Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 6171.4 Proposed : 10/13/2009 Adopted : 10/27/2009 Revised : 08/28/2018 Reviewed : 07/15/2024

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.

Full Educational Opportunity for Students with Disabilities

The board of education is responsible for providing a free and appropriate public education for all children resident in the district including children ages three through 21 identified as having disabilities and students with disabilities who have been suspended or expelled. 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 education cannot provide required instruction and related services from its own resources and facilities, the board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.

The board shall ensure that:

A. Free, appropriate public education is made available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;

B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;

C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;

D. The services and placement to receive a free and appropriate education needed by each student with a disability are based on the student's unique needs and not on the student's disability; and

E. The services and placement needed by each student with a disability are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

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

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

The chief school administrator shall also ensure that the district 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 which sets for the requirements for programs and instruction. 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 chief school administrator shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.

Participation of and Consultation with the Parents/Guardians

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities 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 (see section below: Parental Consent, Notice, Participation, and Meetings). After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days.

Surrogate Parent (N.J.A.C 6A:14-2.2)

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 district shall select and train such surrogate parents in compliance with the administrative code. A surrogate shall be provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:

A. The parent of the student cannot be identified or located;

B. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student;

C. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student;

D. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student;

E. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.

1. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student;

2. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:

    a. Determine whether there is a need for a surrogate parent for a student;

    b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and

    c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.

3. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14:

   a. The district will appoint a person that will be responsible for training surrogate parents;

   b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;

   c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;

   d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and

   e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.

4. The district will ensure that:

   a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;

   b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;

   c. All persons serving as surrogate parents are at least 18 years of age;

   d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and

   e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Parental Consent, Notice, Participation, and Meetings (N.J.A.C. 6A:14-2.3)

A. Consent shall be obtained:

1. Prior to conducting any assessment as part of an initial evaluation;

2. Prior to implementation of the initial IEP ;

3. Prior to conducting any assessment as part of a reevaluation, except when the board can demonstrate that reasonable measures were taken to obtain such consent and the parent failed to respond;

4. Prior to the release of student records;

5. Each time a district board of education seeks to access private insurance covering a student with a disability;

6. Prior to the first time a district board of education seeks to access a child's or parent's public benefits or insurance covering the student;

7. Whenever a member of the IEP team is excused from participating in a meeting;

8. Whenever an IEP is amended without a meeting;

9. Whenever a parent/guardian and the board agree to waive a reevaluation;

Written consent may be revoked by the parent, in writing, at any time. Upon receipt of consent, the board ensure that the action for which consent was shall be implemented without delay.

The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.

B. When electronic mail is utilized, parents shall be informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. Parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent.

C. Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A:14-2.4. Written notice shall include:

1. A description of the action proposed or denied by the board;

2. An explanation of why the action is being taken;

3. A description of any options that were considered and the reasons why those options were rejected;

4. A description of the procedures, tests, records or reports and factors used in determining whether to propose or deny an action;

5. A description of any other factors that are relevant to the proposal or refusal of the action;

6. A statement that the parents/guardians of a student with a disability have protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of the law; and

7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:

   a. Upon referral for an initial evaluation;

   b. Upon request by a parent;

   c. When a request for a due process hearing is submitted to the Department of Education;

   d. When a request for a complaint investigation is submitted to the Department; and

   e. When a student is removed for disciplinary reasons and the removal constitutes a change in placement.

8. The annual written notice of the procedural safeguards to parents/guardians and/or adult students shall be provided as follows:

a. The board shall provide written notice no later than 15 calendar days after making a determination;

b. 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;

c. The district board of education shall implement the proposed action after the opportunity for consideration (in 2 above) unless parent/guardian disagrees with the proposed action and the district takes action in an attempt to resolve the disagreement; or mediation or a due process hearing is requested.

D. The parent/guardian shall be given the opportunity to participate in meetings regarding the identification, evaluation, classification, educational placement of, or the provision of a free, appropriate public education to the student.

Location, Referral and Identification (N.J.A.C 6A:14-3.3)

The board directs the chief school administrator to prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools located within the district regardless of where they reside, who reside within the district with respect to the location and referral of students who may have a disability due to physical, sensory, emotional, communication, cognitive or social difficulties In order to ensure preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

The requirements of law and board policy for identification, location and evaluation shall apply to highly mobile students with disabilities, such as migrant and homeless students, and to students who may have a disability even though they are advancing from grade to grade.

Activities undertaken to locate nonpublic school students with disabilities shall be comparable to activities undertaken to locate public school students with disabilities. In addition, the board shall consult with appropriate representatives of nonpublic students on how to carry out these activities.

When a preschool age or school age student is referred for an initial evaluation to determine eligibility for special education programs and services, a meeting of the child study team, the parent and the regular education teacher of the student who is knowledgeable about the student's educational performance or, if there is no teacher of the student, a teacher who is knowledgeable about the district's programs, shall be convened within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of the written request. The child study team shall determine whether an evaluation is warranted and, if warranted, shall determine the nature and scope of the evaluation. When the child study team determines that an evaluation is not warranted then other appropriate action may be determined. The parent shall be provided written notice of the determination(s), which includes a request for consent to evaluate, if an evaluation will be conducted.

The board shall ensure that all preschool students with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

These procedures and arrangements shall be adopted by the board after review and possible revision. The procedures shall include:

1. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8) as well as other general education strategies;

2. Criteria for instructional, administrative and other professional staff, parents/guardians and state agencies to refer students for evaluation;

3. Evaluation criteria for the determination of eligibility for special education and related services; and

4. Other educational actions as appropriate.

Case Manager (N.J.A.C. 6A:14-3.2)

A case manager shall be assigned to a student when it is determined that an initial evaluation shall be conducted. Child study team members or speech-language specialists when they act as members of the child study team shall be designated and serve as the case manager for each student with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the individualized education program (IEP). The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

Evaluation and Determination of Eligibility (N.J.A.C. 6A:14-3.5 through N.J.A.C. 6A:14-3.6)

A. 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, 3.5, 3.6 and 3.7 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;

B. The child study team, the parent and the regular education teacher of the student who has knowledge of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs shall:

1. Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation;

2. Identify what additional data, if any are needed to determine whether the student has a disability;

3. Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.

C. Prior to conducting any assessment as part of an initial evaluation, the district shall request and obtain consent to evaluate;

D. If the parent refuses to provide consent to conduct the initial evaluation, the district may file for a due process hearing according to N.J.A.C. 6A:14-2.7 to compel consent to evaluate;

E. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services;

F. After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. This time frame shall not apply if the parent/guardians fails or refuses to produce the child for the evaluation;

G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team 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 necessary;

H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;

I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications in law (N.J.A.C. 6A:3.4(h);

J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team members or related services providers may be submitted by the parents/guardians to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team member or related services provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the state (see N.J.A.C. 6A:14-3.4,h) and district requirements;

K. Upon receipt of a written referral to the child study team, the school nurse shall review and summarize available health and medical information regarding the student and shall transmit the summary to the child study team for the meeting to consider the need for a health appraisal or specialized medical evaluation.

An audiometric screening according to N.J.A.C. 6A:16-2.2(k)3 shall be conducted for every student referred to the child study team for a special education evaluation.

A vision screening shall be conducted by the school nurse for every student referred to the child study team for a special education evaluation.

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.

Independent Educational Evaluation (N.J.A.C. 6A:14-2.5)

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided the board. A parent shall be entitled to only one independent evaluation at public expense each time an initial evaluation or reevaluation is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request. The independent evaluation shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

Any independent evaluation submitted to the district, including an independent evaluation obtained by the parent/guardian at private expense, shall be considered in making decisions regarding special education and related services.

Individualized Education Program IEP (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

district'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 district; 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.

The individualized education program for each student with a disability shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(k) regarding eligibility meetings for students who are classified and N.J.A.C. 6A:14-3.7 regarding the requirements of individualized education program (IEP).

A meeting to develop the IEP shall be held within 30 calendar days of a determination that a student is eligible for special education and related services or eligible for speech-language services. An IEP shall be in effect before special education and related services are provided to a student with a disability and such IEP shall be implemented as soon as possible following the IEP meeting.

At the beginning of each school year, the board shall have in effect an IEP for every student in the district who is receiving special education and related services. Every student's IEP shall be accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation. Each teacher shall be informed of the specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports to be provided for the student in accordance with the IEP. Teacher aides and the appropriate general or special education teaching staff time shall be provided for consultation on a regular basis as specified in each student's IEP (N.J.A.C. 6A:14-4.5(d)).

The board directs the chief school administrator or his or her designee to maintain documentation that the teacher and provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP. The board shall ensure that there is no delay in implementing a student's IEP including any case in which the payment source for providing or paying for special education and related services is being determined.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law (see N.J.A.C. 6A:14-3.7), 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 chief school administrator/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.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities 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.

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

Participation in Regular Educational Programs to the Maximum Extent Appropriate/Least Restrictive Environment (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 board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Special classes, separate schooling or other removal of a student with a disability from the student's general education class occurs only when the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. 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; and in-class resource programs.

When instruction in general education subjects or content areas 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. An exception to the age range and group size requirements of law (N.J.A.C. 6A:14-4) may be requested by writing to the Department of Education through the county office.

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.

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 district 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 a student with a disability.

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 shall be based solely on the amount of time a student with disabilities is educated outside the general education setting.

The board 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; and that each student with a disability participates with nondisabled students to the maximum extent possible.

Reevaluation (N.J.A.C. 6A:14-3.8)

Within three years of the previous classification, a multi-disciplinary reevaluation shall be completed to determine whether the student continues to be a student with a disability. Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher requests the reevaluation. However, a 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 district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

If a parent provides written consent and the 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 shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

Prior to conducting any assessment as part of a reevaluation of a student with a disability, the district board of education shall obtain consent from the parent.

Reevaluation shall be conducted when a change in eligibility is being considered, except that a reevaluation shall not be required before the termination of a student's eligibility under this chapter due to graduation or exceeding age 21.

Unless the parent and the board agree to waive a reevaluation, all requirements shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

When a reevaluation is completed:

A. A meeting of the student's IEP team shall be conducted to determine whether the student continues to be a student with a disability. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the parent at least 10 days prior to the meeting;

B. If the student remains eligible, an IEP team meeting shall be conducted to review and revise the student's IEP;

C. By June 30 of a student's last year of eligibility for a program for preschoolers with disabilities, a reevaluation shall be conducted and, if the student continues to be a student with a disability, the student shall be classified according to N.J.A.C. 6A:14-3.5(c) or 3.6(a).

Required Materials and Services

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 *et seq*.
and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Related Services (N.J.A.C. 6A:14-3.4)

Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP.

Protection of Students Rights: Evaluation and Reevaluation Procedures (N.J.A.C. 6A:14-3.4 and 3.8)

A due process hearing is an administrative hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services.

In addition, the district board of education or public agency responsible for the development of the student's IEP may request a due process hearing when it is unable to obtain required consent to conduct an initial evaluation or a revaluation, or to release student records. The district board of education shall request a due process hearing when it denies a written parental request for an independent evaluation in accordance with N.J.A.C. 6A:14-2.5(c).

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 as described above.

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities 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 chief school administrator shall develop and present to the board for review and adoption procedures for:

A. 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;

B. 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 The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;

C. Mediation, a voluntary process that is available to resolve disputes, when disputes arise during any stage of the special education process which cannot be settled between the original parties. A request for mediation shall not be used to deny or delay the right to request a due process hearing. A due process hearing may be initiated by the board of education, a parent/guardian or adult student;

D. Ensuring that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of students with disabilities, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

Graduation Requirements (N.J.A.C. 6A:14-4.11)

The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. A disabled student must meet all state and local high school graduation requirements according to N.J.A.C. 6A:8-5.1(c) in order to receive a state-endorsed high school diploma except as specified in his/her IEP. When a student has been exempted from any graduation requirement, his/her IEP shall specify which requirements would qualify the student with a disability for the State endorsed diploma issued by the district.

Graduation with a State endorsed diploma is a change of placement that requires written notice in language understandable to the general public, and shall be provided in the native language of the parent/guardian (according to law N.J.A.C. 6A:14-2.3 and as described below). The parent/guardian shall be provided with a copy of the procedural safeguards statement published by the Department of Education (see 6171.4 Exhibit). The parent may resolve a disagreement with the proposal to graduate the student by requesting mediation or a due process hearing prior to graduation. A reevaluation shall not be required.

Beginning at age 14, the individualized education program (IEP) shall include a statement of the state and local graduation requirements that the student shall be expected to meet. The statement shall be reviewed annually. If a student with a disability is exempted from, or there is a modification to, local or state high school graduation requirements, the statement shall include the rationale for the exemption or modification based on the student's educational needs; and a description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

The annual review of the IEP for an elementary school student with disabilities shall be completed by June 30 of the student's last year in the elementary school program. The annual review shall include input from the staff of the secondary school. The IEP shall include a statement of the student's transition from an elementary program to the secondary program which shall be determined by factors including number of years in school; social, academic and vocational development; and chronological age.

If a district board of education grants an elementary school diploma, a student with a disability who fulfills the requirements of his or her IEP shall qualify for and receive a diploma.

Students with disabilities who meet the standards for graduation shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

Assessment (N.J.A.C. 6A:14-4.10)

The board shall ensure that all students with disabilities participate in statewide assessments in each content area of the general statewide assessment for their grade. Accommodations or modifications approved by the Department of Education shall be provided when determined necessary by the IEP team Students with disabilities shall participate in the alternate proficiency assessment in each content area where 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 general statewide assessment and the student cannot complete any of the types of questions on the assessment in the content area(s) even with accommodations and modifications.

A statement of any individual modifications in the administration of statewide or districtwide assessments of student achievement needed for the student to participate in such assessment shall be included in the student's IEP. If the IEP team determines that the student shall not participate in a particular general statewide or districtwide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student according to N.J.A.C. 6A:14-4.10 and a statement of how that student shall be assessed and which assessment methodology is appropriate for the student shall be included in the student's IEP.

Following the 11th grade, students with disabilities who are required to pass a Department of Education approved high school proficiency assessment for graduation and have not done so shall participate in the dynamic learning map (DLM; formerly SRA and APA) in accordance with N.J.A.C. 6A:8. If a student is participating in a Department of Education alternative proficiency assessment determined by the IEP team, the student shall not be required to again participate in the high school proficiency assessment and pass that assessment.

Compilation, Maintenance, Access to and Confidentiality of Student Records (see board policy 5125 Student Records, N.J.A.C. 6A:32-7.4 through –7.6).

The board directs that the names and other personally identifiable data concerning students with disabilities shall be kept confidential and shall not be included in the public acts and public records of this district. 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 students with disabilities on whose behalf the board of education 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.

The chief school administrator or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.

The student records shall be maintained according to N.J.A.C. 6A:32-7 and board policy 5125 Student Records.

A. The parent/guardian, adult student or their designated representative shall be permitted to inspect and review the contents of the student's records maintained by the district board of education under N.J.A.C. 6A:32 without unnecessary delay and before any meeting regarding the IEP.

   Any consent required for students with disabilities under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "consent" and 2.3(a) and (b) as follows:

1. The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.

2. When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the board may not seek to compel consent through a due process hearing.

However, if a parent refuses special education and related services on behalf of a student, the board shall not be determined to have denied the student a free, appropriate public education because the student failed to receive necessary special education and related services nor shall the board be determined in violation of its child-find obligation solely because it failed to provide special education or related services to a student whose parents refused to provide consent for implementation of the initial IEP. If a parent refuses to provide consent and the district and the parent have not agreed to other action, prior to conducting any assessment as part of an initial evaluation or reevaluation and prior to the release of student records the district may request a due process hearing according to N.J.A.C. 6A:14-2.7(b) to obtain consent.

B. Records may be released with the consent of the parent/guardian or adult student having legal responsibility for educational decision making. Consent shall be agreed to in writing. The board shall ensure that the parent/guardian or adult student having legal responsibility for educational decision making:

1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language or other mode of communication;

2. Understands and agrees in writing to the implementation of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom;

3. Understands that the granting of consent is voluntary and may be revoked at any time; and

4. If the parent/guardian or adult student having legal responsibility for educational decision making revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).

C. To ensure proper accessibility and confidentiality, the records of students with disabilities shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 Student Records in general. To assure the security of special education records:

1. Provision shall be made for access and security of electronic records of students with disabilities;

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 district's general policy and regulation on student records see 5125, which deals with all requirements common to students with disabilities 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.

Procedural Safeguards (N.J.A.C. 6A:14-2.3 through –2.4):

The board of education directs the chief school administrator to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

A. Ensuring that the rights of a student are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights when a parent cannot be identified, located, and agency of the State has guardianship of the student, or the student is an

unaccompanied homeless youth;

B. 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;

C. Seeking consent of parents/guardians to the actions in 1, when such consent is required;

D. 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;

E. Protection in the evaluation procedures including the use a variety of assessment tools and strategies to gather relevant functional and developmental information; valid measures that are not racially or culturally discriminatory; assessments that are administered in the language and form most likely to yield accurate information; assessment all areas of suspected disability; and other provisions of N.J.A.C. 6A:14-2.5;

F. Ensuring that a parent shall be entitled to only one independent evaluation at public expense each time the board conducts an initial evaluation or reevaluation with which the parent disagrees;

G. Ensuring mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties;

H. Providing for a due process hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services;

I. Discipline, suspension and expulsion procedures for up to 10 consecutive or cumulative school day that are subject to the same board 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 and the student's parent(s);

J. Protection of student information and the maintenance of student records according to board policy 5125 Student records and law (N.J.A.C. 6A:32-7);

K. Except as provided in N.J.A.C. 6A:14-6.1(a) and required by an administrative law judge when the district failed to provide a free and appropriate education, the board shall not be required to pay for the cost of education, including special education and related services, of a student

with a disability if the district made available a free, appropriate public education and the parents elected to enroll the student in a nonpublic school, an early childhood program, or an approved private school for students with disabilities;

L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;

The chief school administrator shall ensure that the district'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 chief school administrator 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;

Complying with other aspects of the district 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 chief school administrator 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 education and the executive county superintendent, the chief school administrator shall implement it in this district 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, students with disabilities 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. The building principal/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:

A. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written

description of the reasons for removal;

B. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.

Preschool students with disabilities shall not be suspended or expelled.

Procedures for imposing and implementing disciplinary sanctions on students with disabilities, 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)

(See board policy 5114 Suspension and Expulsion)

Disabilities Services Resource (all school districts with grades nine through 12) N.J.S.A. 18A:46-7.3

The board shall designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

Early Intervention

When an IEP is developed for a child age three who has been enrolled in an early intervention program and it is determined that the district shall provide a free, appropriate public education for that student by continuing the program in the early intervention program for the balance of that school year the board shall be responsible to ensure:

A. That a free, appropriate special education and related services to students with disabilities is provided in accordance with N.J.A.C. 6A:14-1.1(d);

B. A contractual agreement shall be provided between the board and the early intervention program;

C. Personnel shall be appropriately certified and, if required, licensed; and

D. Applications for exceptions to program and instruction requirements according to N.J.A.C. 6A:14-4.9 shall be made whenever necessary.

When a child who has been enrolled in the early intervention program requires an extended year program, the district may contract with the early intervention program for the provision of that program.

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs will experience a smooth transition and have an individualized education program developed and implemented.

Preschool Disabled Program

The chief school administrator 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.

Nonpublic Schools (N.J.A.C. 6A:14-6.1, -6.2)

The board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.

The board shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs and spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district, after timely and meaningful consultation with representatives of nonpublic schools, shall undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district.

As part of the child find process, the district board of education shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development of special education and related services for such children.

Students identified as having disabilities attending nonpublic schools located in this district shall receive programs and services as specified in N.J.A.C. 6A:14- 6.2.

Placement Private Schools (N.J.A.C. 6A:14-7.5)

When the board places a student with a disability in an approved residential private school inside or outside the district or state in order to provide the student a free, appropriate public education, such placement shall be at no cost to the parent. The board shall be responsible for special education costs, room and board.

Native Language

Students who do not speak English; speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language; or speak some English but are more capable of performing school work in their native language, may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district 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 regarding parent/guardian notification, consent and participation shall be provided in the native language of the parent, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Staff Qualifications and Staff Development (N.J.A.C. 6A:14-1.2(b)13, 14)

All personnel serving students with disabilities shall be appropriately certified and licensed according to the State certification standards N.J.A.C. 6A:9B-11.4, where a license is required, in accordance with State and Federal law.

The chief school administrator shall ensure that the in-service training need for professional and paraprofessional staff who provide special education, general education or related services are identified. Appropriate in-service training shall be provided. The board direct the chief school administrator to maintain information to demonstrate district efforts to:

A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;

B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;

C. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;

D. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and

E. Provide for joint training activities of parents and special education, related services and general education personnel.

Cooperation with Other Agencies

The chief school administrator shall investigate the possibilities of working with organizations and agencies providing services for students with disabilities, and shall present feasible programs and relationships to the board for consideration.

Parent Advisory Council (N.J.A.C. 6A:14-1.2(h))

The board shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities.

Annual Reports

Annually, the board shall submit to the Department of Education a report describing the special education programs and services provided. 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.

Eligibility for State and Federal Funds

The chief school administrator 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 chief school administrator take into consideration physical access to district facilities for students, staff and the community with disabilities in determining location of programs or planning new facilities per state and federal law.

Date:

Key Words

Special Education, Disabled, Graduation Requirements, Records, Student Records, Pupil Records, Special Education Student Records, Parent Advisory Group

6171.4 Special Education Policy Crosswalk

DOE Policy #	Topic	Section	Page
Policy #1	Located, identified and evaluated	Location, Referral and Identification	5
Policy #2	Homeless students are located, identified and evaluated	Location, Referral and Identification	5
Policy #3	Evaluation	Evaluation and Determination of Eligibility	6
Policy #4	Individualized education program	Individualized Education Program	7-8
Policy #5	Least restrictive environment	Participation in Regular Educational Programs to the Maximum Extent Appropriate/ Least Restrictive Environment	9-10
Policy #6	Assessment programs	Assessment	12-13
Policy #7	Procedural safeguards	Procedural Safeguards	14-16
Policy #8	Free, appropriate public education available to students suspended or expelled	Full Educational Opportunity Discipline (also see board policy 5114 Suspension and Expulsion)	1-2 16-17
Policy #9	Early intervention programs	Early Intervention Programs	17
Policy #10	Full educational opportunity	Full Educational Opportunity	1-2
Policy #11	Student records	Compilation, Maintenance, Access to and Confidentiality of Student Records (also see board policy 5125 Student Records)	13-14
Policy #12	Participation of students and parents in nonpublic schools	Nonpublic Schools	17-18
Policy #13	Student placed in private schools/services	Placement in Private Schools	18
Policy #14	Staff qualifications	Staff Qualifications and Staff Development	18-19
Policy #15	In-service training needs for professional and paraprofessional staff	Staff Qualifications and Staff Development	18-19
Policy #16	Instructional materials will be provided to blind or print-disabled students	Required Materials and Services	11
Policy #17	Receive services from the Division of Developmental Disabilities	Required Materials and services	11
Policy #18	Electronic mail	Parental Consent, Notice, Participation, and Meetings	3-4
Policy #19	Consultation on a regular basis	Individualized Education Program	7-8
Policy #20	Stability in special education programming	5118 Foster Care and Educational Stability	

ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY

PART I - POLICIES

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall adopt and assure compliance with the following policies:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14- 3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Policy #4:

An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Policy #5:

To the maximum extent appropriate students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Policy #8:

The rules set forth in N.J.A.C. 6A:14 ensure a free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school:

A. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;

1. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;

2. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;

3. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and

4. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Policy #11:

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1 and N.J.A.C. 6A:14-7.5(b)3.

Policy #14:

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law, pursuant to N.J.A.C. 6A:14-1.2(b)13.

Policy #15:

Pursuant to N.J.A.C. 6A:14-1.2(b)4, the in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;

2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;

3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;

4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and

5. Provide for joint training activities of parents and special education, related services and general education personnel.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14-1.2(b)18.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services as required by N.J.A.C. 6A:14-3.7(c)4.

***Policy #21**:

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq.

PART II – PROCEDURES

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall assure compliance with the following policies and related procedures below:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

AND

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

AND

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Pursuant to 20 U.S.C. §1412(a)(3), procedures to locate students with disabilities (child find) must ensure that:

1. Person(s) responsible to conduct child find activities are identified.
2. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.
5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.
6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.

a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.

7. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.

For charter schools, renaissance schools or state agencies, procedures must ensure that:

1. Child find activities are limited to the population of students enrolled in the charter or renaissance school or served by the state agency.

2. Person(s) to conduct child find activities are identified.

3. Child find activities are conducted at least annually.

4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

Procedures for interventions in the general education program must ensure that:

1. Criteria/steps for initiating interventions in the general education program are identified.

2. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.

3. Activities are in place to determine whether the interventions are effective.

4. School personnel who are responsible for the implementation/evaluation of the interventions are identified; and

5. The type, frequency, duration and effectiveness of the interventions are documented.

Procedures for referral must ensure that:

1. Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.

2. Steps are in place to refer students directly to the child study team when warranted.

3. Steps are in place to refer students who may have a disability but are advancing from grade to grade.

4. Steps for initiating a referral to the child study team by school personnel identify:

    a. The information/documentation of student performance required in the referral;

    b. Forms, if any, that are to be submitted by school personnel;

    c. School personnel who are responsible to process referrals; and

    d. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.

5. Steps for processing written referrals received from parents identify:

    a. School personnel who are responsible to process referrals from parents; and

    b. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.

    c. School personnel, parents and agencies are informed of referral procedures.

For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:

1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:

a. The parent of the student cannot be identified or located.

b. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.

c. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.

d. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.

e. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.

2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.

3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:

a. Determine whether there is a need for a surrogate parent for a student;

b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and

c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.

4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.

a. The district will appoint a person that will be responsible for training surrogate parents;

b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;

c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;

d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and

e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.

5. The district will ensure that:

a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;

b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;

c. All persons serving as surrogate parents are at least 18 years of age;

d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and

e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Policy #4:

An individualized education program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Policy #5:

To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Policy #8:

A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:

1. School officials responsible for implementing suspensions/expulsions in the district are identified.

2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.

3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.

4. Suspension from transportation is counted as a day of removal if the student does not attend school.

a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.

6. Removal for at least half of the school day is reported via the School Safety Data System (SSDS).If the district has an in-school suspension program, participation in the program is **not** considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:

a. Opportunity for the student to participate and progress in the general curriculum;

b. Services and modifications specified in the student's IEP;

c. Interaction with peers who are not disabled to the extent they would have in the current placement; and

d. The student is counted as present for the time spent in the in-school suspension program.

7. When a series of short-term removals will accumulate to more than 10 school days in the year:

a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;

b. Written documentation of the consultation between school officials and the case manager is maintained;

c. If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:

   1. Enable the student to participate and progress appropriately in the general education curriculum; and

   2. Advance appropriately toward achieving the goals set out in the student's IEP; and

   3. Written documentation of the consultation and services provided is maintained.

8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.

Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:

Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:

1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)

2. Having a program in place no later than 90 calendar days from the date of consent.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:

A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

1. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and

2. The use of functional assessment information supports the IEP team's determination.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

1. A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:

a. Review the Part C Individualized Family Service Plan for the child;

b. Provide the parent(s) written district registration requirements;

c. Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and

d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.

2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Policy #11:

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

Policy #14:

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

Policy #15:

The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;

2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;

3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;

4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and

5. Provide for joint training activities of parents and special education, related services and general education personnel.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner.

Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

*__Policy #20__:

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services.

*__Policy #21__:

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. The district board of education shall maintain information to demonstrate its efforts to:

1. Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;
2. Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;
3. Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation;
4. Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and
5. Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.

Mandated

N.J.A.C. 6A:14-1.2(b) requires district boards of education to have policies, procedures and programs approved by the Department of Education through the county offices to ensure the following:

A. A free appropriate public education is available to all pupils with disabilities between the ages of three and 21, including students with disabilities that have been suspended or expelled from school;

B. Full educational opportunity to all students with disabilities is provided;

C. All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated per N.J.A. C. 6A:14-3.3;

D. Homeless students are located, identified and evaluated and provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§ 11431;

E. An individualized education program is developed, reviewed and as appropriate, revised per N.J.A.C. 6A:14-3.6 through -3.7;

F. To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment to the maximum extent appropriate per N.J.A.C. 6A:14-4.2;

G. Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2;

H. Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4;

I. Compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7;

J. Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter experience a smooth transition and that by the student's third birthday an individualized education program has been developed and is being implemented per N.J.A.C. 6A:14-3.3(e);

K. Provision for the participation of students with disabilities who are placed by their parents/guardians in nonpublic schools per N.J.A.C. 6A:14-6.1 and 6.2;

L. Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents;

M. All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required;

N. The inservice training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate inservice training is provided;

O. Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary;

P. Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district;

Q. For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services;

R. When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification and the provision of a free, appropriate public education. If this is permitted the parents/guardians shall be informed of the procedures to access the electronic mail system;

S. A plan is in effect to establish stability in special education programming. The plan shall take into account the consistency of the location, curriculum, and staffing in the provision of special education services.

Other Reasons:

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

N.J.S.A. 18A:46-1 et seq. and N.J.A.C. 6A:14 generally, require provision of special education for educationally disabled students. Parental participation and/or notification are required; surrogate parents are to be trained if they are necessary.

N.J.S.A. 18A:46A-1 et seq. requires the State to furnish auxiliary services on an equal basis to all pupils in the State in both public and nonpublic schools. "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.

Legal References

- N.J.S.A. 10 5-1 et seq Law Against Discrimination
- N.J.S.A. 18A 46-1: Definitions
- N.J.S.A. 18A 46-13: Types of facilities and programs
- N.J.S.A. 18A 46A-1: Legislative findings and determination
- N.J.A.C. 5 23-7.1 et seq. Barrier free subcode of the uniform construction code
- N.J.A.C. 6A 7-1.7 Equality in school and classroom practices
- N.J.A.C. 6A 8-1.2 Scope
- N.J.A.C. 6A 8-1.3 Definitions
- N.J.A.C. 6A 8-3.1 Curriculum and instruction
- N.J.A.C. 6A 8-4.1 Statewide assessment system
- N.J.A.C. 6A 8-5.1 Graduation requirements
- N.J.A.C. 6A 9B-1.1 Scope
- N.J.A.C. 6A 14-1.1 General requirements
- N.J.A.C. 6A 15-1.4 Bilingual programs for English language learners
- N.J.A.C. 6A 23A-1.1 et seq Purpose and scope
- N.J.A.C. 6A 23A-17.4 Method of determining tuition rates for county vocational-technical schools
- N.J.A.C. 6A 26-6.1 et seq Application of the Uniform Construction Code
- N.J.A.C. 6A 30-1.1 Purpose and scope
- N.J.A.C. 6A 32-7.1 et seq General considerations
- N.J.A.C. 6A 32-8.3 School attendance
- 20 U.S.C. 1401 et seq Individuals with Disabilities Education Act
- 20 U.S.C. 6301 et seq Every Student Succeeds Act (Formerly NCLB)
- 29 U.S.C. 794 et seq Rehabilitation Act of 1973
- 34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)
- 34 CFR 76.1 et seq. - General Administrative Regulation EDGAR
- 34 CFR 77.1 et seq. - General Administrative Regulation EDGAR
- Agostini v. Felton
- Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)
- Honig v. Doe
- International Building Code 2015, New Jersey Edition; Frist Printing: September 2015; ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.
- Oberti v. Board of Education of Clementon School District, 995 F. 2d 1204, 1216-17 (C. A.3 1993)

Cross References

- 1120 - Sample Policy: Board of Education Meetings
- 4112.2 - Sample Policy: Certification
- 4131/4131.1 - Sample Policy: Staff Development, Inservice Education, Visitation, Conferences

5114 - Sample Policy: Suspension and Expulsion
5120 - Sample Policy: Assessment of Individual Needs
5125 - Sample Policy: Student Records
5131 - Sample Policy: Conduct and Discipline
5200 - Sample Policy: Nonpublic School Pupils
6121 - Sample Policy: Nondiscrimination, Affirmative Action
6145 - Sample Policy: Extracurricular Activities
6151 - Sample Policy: Class size
6164.2 - Sample Policy: Guidance Services
6164.4 - Sample Policy: Child Study Team
9322 - Sample Policy: Public and Executive Sessions