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# Changes in New Jersey's Special Education Code (NJAC 6:14) which Support/Impact Least Restrictive Environment (LRE) Effective September 2006

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## Document Referenced

- A copy of the revised NJ Special Education Code (NJAC 6:14), effective September 5, 2006, is available at

<http://www.state.nj.us/njded/code/current/title6a/chap14.pdf>

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**NJAC 6:14**

**Subchapter 3.  
Services**

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## NJAC 6:14 Subchapter 3. Services

### General Requirements: Child Study Team Members

- May **provide services to educational staff** with regard to techniques and programs. Services include, but are not limited to:
  - **Consultation** with school staff and parents [3.1(d)3i]
  - **Training** of school staff [3.1(d)3ii]
  - **Design, implementation and evaluation** of techniques addressing academic and behavioral difficulties [3.1(d)3iii]

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# NJAC 6:14 Subchapter 3. Services

## Location, Referral, Identification

### **Early Intervention to Preschool – Transition Planning Conference**

**A CST member must participate and shall (among other responsibilities):**

- **Provide the parents** written information on **available district programs** for preschool students, including **options available for placement in general education classrooms**  
[3.3(e)1 iii]

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## NJAC 6:14 Subchapter 3. Services

### Individualized Education Program

- **Informed of Responsibilities**

District Board of Education shall maintain documentation that the teacher and provider, as applicable, have been informed of his/her specific responsibilities related to implementing the student's IEP [3.7(a)3]

- **Consider needs of the student**

When developing the IEP, the IEP team shall consider the academic, developmental and functional needs of the student [3.7(c)2]

- **Review the preschool day**

When developing the IEP, the IEP team shall review the preschool day to determine what accommodations and modifications may be required to allow the child to participate in the general education classroom and activities [3.7(c)11]

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## NJAC 6:14 Subchapter 3. Services

### IEP: Required Components

- A statement, as appropriate, of any **integrated therapy services** to be provided addressing the student's individualized needs in his/her educational setting [3.7(e)5]

NOTE: Integrated therapy services involve providing services within the context of ongoing activities or routines [3.9(a)10]

- For students in an **out-of-district placement**, set forth how the student will **participate with nondisabled peers in extracurricular and nonacademic activities** and **delineate the means to achieve such participation**, including, if necessary, returning the student to the district in order to achieve them [3.7(e)17]

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**NJAC 6:14**

**Subchapter 4.  
Programs & Instruction**

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# LRE Provisions under IDEA 2004 and NJAC 6:14 require that

- students with disabilities are educated with students without disabilities to the maximum extent appropriate.
- Special classes, separate schooling or other removal of a student with a disability from general education classrooms occurs only when the nature or severity of the student's disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

[4.2(a)1,2]

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# NJAC 6:14 Subchapter 4. Programs & Instruction

## General Requirements

- When the IEP of a student with a disability **does not describe any restrictions**, the student **shall be included in the general education program** provided by the district board of education [4.1(h)]
- Each district board of education **shall ensure that all students with disabilities have available to them the variety of educational programs and services available to nondisabled students** [4.1(j)]

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## NJAC 6:14 Subchapter 4. Programs & Services

### Placement in the Least Restrictive Environment

- For those students in a **separate setting**, the IEP team shall, on an **annual basis**, **consider activities necessary to transition the student to a less restrictive placement** [4.2(a)4]
- A student with a disability **is not removed** from the age-appropriate general education classroom **solely based on needed modifications** to the general education curriculum [4.2(a)9]

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## NJAC 6:14 Subchapter 4. Programs & Services

### Placement in the Least Restrictive Environment (continued)

- **Placement** in a program option is **based on the individual needs** of the student [4.2(a)10]
- When determining the **restrictiveness** of a particular program option, such determinations are **based solely on the amount of time** a student with disabilities is educated **outside** the general education setting [4.2(a)11]

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## NJAC 6:14 Subchapter 4. Programs & Services

### Placement in the Least Restrictive Environment (continued)

- Each district board of education **shall provide nonacademic and extracurricular services and activities** in the manner necessary to afford students with disabilities an **equal opportunity for participation** in those services and activities [4.2 (b)]
- In providing or arranging for the provision of nonacademic and extracurricular services and activities, each district board of education **shall ensure that each student with a disability participates with nondisabled children** in those services and activities **to the maximum extent appropriate** [4.2(b)1]

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## NJAC 6:14 Subchapter 4. Programs & Instruction

### Program Options

- **All students** shall be **considered for placement in the general education class** with **supplementary aids and services** including, but not limited to:
  - Curricular or instructional modifications or specialized instructional strategies
  - Assistive technology devices and services
  - Teacher aides
  - Related services
  - Integrated therapies
  - Consultation services
  - In-class resource programs [4.3(a)1-7]

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# Increased Program Options

- Increases the flexibility of program options by providing for a consultation model and integrated therapies [4.3(a)5,6]
- Eliminates the former distinction between in-class resource support and replacement programs and clarifies that the in-class resource option is not just for students who can reach the curricular standards established for the rest of the class. [4.6(e)]

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## NJAC 6:14 Subchapter 4 Programs & Instruction

### Program Criteria: Supplementary Aids & Services

- Provided in the **general education classroom** to enable students with disabilities to be educated to the maximum extent appropriate with nondisabled peers [4.5(a)]
- A **teacher aide** may provide **supplementary support** to a student or students in areas including, but not limited to:
  - Prompting, cueing and redirecting student participation
  - Reinforcing of personal, social, behavioral, and academic learning goals
  - Organizing and managing materials and activities
  - Implementing **teacher-directed** follow-up and practice activities [4.5(b)]

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## NJAC 6:14 Subchapter 4 Programs & Instruction

### Program Criteria: Supplementary Aids & Services (continued)

- A teacher aide and the appropriate general or special education teaching staff shall be provided **time for consultation** on a regular basis, which shall be set forth in policies adopted by the district board of education [4.5(d)]
- A teacher of supplementary instruction and a resource program teacher shall be provided time on a regular basis for consultation with general education teaching staff [4.6(g)]

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## NJAC 6:14 Subchapter 4 Programs & Instruction

### Program Criteria: Supplementary Aids & Services (continued)

- **Consultation** as a service
  - May be **provided on behalf** of a student with disabilities or a group of students with disabilities [4.5(e)]
  - May be provided by a related services provider, a teacher of students with disabilities or a child study team member to the general education teacher and/or the teacher aide [4.5(e)]

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## NJAC 6:14 Subchapter 4 Programs & Instruction

### Consultation as a Service (continued)

- Specified in the student's IEP, including **frequency and duration** [4.5(e)]
- Consultation may include, but is not limited to:
  - The **development and demonstration** of techniques and strategies
  - **Data collection** on the **effectiveness** of the techniques and strategies
  - Development of **positive behavioral supports** [4.5(e)1,2,3]

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## NJAC 6:14 Subchapter 4 Programs & Instruction

### Program Criteria: Special Class Programs

- Placement in a special class program shall occur when the IEP team determines that the **nature and severity** of the student's disability is **such that no other school-based program** will meet the child's needs [4.7(a)]