, therefore, are not administered under N.J.A.C. 10:92. Orientation and mobility and activities of daily living services are provided through the CBVI Independent Living Services Unit and administered under N.J.A.C. 10:91, and pre-employment transition/transition is administered under N.J.A.C. 10:95. Nevertheless, TVIs are directed to solicit feedback from professionals responsible for these service disciplines so that they may be shared during IEP negotiations. Finally, where CBVI is not a school, but is a contracted vendor to LEAs, it is not obligated to reflect these training details in the way requested. Despite this, efforts are made to incorporate this information through CBVI's TVIs during their participation in the IEP dialog.

8. COMMENT: "CBVI teachers are not appropriately credentialed Teachers of the Blind or Visually Impaired and do not possess specialized knowledge and skill to provide specialized services to blind and vision impaired students."

RESPONSE: The New Jersey Commission for the Blind and Visually Impaired does, as a matter of practice, hire only appropriately credentialed Blindness Education professionals. The language in the rule provides latitude for the Commission to hire professionals who are able to respond to the widest array of disabilities presented by its students, but CBVI's emphasis continues to be to hire knowledgeable professionals familiar with the issues of blindness, low vision, and deaf-blindness. Additionally, CBVI provides the full New Jersey Department of Education's mandated mentorship and induction program for novice teachers.

9. COMMENT: "Services provided by CBVI are IEP team decisions, and these decisions should not be limited to the assessment of CBVI. The team may agree or disagree with the CBVI assessment."

RESPONSE: CBVI teachers offer their assessment and recommendations to the IEP team with the understanding that decisions are made with full IEP team or 504 planning team agreement. CBVI teachers also understand that when an IEP team or 504 planning team decide to utilize the services of a privately hired TVI, the CBVI teacher will offer CBVI services to support and supplement the work of the private TVI as deemed necessary by the team.

10. COMMENT: "The determination of a student's appropriate learning media (Print or Braille) is determined according to an evaluation, and this decision should not be made in isolation by a CBVI teacher."

RESPONSE: In the spirit of IDEA, CBVI teachers are directed to provide materials in the learning medium or media that the parent or IEP team decides is most appropriate for the student. The decision regarding the most appropriate learning medium/media is not made by the CBVI teacher alone, rather this decision is made with full IEP team or 504 planning team input and consent.

11. COMMENT: "N.J.A.C. 10:92-4.5 was omitted from the published code."

RESPONSE: N.J.A.C. 10:92-4.5 was not modified or proposed for amendment in this rulemaking, but is still a part of CBVI's Chapter 92.

12. COMMENT: "Services outlined in N.J.A.C. 5.1 Additional Services are subject to available funds. If CBVI does not have qualified personnel to provide these services, the CBVI teacher should recommend that the LEA seek a qualified provider."

RESPONSE: CBVI will include language to clarify that if CBVI does not have qualified individuals to provide services mentioned in N.J.A.C. 10:92-5.1, the CBVI teacher will recommend that the LEA seek qualified providers of services.

13. COMMENT: "LEA bears the final responsibility for educating students with blindness and vision impairment. The code should clarify if the LEA does not enter into a contract with CBVI, will the LEA receive assistance with technology and will the student receive Orientation and Mobility services and Daily Living services from CBVI."

RESPONSE: CBVI will add language to clarify whether or not the LEA that does not enter into a service agreement with CBVI will be able to access for the student technology services, orientation and mobility services, and daily living skills services at N.J.A.C. 10:92-3.1(g).

14. COMMENT: "N.J.A.C. 10:92 refers to Learning Ally by an outdated title, Recordings for the Blind."

RESPONSE: CBVI will update information referring to the provider of alternate format textbooks at N.J.A.C. 10:92-4.6.

Federal Standards Statement

The adopted amendments do not contain any standards or requirements that are subject to Federal requirements or standards. As a result, an analysis of the rules pursuant to Executive Order No. 27 (1994) is not required.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*, deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. OVERVIEW OF EDUCATIONAL SERVICES

10:92-1.1 Purpose and scope

(a) The New Jersey Commission for the Blind and Visually Impaired operates a Statewide itinerant educational services program for children who are blind or vision impaired to facilitate their inclusion in the least restrictive, most appropriate, educational setting. These services shall be provided in educational and/or other appropriate settings. Depending on individual needs, these services may include, but are not limited to, instruction in appropriate media, the use of specialized equipment and materials, and the use of accommodative techniques. There are three Commission education service programs, as set forth in (b) through (d) below.

(b) ***CBVI Blindness Education services are subject to N.J.A.C. 6A:14, Special Education Programs.*** The itinerant education services program administered through provider service agreements facilitates the inclusion of children that are blind or vision impaired in the least restrictive, most appropriate, educational setting. For school aged students (aged three through 21 years), these services are provided in collaboration with local school districts through provider service agreements. The appropriations act for each fiscal year will reduce each school district's State aid by the determined contract amount.

(c) Specialized services are provided to infants and toddlers (aged birth to three years), who are blind or vision impaired, as well as to their families. (By law, school districts are not responsible for children under age three, in accordance with N.J.A.C. 6A:14.)

(d) Specialized services are provided to school aged children who have significant multiple disabilities, who are blind or vision impaired and/or who are not covered by provider service agreements. These children include those who are enrolled in the Department of Children and Families Regional Schools and students who are determined wards of the State.

10:92-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accommodative technique" means special knowledge and skills needed by children who are blind or vision impaired to accomplish the tasks of daily living.

"Adaptive equipment" means devices designed or used specifically to meet the unique educational needs of children who are blind or vision impaired.

"Alternative skills" mean those techniques needed by individuals who are blind or vision impaired to complete academic program requirements. They include, but are not limited to, Braille reading and writing, aural reading, organization, and personal advocacy.

"Appropriate learning medium" means the communication and instructional mode that is determined to be the most appropriate learning method to use for reading and writing by a student who is blind or vision impaired.

"Augmentative communication skills" means communication methods used to supplement standard reading or writing methods needed by students with multiple disabilities or deaf-blind to supplement their existing forms of communication.

"Braille" means a tactile code of raised dots used to enable persons who are blind or vision impaired to read and write.

"Early intervention" means an agency program of services for infants and toddlers ages birth to three including those with blindness or vision impairment and their families.

"Expanded core curriculum" means the array of concepts and skills often requiring specialized instruction with students who are blind or vision impaired in order to access literacy, acquire skills in specialized technology, and compensate for reduced opportunities to learn incidentally by observing others.

"Functional vision assessment" means an evaluation, conducted by a certified Teacher of the Blind or Visually Impaired, used to determine the modifications needed to maximize a student's visual efficiency in the education program and in everyday life.

"IEP" means individualized education plan that is a written statement of the education program designed to meet the child's individual needs. Every child who receives special education services must have an IEP. The IEP is developed by an IEP team that must include the parent(s), special education teacher, general education teacher, a school administrator, any other education professions providing supports or services to the child, and, when appropriate, the child.

"Itinerant instructor" means certified Teacher of the Blind or Visually Impaired, who travel from school to school. They provide blindness and low vision-related specialized instruction and consultation to, and on behalf of, students who are blind or vision impaired.

"Provider service agreement" means an agreement between the Commission and the school district for each student who is blind or

vision impaired. The specific provisions of this agreement are determined through consultation and collaboration with the IEP team (or school district in the case of a child who does not have an IEP) and assessment of visual functioning, education need, and skill development.

“Technical assistance” means consultative and instructional services provided to school personnel and parents that address the disability-specific needs of students who are blind and vision impaired.

“Vision impaired” means central visual acuity that does not exceed 20/70 in the better eye with correction and/or fields of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 40 degrees or field cuts caused by hemianopsia.

“Visual field restriction” means a restriction or reduction in the extent and distribution of the visual field. A visual field restriction may be caused by brain damage, optic nerve damage, injury to the eye, or a condition of the retina of the eye.

SUBCHAPTER 2. ELIGIBILITY STANDARDS FOR EDUCATIONAL SERVICES

10:92-2.1 Eligibility determination

(a) The purpose of eligibility determination shall be to identify children, age 21 and younger, who, because of vision impairment, require specialized instruction and/or disability specific services from the Commission in order to be included appropriately in the education process.

(b) (No change.)

10:92-2.2 Notification of ineligibility

(a)-(b) (No change.)

(c) Children closed from educational services because a school district did not comply with the provider service agreement may be referred for other services provided by the Commission, including orientation, mobility, and independent living services and the Commission’s vocational rehabilitation services as set forth in N.J.A.C. 10:95.

(d)-(e) (No change.)

SUBCHAPTER 3. ITINERANT EDUCATION SERVICES

10:92-3.1 Provider service agreements

(a) (No change.)

(b) The Commission’s itinerant services include:

1. A functional vision assessment to evaluate the student’s practical use of vision in the education program and any other blindness or low vision-related assessment, when deemed appropriate by the student’s IEP team, including a literacy and learning media assessment to assist the IEP team to select the most appropriate learning media to meet the full literacy needs of the student;

2. Necessary instruction in Braille literacy, including Braille readiness skills leading to formal Braille instruction in both literary Braille and Nemeth Braille. Braille literacy and Nemeth Braille instruction shall be provided as appropriate for the student’s academic levels in reading and mathematics;

3. Necessary instruction in other compensatory or alternative skills as outlined in the Expanded Core Curriculum of blindness skills;

4. For students who have already learned Braille reading and writing, short-term follow-up instruction to support the student’s participation in higher level subject area instruction, such as advanced Nemeth Braille instruction for mathematics and science;

5. Necessary specialized materials and introductory instruction to equipment that enable students who are blind or vision impaired to have full access to instruction and be educated with their sighted peers;

6. Consultation to students and education staff regarding the student’s vision impairment and its educational implications in order to enhance the student’s participation in the educational process;

7. Specialized deaf-blind services to students who have auditory, as well as vision, impairment. Specialized services to address this combined sensory impairment include specialized consultation and assessment, as well as the provision of adaptive equipment, and sign

language materials. Deaf-blind students are eligible to receive all other services provided to blind or vision impaired students who do not have auditory impairments; and

8. Specialized assessments regarding access to communication systems and instruction in skills to maximize the use of residual hearing and vision, as well as the development of augmentative or alternative communication skills and the use of adaptive materials and equipment.

(c) As appropriate, Level I Services may be provided in any of the following areas, based upon individual student need, as determined by the Commission instructor. These services shall be provided by a Certified Teacher of the Blind or Visually Impaired or Teacher of Students with Disabilities with a minimum of four contacts and a maximum of eight contacts per school year. The fee for Level I Services is \$1,900. Level I Services are:

1.-4. (No change.)

(d) In the Level II Services category, as appropriate, services may be provided in any of the following areas, based upon individual student need, as determined by the Commission instructor. In addition, students shall be eligible for all services outlined in the Level I Services category. These services shall be provided by a Certified Teacher of the Blind or Visually Impaired and with a minimum of nine and a maximum of 30 lessons per school year. The fee for Level II Services is \$4,500. Level II Services are:

1.-3. (No change.)

(e) The Level III Services category will be necessary for a student for whom highly specialized media, such as braille or a CCTV, have been determined to be the appropriate learning medium. In this service category, as appropriate, services may be provided in any of the following areas, based upon individual student needs, as determined by the Commission instructor. In addition, students will be eligible for all services outlined in the Level I and Level II Services categories. A Certified Teacher of the Blind or Visually Impaired will provide two to three lessons per week. The fee for Level III Services is \$12,600. Level III Services are:

1.-3. (No change.)

(f) The Level IV Services category is provided to students who use braille as their primary reading medium. This level of service is intended for beginning readers who have mastered the braille alphabet, are participating in grade-level reading programs, and are learning the Contracted Braille Code. In this service category, as appropriate, services may be provided in any of the following areas, based upon individual student needs, as determined by the Commission instructor. In addition, students will be eligible for all services outlined in the Level I, Level II and Level III Services categories. A Certified Teacher of the Blind or Visually Impaired will provide four lessons per week. A lesson will consist of direct instruction for one academic period. The fee for Level IV Services is \$14,300. Level IV Services are:

1.-3. (No change.)

(g) When a school district does not enter into a provider service agreement with the Commission, the school district shall be responsible for instruction in the student’s appropriate literacy and learning medium as determined by the IEP team or local school district. Students served by these districts are eligible for the Commission’s independent living services, and they are eligible to receive educational materials through the American Printing House for the Blind.

(h) If the school district elects not to enter into a service agreement with the Commission for Blindness Education services, the student served by that school district will have access to other Commission services including Independent Living Services, Assistive Technology Services, and Transition Services.

10:92-3.2 Services to infants and toddlers with blindness or vision impairment

(a) The Commission shall provide specialized blindness and low vision-related services to infants and toddlers, ages birth to three, their parents, guardians, or significant caregivers, and early intervention service providers based upon the eligibility criteria as set forth in N.J.A.C. 10:92-2.1, or upon the determination of a medical doctor that the young child has a vision impairment. As appropriate, the following services may be provided based upon infant, toddler, or family needs, as

determined by the Commission instructor, in collaboration with the family and the early intervention providers.

1. Assessment of visual functioning that is performed in a manner that is developmentally appropriate for a young child;
2. Collaboration with the family;
3. Technical assistance to early intervention providers;
4. Consultation regarding the child's transition to a local school district programs to facilitate the inclusion of the child in the appropriate educational setting;
5. (No change.)
6. Provision of adaptive aids and materials; and
7. (No change.)

10:92-3.3 Services to students with multiple disabilities, including blindness or vision impairment

(a) The Commission shall provide specialized services to eligible school aged children with multiple disabilities, who are not covered by provider service agreements as defined in N.J.A.C. 10:92-1.1(d). Services may include:

1. Functional vision assessment and any other vision impairment-related assessments;
2. Technical assistance provided to the facility's education and support staff;
3. The provision of educational aids, equipment, and materials; and
4. Other available blindness education services.

10:92-3.4 Financial need standard

The financial need standard as set forth in N.J.A.C. 10:91-3.3 shall apply to all children receiving education services from the Commission, but this financial need standard does not apply to education services that are entitlements under the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004, which guarantees the provision of a free and appropriate public education (FAPE) to all students.

SUBCHAPTER 4. LOAN AND PROVISION OF MATERIALS, AIDS, AND EQUIPMENT

10:92-4.1 The George F. Meyer Instructional Resource Center

(a) The George F. Meyer Instructional Resource Center (the Meyer Center) shall provide to students receiving blindness education services, instructional materials and adaptive equipment as appropriate to individual student needs. As determined by the Commission instructor, materials may include textbooks in Braille or large print, as well as accommodative materials. Adaptive equipment may include Braille writers, electronic note taking devices, media players for accessing electronic format publications, computers and tablets with specialized applications, and electronic low vision devices. Adaptive equipment is considered to be on loan to the student, and will be returned to the Meyer Center upon exit from the school system.

(b) Students who are identified through the American Printing House (APH) for the Blind quota census are eligible to receive APH products through the Meyer Center based on the per student allocation. This group includes students who receive blindness education services from a privately-contracted certified Teacher of the Blind or Visually Impaired.

(c) (No change in text.)

10:92-4.2 Loan of educational equipment

(a) As determined by the Commission instructor, equipment owned by the State of New Jersey may be lent to any eligible student who receives blindness education services through CBVI. Equipment lent shall remain the property of the State of New Jersey.

(b) The following terms and conditions shall apply to the loan of equipment:

1. The borrower shall be permitted to use the equipment until such time as:
 - i. He or she has graduated from high school or has exited the school system for another reason;
 - ii.-iv. (No change.)
- (c) (No change.)

(d) In the event that State-owned equipment on loan to a student is lost or stolen, the student or his or her parent or guardian or school official shall:

1. Notify the Commission instructor in writing; and
 2. Notify the police and complete a police report.
- (e) (No change.)

10:92-4.3 Student responsibilities for loaned equipment

(a) Eligible students who borrow any equipment from the Meyer Center shall be responsible for the routine maintenance of the equipment according to the directions given to the student for the care of the equipment.

(b) (No change.)

10:92-4.4 Provision of Braille materials

(a) The Meyer Center shall provide materials and textbooks, based on their availability, to students who are Braille users as determined by the Commission instructor.

(b) Braille library books and leisure books and magazines in Braille may be obtained by students from the New Jersey State Library Talking Books and Braille Center. More information may be obtained by telephoning the library, toll free, at (800) 792-8322.

10:92-4.6 Provision of alternative format textbooks

Education students are eligible to receive services from vendors that provide textbooks and materials in alternate format. The Commission shall authorize payment of the registration and service fees for school age education students. ***Audio textbooks may be ordered from Learning Ally located at:**

**20 Roszel Road
Princeton, NJ 08540
Telephone: 609-452-0606/800-221-4792***

10:92-4.7 Provision of American Printing House for the Blind equipment and materials

(a) The American Printing House for the Blind, a Federally funded agency, provides books, equipment, and other materials to the Commission for use by children who are identified as legally blind or who have been appropriately documented as functioning as blind or vision impaired.

(b) All students who are legally blind or who have been appropriately documented as functioning as blind or vision impaired shall be registered with the American Printing House each year by the Commission.

SUBCHAPTER 5. COMMISSION SERVICES AVAILABLE TO ELIGIBLE CHILDREN

10:92-5.1 Additional services

(a) In addition to services specified in N.J.A.C. 10:92-4, the following services shall be made available to eligible children, *[subject to the availability of funds]* ***and if CBVI does not have qualified individuals to provide the services mentioned in this section, the CBVI teacher will recommend that the LEA seek qualified providers of these services*:**

1. Recreational and developmental programs, operated by the Commission for children who are blind or vision impaired;
2. (No change.)
3. Reader service that consists of a person providing live audio access to reading materials for which the Commission provides payment to the person (other than a family member) who provides this service designed to equalize the student's participation in his or her education program;
4. Specialized evaluation and/or instruction from other Commission personnel in independent living skills, including orientation, mobility, and other independent living skills;
5. Transition services, provided in accordance with N.J.A.C. 10:95; and
6. Assistive technology services to include assessment to determine the most appropriate technology and/or software application, instruction in the use of technology equipment, and/or accessible software applications, and the loan of technology equipment for use by the student at school and at home for educational purposes.

SUBCHAPTER 6. EDUCATIONAL PROGRAM OPTIONS

10:92-6.1 School placement

(a)-(b) (No change.)

(c) In collaboration with a student's IEP team, a Commission teacher may identify characteristics of an optimal educational setting and offer guidance with regard to instructional and environmental accessibility within the educational placement to assure that the student is educated in the least restrictive environment (LRE) as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004.

INSURANCE
(a)
**DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF SOLVENCY REGULATION
Exportable List**
Adopted Amendment: N.J.A.C. 11:1-34.6

Proposed: September 19, 2016, at 48 N.J.R. 1899(a).

Adopted: June 22, 2017, by Richard J. Badolato, Commissioner,
Department of Banking and Insurance.Filed: June 22, 2017, as R.2017 d.143, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:22-6.43.

Effective Date: August 7, 2017.

Expiration Date: October 24, 2018.

Summary of Public Comment and Agency Response:

The Department of Banking and Insurance (Department) received one timely written comment from New Jersey Manufacturers Insurance Group.

COMMENT: The commenter contends that workers' compensation policies are readily available for purchase in the voluntary market for independent contractors including truckers. Additionally, the commenter stated that "transportation company contingent liability for workers' compensation" policies are being sold as a substitute for workers' compensation coverage, which they are not. The commenter further contends that these policies are not filed with the Compensation Rating and Inspection Bureau (CRIB) and are not recognized as workers' compensation policies. They differ in that they have coverage limits not permitted in workers' compensation policies (see N.J.S.A. 34:15-87 prohibiting limitation of liability in workers' compensation policies) and only provide limited coverage in the event of a serious accident. Furthermore, the commenter stated that their classifications and rates are not developed by CRIB as required by N.J.S.A. 34:15-88 for workers' compensation policies. Finally, the commenter contends that many who purchase these policies are under the impression that they are the equivalent of a workers' compensation policy and will provide the same unlimited coverage, which is not the case.

RESPONSE: The Department's decision to include transportation company contingent liability for workers' compensation on the Exportable List is based on information summarized in the August 24, 2015 Hearing Officer's Report. The information gathered in 2014 indicated that there is not a reasonable or adequate market among authorized carriers in the admitted market in this State. Specifically, "transportation company contingent liability for workers' compensation" is designed to fill a void in the transportation industry related to trucking independent contractors that are not required to be covered by workers' compensation, and are generally not covered. Such independent contractors injured in the course of employment often apply for workers' compensation benefits even though they are independent contractors and are not entitled to such benefits. If the trucking company has workers' compensation coverage for its employees, the company reports such claims by independent contractor drivers to the company's workers' compensation carrier and the carrier will defend and seek recoupment at some point for the legal fees and/or any paid benefits. If there is no

workers' compensation carrier in place, then the employer may be left without insurance coverage for workers' compensation claims by independent contractors for which a court and/or adjudicating body may later determine that the company is liable. This addition to the Exportable List only applies to policies sold to transportation network companies that provide contingent liability coverage for unanticipated workers' compensation benefits payable to non-employee, independent contractor drivers. This contingent coverage is available only in the excess and surplus lines marketplace, as it is not currently offered in New Jersey by an admitted carrier. The Department notes that its information indicated that the companies that write this coverage in New Jersey are surplus lines companies.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment is not subject to any Federal requirements or standards.

Full text of the adoption follows:

SUBCHAPTER 34. SURPLUS LINES: EXPORTABLE LIST

11:1-34.6 Exportable list

(a) The exportable list is as follows:

1.-33. (No change.)

34. Gap Coverage for Private Passenger and Commercial Automobile;

35. Flood insurance for primary and excess coverage; and

36. Transportation company contingent liability for workers compensation.

(b)-(d) (No change.)

LAW AND PUBLIC SAFETY
(b)
**DIVISION OF CONSUMER AFFAIRS
BUREAU OF SECURITIES**
**Intrastate Offering (Crowdfunding) Exemption;
Dishonest or Unethical Practices; Consent to
Service of Process**
**Readoption of Special Adopted Amendments:
N.J.A.C. 13:47A-6.3 and 7.1**
**Readoption of Special Adopted New Rules: N.J.A.C.
13:47A-12A**

Proposed: September 19, 2016, at 48 N.J.R. 1964(a).

Adopted: March 7, 2017, by the Bureau of Securities, Amy
Kopleton, Acting Bureau Chief.Filed: June 23, 2017, as R.2017 d.145, **without change**.

Authority: P.L. 2015, c. 128.

Effective Date: June 23, 2017.

Expiration Date: July 17, 2022.

Summary of Public Comment and Agency Response:

The official comment period ended November 18, 2016. **The Bureau of Securities received no comments.**

Federal Standards Statement

A Federal standards analysis is not required because the readoption of the special adopted amendments and new rules relate to securities offered pursuant to the intrastate offering (crowdfunding) exemption, which is governed by N.J.S.A. 49:3-47 et seq. In accordance with N.J.S.A. 49:3-50(b)(14), the transaction must meet the requirements for the Federal exemption for intrastate offerings. In addition, readopted N.J.A.C. 13:47A-12A.1 makes clear that Federal securities laws remain applicable. In the areas in which Federal law is applicable, a Federal standards analysis is not required because the readopted amendments and new rules do not exceed Federal standards. The readopted rules and