

## SPECIAL EDUCATION

In compliance with state department of education interpretation of the administrative code on special education, the board adopts the following revision/amendment of its existing policies on providing educational and related services to pupils identified as having educationally disabling conditions as defined in federal and state law.

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 Lyndhurst 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 district-wide 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 Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.

**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, when appropriate.

**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.

1. 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 (IEP) is in effect for the student by that date;
2. 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;
3. A free, appropriate public education is available to any student with a disability who is eligible for special education and related services, even though the student is advancing from grade to grade;

4. 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
5. 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. 6A14-3.3(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. 6A14-1.1(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 service 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

**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.

**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 Lyndhurst Board of Education shall adopt and 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.

**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 #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, when appropriate.

**Procedures to locate students with disabilities (child find) must ensure that:**

- Person(s) responsible to conduct child find activities are identified.
- Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.
- Child find activities are conducted at least annually.
- Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

- Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.
- Child find activities for nonpublic school students are comparable to activities conducted for public school students.
  - 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.
- 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.

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

- Criteria/steps for initiating interventions in the general education program are identified.
- Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.
- Activities are in place to determine whether the interventions are effective.
  - School personnel who are responsible for the implementation/evaluation of the interventions are identified; and
  - The type, frequency, duration and effectiveness of the interventions are documented.

**Procedures for referral must ensure that:**

- 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.
- Steps are in place to refer students directly to the child study team when warranted.
- Steps are in place to refer students who may be disabled but are advancing from grade to grade.
- Steps for initiating a referral to the child study team by school personnel identify:
  - The information/documentation of student performance required in the referral;
  - Forms, if any, that are to be submitted by school personnel;
  - School personnel who are responsible to process referrals; and

- Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
- Steps for processing written referrals received from parents identify:
  - School personnel who are responsible to process referrals from parents; and
  - Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting
- 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:**

- A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
  - The parent of the student cannot be identified or located.
  - 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.
  - The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
  - 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.
  - The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
- 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.
- The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
  - determine whether there is a need for a surrogate parent for a student;
  - 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

- 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.
- 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.
  - The district will appoint a person that will be responsible for training surrogate parents;
  - The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
  - 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 in they disagree with the local procedure or decisions;
  - 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
  - Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
- The district will ensure that:
  - All persons serving as surrogate parents have no interest that conflicts with those of the students he or she represents;
  - All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
  - All persons serving as surrogate parents are at least 18 years of age;
  - 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
  - No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the Lyndhurst Board of Education or a public or nonpublic agency that is involved in the education or case of the child.

## **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:**

- School officials responsible for implementing suspensions/expulsions in the district are identified
- 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.
- A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
- Suspension from transportation is counted as a day of removal if the student does not attend school.
  - 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.
- Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.
- Participation in the in-school suspension program is NOT considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:
  - Opportunity for the student to participate and progress in the general curriculum;
  - Services and modifications specified in the student's IEP;
  - Interaction with peers who are not disabled to the extent they would have in the current placement; and
  - The student is counted as present for the time spent in the in-school suspension program
- When a series of short-term removals will accumulate to more than 10 school days in the year:
  - 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©2;

- Written documentation of the consultation between school officials and the case manager is maintained;
- 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:
  - Enable the student to participate and progress appropriately in the general education curriculum; and
  - Advance appropriately toward achieving the goals set out in the student's IEP; and
- Written documentation of the consultation and services provided is maintained.
- 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, 20 U.S.C. 1415(k).

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

- 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:
  - Review the Part C Individualized Family Service Plan for the child;
  - Provide the parent(s) written district registration requirements;
  - Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and
  - 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.
- The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

**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 students to utilize the materials.

**Board Approval Date: May 11, 2009**