



SPECIAL EDUCATION

In compliance with State Department of Education interpretation of the administrative code on special education, the board adopts the following policies on providing educational and related services to students identified as having educationally disabling conditions as defined in federal and state law.

- A. Exemption of educationally disabled students from the high school graduation requirements according to N.J.A.C. 6A:14-4.11

A disabled student must meet all state and local high school graduation requirements in order to receive a state-endorsed high school diploma unless exempted in his/her IEP. When a student has been exempted from any graduation requirement, his/her IEP shall address alternate requirements to be met. By the year specified in code, the board shall ensure that all students with disabilities participate in statewide assessments with appropriate accommodations or modifications, as determined by the student's IEP. If the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the statewide assessment and the student cannot complete any of the questions on the assessment in a subject area with or without accommodations, the student shall participate in a locally determined assessment of student progress.

By June 30 of a disabled student's last year in the elementary program, the student's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the student's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review (N.J.A.C. 6A:14-3.7).

The basic plan of the IEP for the student entering the secondary program will address all the elements required in the administrative code, including specifically addressing graduation requirements. Required reviews of the IEP shall continue to address graduation requirements.

A disabled student who has not been exempted from the proficiencies or has performed below the state minimum level of student proficiency on one or more areas of the state-mandated high school proficiency test may participate in the alternate high school assessment (AHSA).

Educationally disabled students meeting the standards for graduation according to N.J.A.C. 6A:14-4.11 shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

- B. Prevention of needless public labeling of educationally disabled students

The board directs that the names and other personally identifiable data concerning educationally disabled children shall be kept confidential and shall not be included in the public acts and public records of the school. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally disabled students on whose behalf the board of trustees must take public action. Motions concerning disabled

students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.1.

Further, the board, administrators, faculty and other personnel shall avoid unnecessary and needless public labeling of such students. This shall include the avoidance of public address announcements so designating students, any open identification of classrooms with signs so designating, or any item of open or general circulation, such as photographs, audio/videotapes, etc., that so designates an individual student or class. Student records shall be maintained in accordance with N.J.A.C. 6A:32-7.4.

C. Compilation, maintenance, access to and confidentiality of student records according to N.J.A.C. 6A:32-7.4 through –6.6.

To ensure proper accessibility and confidentiality, the records of educationally disabled students shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the school policy 5125 on student records in general. To assure the security of special education records:

1. Provision shall be made for access and security of computer-stored records of educationally disabled students;
2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.

For the school's general policy and regulation on student records see 5125, which deals with all requirements common to disabled and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc. *NOTE: YOUR GENERAL POLICY ON STUDENT RECORDS SHOULD BE INCLUDED IN THE MATERIAL YOU SUBMIT TO THE COUNTY OFFICE.*

D. Evaluation and Determination of Eligibility

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4 and 3.5 dealing with:

1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
2. An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;
3. Determination that a student is eligible for special education and related services when he/she has been identified as having one or more of the fourteen categories of disability described in the administrative code, and the disability adversely affects the student's educational performance.

The lead person shall oversee development of detailed procedures to govern the evaluation process, and shall implement them after they have been reviewed and adopted by the board.

The board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

E. Provision of full educational opportunity to educationally disabled students

The board of trustees is responsible for providing free and appropriate education for all children in the school. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a student is found eligible for special education and related services and the board of trustees cannot provide required instruction and related services from its own resources and facilities, the board will seek appropriate placement outside the school, and will assume such costs of that placement as are required by law.

The goal of the board's special education program is to provide full educational opportunity to all educationally disabled resident students ages three through 21, as those terms are defined in federal and state law. The board will make available to parents/guardians of educationally disabled children below the age of three information regarding services available through other state, county and local agencies.

The lead person shall ensure that the school's special education programs comply with the law in every respect, including fiscal regulations and reports.

The lead person shall also ensure that the school plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1. This plan shall consist of policies, procedures, assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds. The lead person shall ensure that the plan is implemented in the school and shall supervise its operation so that it will accomplish its stated goals and objectives.

F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing full educational opportunity to all educationally disabled students ages three through 21.

In order to achieve the school's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

Written notice to parents/guardians and/or adult students shall be provided as follows:

1. The board shall provide written notice no later than 15 calendar days after making a determination;
2. The board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult student may consider the proposal.

The lead person shall develop and present to the board for review and adoption procedures for:

1. Giving notice to parents/guardians when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to low-cost legal counsel and fees;
2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
3. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.
5. Particularly, parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to reevaluation except in the circumstances outlined in code; and prior to the release of student records according to N.J.A.C. 6A:32-7.

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The school shall select and train such surrogate parents in compliance with the administrative code.

No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the IEP.

- G. Provision of special services to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate

The board of trustees will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.

When instruction in health, industrial arts, fine arts, music, home economics, and other education programs is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs described in the administrative code.

When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity, needs of the students participating

in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

H. Determination of eligibility according to N.J.A.C. 6A:14-2.3(k)1 and 3.5 through -3.6

Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or school's programs; the student, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or the school; and for an initial eligibility meeting, certified school personnel referring the student as potentially disabled, or the school principal or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code. A student shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(k) and N.J.A.C. 6A:14-3.7.

The board shall ensure that an IEP is in effect for every student in the school who is receiving special education and related services.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law, a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the lead person/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.

Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

1. No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the IEP. The IEP shall be implemented as soon as possible following the IEP meeting.
 2. The board of trustees will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.
- J. Protection of students rights in regard to evaluation and reevaluation procedures according to N.J.A.C. 6A:14-3.4 and 3.8

Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification in the section D of this policy.

In order to achieve the school's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The lead person shall develop and present to the board for review and adoption procedures for:

1. Giving notice to parents/guardians and adult students in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult students of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;
2. An independent evaluation at the request of the parent/guardian or adult student in accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code, unless the board of trustees initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
3. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties. A due process hearing may be initiated by the board of trustees, a parent/guardian or adult student;
4. Ensuring what all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled students, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

K. Placement of educationally disabled students in the least restrictive environment according to N.J.A.C. 6A:14-4.2

Educational placement decisions made for each disabled student shall always be, insofar as possible, in the least restrictive environment commensurate with the student's educational needs. This means that to the maximum extent appropriate, educationally disabled students shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

The lead person shall encourage positive attitudes toward the educationally disabled in all students and personnel.

Special classes, separate schooling or other removal of educationally disabled students from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In order to ensure a continuum of alternative placements, when the board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the school and will assume such costs of that placement as are required by law.

Placement of a disabled student in the least restrictive environment shall be determined annually and, for a student in a separate setting, activities necessary to transition the student to a less restrictive placement are considered at least annually.

Placement is based on the student's individualized education program. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not disabled.

In determining the least restrictive setting consideration shall be given to whether the student can be satisfactorily educated in the regular classroom with supplemental aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potential beneficial or harmful effects which a placement may have on the student with disabilities or the other students in the class.

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.

Placement in a program option shall be based on the individual needs of the student.

When determining the restrictiveness of a program option, the determination is based solely on the amount of time a student with disabilities is educated outside the general education setting.

The board shall provide or arrange for the provision 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; and that each student with a disability participates with nondisabled students to the maximum extent possible.

L. Establishment and implementation of procedural safeguards according to N.J.A.C. 6A:14-2.3 through -2.4 and N.J.A.C. 1:6A

The board of trustees directs the lead person to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

1. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent prior to conducting any assessment as part of the initial evaluation; prior to the implementation of the initial IEP; prior to conducting any assessment as a part of a reevaluation; prior to the release of student records; each time the board seeks access to private insurance; when a member of the IEP team is excused from participating in a meeting; when the IEP is amended; and when a parent or the board agree to waive a reevaluation. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees;
2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
3. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.

The lead person shall ensure that the school's special education programs comply with the law in every respect, including fiscal regulations and reports.

These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf.

To implement achievement of the board's goal for provision of special education, the lead person shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds.

- M. Complying with other aspects of the school program for special education and/or requirements of N.J.A.C. 6A:14

Written Plan

To implement achievement of the board's goal for provision of special education, the lead person shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the board of trustees and the Executive County Superintendent, the lead person shall implement it in this school and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

In general, educationally disabled students are subject to the same disciplinary constraints and sanctions as nondisabled students. However, before disciplinary action is taken against an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

A disabled student may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. Such suspensions are subject to the same board of trustees procedures as nondisabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager.

Procedures for imposing and implementing disciplinary sanctions on educationally disabled students, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

Early Intervention

The lead person or designee shall gather and make available to parents/guardians of disabled children below the age of three information regarding ameliorative services and programs provided by other state, county and local agencies. The procedures for such dissemination shall be reviewed and adopted by the board.

Preschool Disabled Program

The lead person shall develop and propose for board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Limited English Proficient

Students with limited English proficiency may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the school for every child. Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions under Parent/Guardian Notification, Consent and Participation are to be conducted in the parents/guardians' dominant language, unless that

is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Cooperation with Other Agencies

The lead person shall investigate the possibilities of working with organizations and agencies providing services for the disabled, and shall present feasible programs and relationships to the board for consideration.

Evaluation of Program

At least annually, the board shall review in a public meeting evidence of progress toward achievement of the special education plan as a whole, the success of identification procedures specifically, and the effectiveness of implementation of IEPs.

Eligibility for State and Federal Funds

The lead person shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Access

In addition to educational programs, the board directs that the lead person take into consideration physical access to school facilities for disabled students, staff and the community in determining location of programs or planning new facilities per state and federal law.

Program Implementation

The board of trustees shall ensure that a special education parent advisory group is in place in the school to provide input to the school on issues concerning students with disabilities (N.J.A.C. 6A:14-1.2h).

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