

2460

SPECIAL EDUCATION

BOARD POLICYSPECIAL EDUCATION

The Board of Education shall provide a free and appropriate public education to eligible educationally handicapped

(Choose only one of the following:)

___ pupils between the ages of three and twenty-one years

who are impaired physically, emotionally, intellectually, or socially to such an extent that without the aid of special education and related services they are educationally disadvantaged.

Used in this policy and its implementing regulations, "parent" means either or both of the natural, adoptive, or foster parents of a pupil; or the pupil's legal guardian, surrogate parent, or a person acting in the place of a parent with whom a pupil legally resides; or, where parents are separated or divorced, the person or persons having legal custody of the pupil.

Program Plan

The Board shall adopt and annually update a written program plan that complies with the State plan for the educationally handicapped. The plan shall be developed in consultation with professional staff members serving the district, members of the community, and, where appropriate, handicapped persons or groups representing the handicapped population. The plan shall be presented at a public meeting prior to its approval by the Board and shall be submitted to the Department of Education for approval not to exceed three years.

Identification, Referral, Screening, and Evaluation

The Board directs the identification, referral, screening, and evaluation of each potentially handicapped pupil eligible for such services. Procedures shall be instituted, with the participation of professional staff members, parents, and agencies concerned with the welfare of pupils, for the identification of pupils. Where feasible, prereferral intervention shall be instituted to alleviate the pupil's educational problems.

Pupils identified as being potentially educationally handicapped and considered to require services beyond those available within the regular program of the district shall be referred, by written request, to the child study team for evaluation. Referrals for examination may be made by any teaching staff member, the parent of a child referred, a public or private agency recognized by this district and concerned with the welfare of children, or by a licensed medical or health professional. The parent of a pupil considered for referral shall receive written notification of procedural safeguards and shall be requested to consent to the referral. A referral shall proceed only when the parent has given consent or, in the event the parent withholds consent, the Office of Administrative Law has ordered referral.

The child study team shall determine each referred pupil's need for comprehensive evaluation and design and implement an evaluation plan. The evaluation procedure shall be selected and administered in such a way as to take into consideration the pupil's cultural background, language abilities, and any sensory, manual, or communication impairments that may interfere with measurements. Within ninety calendar days of the date on which parental consent is received, the pupil shall be evaluated, his or her eligibility for special education and/or related services shall be determined, and, if he or she is eligible, the basic plan section of the pupil's individualized education program shall be implemented. Within that time period, no more than thirty days shall elapse between the development and implementation of the basic plan section of the individualized education program.

Each child determined to be educationally handicapped shall be reevaluated at intervals of not more than three years and as frequently as conditions warrant on the request of the parent or district personnel responsible for the pupil's care. The child study team shall design a reevaluation plan; the parent shall be notified of the plan. No change in classification shall be made without written documentation.

When an evaluation is completed, the child study team and the parent, and, if they wish to attend, the school principal and the referring staff member, shall meet to develop a collaborative evaluation summary, determine the pupil's eligibility, and, if the pupil is eligible for a program of special education, determine his or her classification category.

Individualized Education Program

An individualized education program, consisting of a basic plan and an instructional guide, shall be prepared for every pupil determined to be educationally handicapped; each such pupil shall be provided with a special education program and/or related services as defined in his or her individualized education program and implemented in facilities accessible to the handicapped.

The individualized education program shall provide for the least restrictive environment; a pupil may be removed from the regular educational environment only when the nature of his or her handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The program and/or services specified in the individualized education program shall be implemented in accordance with the district program plan and rules of the State Board of Education. The individualized education program for a secondary pupil shall specifically address his or her graduation requirements. Fulfillment of the individualized education program requirements will qualify the pupil for a regular high school diploma.

No pupil classified as handicapped shall be denied, because of his or her handicap, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognitions rendered regularly to the pupils of this district.

Due Process

The due process rights guaranteed by law to the parent of an educationally handicapped or potentially educationally handicapped child shall be strictly observed. Each such parent shall receive notice and opportunities for consultation and review in accordance with rules of the State Board of Education. Wherever feasible, communication with the parent shall be in his or her native language. The parent of an educationally handicapped child shall be offered copies of the New Jersey statutes and rules governing special education, pupil records, and appeal procedures.

The Board directs that all reasonable attempts be made to resolve conflicts by means of administrative review within the district before resort is made to the Department of Education for mediation or to the Office of Administrative Law for adjudication. No change will be made to a pupil's classification, program, or placement pending the outcome of a conflict resolution effort except as ordered by way of emergency relief by the Office of Administrative Law.

The Board directs the selection and training of surrogate parents to insure the rights of pupils whose parents cannot be located or who are wards of the State of New Jersey.

Confidentiality

The Board directs that the names and other personally identifiable data concerning identified and handicapped children shall be kept confidential and shall not be included in the public acts or records of this district. Such names and data shall be reduced to code for inclusion in the public record.

The records of handicapped pupils shall be compiled, maintained, protected, and accessed in strict compliance with rules of the State Board of Education and Board of Education policy on pupil records.

Discipline

Educationally handicapped pupils shall be subject to the rules of conduct and disciplinary procedures established by this Board, except that no educationally handicapped pupil may be disciplined if the pupil's behavior is primarily caused by his or her educational handicap or the pupil's program does not meet his or her needs. Before any educationally handicapped pupil is disciplined, the staff member shall consider the nature of the offending behavior in the light of the pupil's handicapping condition, provided that there is no immediate peril of physical harm or disruption and provided that there is no component of disciplinary action set forth in the pupil's individualized education program.

The school principal shall give the parent and the child study team written notice with reasons whenever a handicapped pupil is suspended. The status of a handicapped pupil suspended more than ten cumulative days in a school year shall be reviewed by the child study team. No handicapped pupil shall be considered for expulsion without reevaluation by the child study team.

Personnel

The Board shall secure the services of appropriately certified and trained professional staff members to identify, evaluate, determine eligibility, develop individualized education programs, provide related services, and instruct educationally handicapped pupils. The child study team shall consist of a school psychologist, a learning disabilities teacher-consultant, and a school social worker, and, for preschool pupils, a speech correctionist.

The Superintendent shall institute a comprehensive system of personnel development that includes a needs assessment procedure, a plan to meet those needs, personnel development activities, and an evaluation of those activities.

Nonpublic School Pupils

The Board shall provide pupil evaluation to determine eligibility for special education and/or related services, compensatory education, supplemental instruction, speech correction for articulation disorders, home instruction, and instruction in English as a second language for pupils resident in this district and enrolled in nonpublic schools within New Jersey. Services to nonpublic school pupils will be delivered in accordance with rules of the State Board of Education and will be provided only upon the written consent of the parent of the pupil.

Evaluation

The Board shall annually evaluate the effectiveness of the special education program by reference to numbers of pupils referred and determined to be educationally handicapped, assessments of professional staff members, and such other measures and indicators as the Superintendent may recommend.

The Superintendent shall implement this policy to comply fully with all applicable federal and state statutes and rules of the United States Department of Education (EDGAR) and the New Jersey State Board of Education. The Superintendent shall maintain documentation of the implementation of this policy sufficient to assure compliance with law and regulations.

20 U.S.C.A. 1401 et seq.

N.J.S.A. 9:14A-1

N.J.S.A. 18A:46-1 et seq.

N.J.A.C. 6:3-2; 6:28-1.1 et seq.; 6:43-4.1 et seq.

N.J.A.C. 1:6A-1.1 et seq.

REGULATIONS

SPECIAL EDUCATION

The Superintendent directs the implementation of statute, rules of the State Board of Education, and Board policy regarding programs and services for educationally handicapped children in accordance with the following regulations:

A. Identification

1. Pupils in need of special education and/or related services may be identified by the parent of the pupil, a teaching staff member, a licensed medical or health professional, or by an agency recognized by this district and concerned with the welfare of children, including the Division of Youth and Family Services. N.J.A.C. 6:28-3.3(b)
2. The district shall attempt to locate educationally handicapped pupils resident in this school district who are eligible for special education programs and/or related services. N.J.A.C. 6:28-3.2
 - a. Written materials will be prepared to instruct parents in the nature of educational handicaps, the importance of early diagnosis and intervention, the availability of services and programs through the school district, and the means by which a referral may be made. A referral form will be included. Such materials will be prepared in English and in ^{native} ~~language~~ and will be sent to parents by mail and distributed to appropriate community organizations, physicians, health organizations, and agencies serving children.
 - b. Teaching staff members shall be instructed in the criteria that may identify pupils who are experiencing physical, emotional, communication, cognitive, or social difficulties. N.J.A.C. 6:28-3.2(b)
3. The parent of a pupil being considered for referral shall receive written notification of the referral and a consent form. The parent shall be notified that his or her consent is requisite to evaluation and that the Board of Education may appeal his or her failure or refusal to consent to the pupil's evaluation. N.J.A.C. 6:28-3.3(c) and (d)
4. Before an identified pupil is referred for determination of eligibility for special education, reasonable attempts will be made to alleviate his or her educational problems by intervention in the regular school program. The effect of such prereferral intervention shall be documented in writing by staff members in the regular program. The parent will be informed of the interventions attempted

and offered a copy of the documentation. Prereferral intervention is not required for a pupil whose educational problem is such that direct referral to the child study team can be supported.

B. Referral and Screening

1. Pupils identified as being potentially educationally handicapped and considered to require services beyond those available within the regular school program shall be referred to the child study team for evaluation procedures. N.J.A.C. 6:28-3.3(b)
2. A child who has received services in an early intervention program approved by the Department of Education who attains the age of three years before ~~December 31st~~ *October 1st* kindergarten admission cut-off date) shall be considered to be identified and shall be referred for screening and possible evaluation. N.J.A.C. 6:28-3.3(g), 6:28-10.2(b)
3. Upon the submission of a completed referral form signed by the parent of a preschool child and within thirty calendar days of the date on which the request is received, the child will be screened for a preliminary determination of whether the child should be referred to the child study team for comprehensive evaluation. N.J.A.C. 6:28-3.3(f)
4. Audiometric screening shall be conducted for every pupil referred to the child study team. N.J.A.C. 6:28-3.3(e); 6:29-8

C. Evaluation

1. A child referred to the child study team will be evaluated promptly and without undue delay and in accordance with validated procedures developed by a multidisciplinary team of appropriately certified and trained professional. The procedures shall be selected and administered in such a way as to take into consideration the pupil's cultural background, language abilities, and any sensory, manual, or communication impairments that may interfere with measurements. N.J.A.C. 6:28-2.5(a)
2. Upon the parent's consent for referral, or referral order of the Office of Administrative Law, the child study team shall meet to determine the pupil's need for comprehensive evaluation; to determine the pupil's communication skills, English language proficiency, and native language; and to design an evaluation plan. The evaluation plan shall include the specific information to be obtained, the evaluation procedures necessary to obtain that information, the language or method of communication to be used in the evaluation process, and the designation of a child study team member as case manager. N.J.A.C. 6:28-3.4(a)

3. A pupil's evaluation shall be conducted individually and may use information from group tests only to supplement individual evaluations. The evaluation shall consider the pupil's sociocultural background and adaptive behavior in home, school, and community. N.J.A.C. 6:28-3.4(c)
4. The requirements for evaluation by the child study team may be waived for a pupil confined at home or to a hospital by a physician or to a pupil with a speech or language problem when the nature of that problem does not warrant a comprehensive evaluation by a child study team. N.J.A.C. 6:28-3.4(h)
5. A comprehensive evaluation shall consist of the following:
 - a. A comprehensive health appraisal performed by a physician employed by the Board of Education, or by the parent's private physician who must report his or her appraisal on a form developed by the school physician, and augmented by additional health information supplied by the school nurse. N.J.A.C. 6:28-3.4(e)1
 - b. A psychological assessment, developed by a school psychologist, that includes teacher conferences and informal observations of the pupil as well as an appraisal of the pupil's cognitive, social, adaptive, and emotional status. N.J.A.C. 6:28-3.4(e)2
 - c. An educational assessment prepared by a learning disabilities teacher-consultant that includes informal observation of the pupil, review of the pupil's educational history, teacher conferences, and an evaluation and analysis of the pupil's academic performance and learning characteristics. N.J.A.C. 6:28-3.4(e)3
 - d. A social assessment prepared by a school social worker that includes communication with the pupil and parent, an evaluation of the pupil's adaptive social functioning and emotional development, and an evaluation of the family, social, and cultural factors that influence the pupil's learning and behavior in the educational setting. N.J.A.C. 6:28-3.4(e)4
 - e. Pertinent information, if any, supplied by the pupil's parent and teaching staff members. N.J.A.C. 6:28-3.4(e)5
 - f. The evaluation, if any, by specialists required for the determination of the classification of a pupil who is, solely or in combination with other handicaps, auditorily handicapped (audiologist, speech correctionist), communication handicapped (speech correctionist), emotionally disturbed (psychiatrist experienced in working with children), orthopedically handicapped (physician qualified to conduct an orthopedic examination), socially maladjusted (psychiatrist experienced in working

with children), or visually handicapped (specialist qualified to determine visual disability.) N.J.A.C. 6:28-3.4(f), 6:28-3.5(e)

- g. The examination results and findings of other specialists as appropriate. N.J.A.C. 6:28-3.4(g)
- 6. If a child study team member accepts the report and evaluation of the pupil prepared by other New Jersey public school child study team members, a clinic or agency approved by the Department of Education, or a professional in private practice, such acceptance shall be noted in writing and become part of the report of that child study team member. If any such report or evaluation is rejected, a written rationale for its rejection shall be provided. N.J.A.C. 6:28-3.4(i)
- 7. The status of each pupil determined to be educationally handicapped shall be reevaluated every three years and more frequently if conditions warrant. The child study team shall determine the scope of the reevaluation from the pupil's progress in meeting the goals of his or her individualized education program, shall design an evaluation plan, notify the parent of that plan, and support a change in classification, if any, with written documentation. N.J.A.C. 6:28-3.4(j)

D. Eligibility

- 1. An evaluated pupil's eligibility for special education and/or related services shall be determined at a meeting of the child study team, the parent, and, if they wish to participate, the school principal and referring staff member. N.J.A.C. 6:28-3.5(a) Participants in the meeting shall:
 - a. Develop a collaborative evaluation summary, which shall include all decisions and any recommended course of action and copies of which shall be given to the parent and referring staff member. If the pupil is determined to be eligible for services, the summary shall become the basis for the current educational status statement of the individualized education program.
 - b. Determine the pupil's classification category in accordance with N.J.A.C. 6:28-3.5(e).
- 2. A child is eligible for the preschool handicapped program whose third birthday occurs on or before December 31st cutoff date for admission to kindergarten) of the school year in which such services will be offered, N.J.A.C. 6:28-1.3, and is determined to have a condition that seriously impairs the child's functioning and has a high predictability of seriously impairing normal educational development. N.J.A.C. 6:28-3.5(e)8 A child admitted to the

preschool handicapped program will remain in that program until he or she is eligible by age for admission to kindergarten.

3. A child whose fifth birthday occurs on or before December 31st (cutoff date for admission to kindergarten) of the school year in which admission is sought, N.J.A.C. 6:28-1.3, is eligible for evaluation, classification, and placement in a special education program in the regular school program.
4. An educationally handicapped pupil is eligible for special education and/or related services until he or she is determined by the child study team no longer to require such services, N.J.A.C. 6:28-3.5(d), receives a high school diploma, N.J.A.C. 6:28-4.4, is duly expelled from school, N.J.A.C. 6:28-2.8(e), or until the end of the school year in which his or her twenty-first birthday occurs. N.J.A.C. 6:28-1.3
5. An educationally handicapped pupil between the ages of sixteen and twenty-one who leaves the district voluntarily and before receiving a high school diploma may reenroll at any time up to and including the school year in which his or her twenty-first birthday occurs. N.J.A.C. 6:28-2.1(b)

B. Individualized education program

1. The individualized education program prepared for an educationally handicapped pupil shall consist of a basic plan and an instructional guide. N.J.A.C. 6:28-3.6(a)
2. The basic plan shall be written upon completion of the child study team's evaluation and within thirty calendar days of determination that the child is eligible for special education and/or related services. N.J.A.C. 6:28-3.6(b)
 - a. The basic plan will be developed at a meeting of the child study team, the parent, the teacher or teachers having knowledge of the pupil's performance, and such other professional staff members as may be appropriate. If a parent cannot attend the meeting, an attempt will be made to ensure parental participation by telephone or other means; a record shall be kept of attempts to ensure parental participation. N.J.A.C. 6:28-3.6(c)
 - b. The plan shall include the determination of eligibility; the pupil's current educational status; annual goals and intermediate objectives; and a detailed description of and rationale for the pupil's educational program. N.J.A.C. 6:28-3.6(e)
3. The case manager shall coordinate the development of an instructional guide based on the basic plan. The guide shall be developed by the teacher or teachers responsible for implementing the pupil's

program with the assistance of a member of the basic child study team and shall be completed within twenty calendar days after the program has been implemented. The parent of the pupil may participate in the development of the instructional guide. N.J.A.C. 6:28-3.6(f), (g), (h), (i)

4. The individualized education program meeting of a pupil classified as eligible for speech correction shall be attended by a member of the child study team, the parent, the speech correctionist, and, if appropriate, the pupil, and other appropriate teaching staff members. N.J.A.C. 6:28-3.6(d)
5. The individualized education program meeting of a pupil classified as eligible for home instruction shall be attended by a member of the child study team, the parent, the school physician or, if the physician so designates, the school nurse, the teacher having knowledge of the pupil's educational performance, and, if appropriate, the pupil, and other appropriate teaching staff members. N.J.A.C. 6:28-3.6(d)
6. A copy of the individualized education program shall be signed by the members of the preschool child study team and shall be provided to the parent at a meeting with the case manager and appropriate professional staff members. The individualized education program shall be in the parent's native language, unless this requirement would place an unreasonable burden on the district. Efforts shall be made to ensure that the parent understands the individualized education program. N.J.A.C. 6:28-3.6(k)
7. The child study team shall be responsible for the coordination, monitoring, and evaluation of the individualized education program.
8. Annually or more often if necessary the child study team, parent, teacher, and, if appropriate, the pupil shall meet to review and revise the individualized education program. N.J.A.C. 6:28-3.6(j)

F. Program requirements

1. Educationally handicapped pupils shall be provided appropriate, barrier free facilities in accordance with N.J.A.C. 6:chapter 22. N.J.A.C. 6:28-1.1(d)4
2. Educationally handicapped pupils shall be provided appropriate curriculum and materials. N.J.A.C. 6:28-4.1(e)
3. The length of the school day and academic year for educationally handicapped pupils shall be not less than the day and year established for pupils in the regular program of the schools. N.J.A.C. 6:28-4.1(f)

4. The professional staff members serving educationally handicapped pupils shall hold certification appropriate to their assignments. Such teaching staff members may be assisted by aides. N.J.A.C. 6:28-4.1(h)
5. The special education program for educationally handicapped pupils shall be implemented in accordance with N.J.A.C. 6:28-4.2.
6. When appropriate, an educationally handicapped pupil shall be grouped with or participate with noneducationally handicapped pupils or less severely handicapped pupils in activities that are part of the educational program. When the individualized education program of a handicapped pupils does not prescribe any restrictions, the pupil shall be included in the regular school program provided by this district. N.J.A.C. 6:28-4.1(i)2 and 3
7. Programs for the preschool handicapped shall be operation five days per week, one day of which may be used for parent training and at least four days of which shall provide a minimum total of ten hours of pupil instruction.
8. Related services shall be provided in accordance with a handicapped pupil's individualized education program and may include but need not be limited to counseling services, occupational and physical therapy, recreation, speech correction for a pupil classified other than eligible for speech correction, and transportation. The transportation of preschool handicapped children shall be in accordance with Board policy on the transportation of handicapped pupils. N.J.A.C. 6:28-3.7(a)
9. Home instruction shall be provided, at the pupil's place of confinement and within seven calendar days after eligibility has been established, to pupils classified by the school physician as eligible for home instruction. The pupil shall be carried on the individual instruction register. The home instructor shall be appropriately certified for the subject taught or level of instruction, and the program shall meet requirements for promotion or graduation. Instruction shall be provided in no fewer than five hours per week in not less than three visits on three days, not including any direct telephone or televised communication with the classroom. Home instruction may be provided for a maximum of sixty calendar days in a school year; if instruction for a longer period is indicated, the pupil should be referred for a determination of his or her eligibility for special education and/or related services. N.J.A.C. 6:28-4.2(b)5

G. Program transitions

1. Children enrolled in early intervention programs who attain the age of three after the date of eligibility in this district shall be provided required services for the balance of that school year by those programs. N.J.A.C. 6:28-1.3

2. By June 30 of a pupil's last year in a program for the preschool handicapped, the child study team shall review available assessment information and obtain the additional evaluations necessary to determine eligibility and, if appropriate, classification. N.J.A.C. 6:28-3.4(k), 6:3.6(j)1
3. The transition of an educationally handicapped pupil from elementary school to the secondary school shall be based on the recommendation of the child study team and shall be consistent with the pupil's individualized education program. Transition shall be determined by factors including number of years in school; social, academic, and vocational development; chronological age; and the pupil's need for the opportunities of the secondary school. N.J.A.C. 6:28-4.3 By June 30 of a handicapped pupil's last year in elementary school, the case manager, parent, teacher, and, if appropriate, the pupil shall meet to review and revise the pupil's individualized education program; input from the staff of the secondary school shall be included. N.J.A.C. 6:28-3.6(j)2
4. During a twenty-one year old handicapped pupil's last year in this district, a meeting shall be held including the parent, the case manager, and other individuals as appropriate to develop nonbinding written recommendations concerning services and resources after the responsibility of this district has ended. N.J.A.C. 6:28-3.6(m)

H. Transferring pupils

1. A pupil who transfers to this district who was identified but not classified by his or her former district shall be placed in the regular school program. If the Superintendent, after consultation with the child study team, determines that such placement may do serious harm to the pupil or to others, the pupil shall be placed on home instruction, for a period not exceeding thirty calendar days, pending evaluation and determination of special education eligibility. N.J.A.C. 6:3.2(d)
2. When an educationally handicapped pupil transfers into the district, review of his or her classification and individualized education program shall be conducted within thirty calendar days. N.J.A.C. 6:28-3.5(c)
3. When an educationally handicapped pupil transfers to this district from another New Jersey public school district and immediate review of his or her individualized education program cannot be conducted, the pupil shall be placed in a program consistent with the current individualized education program for a period not to exceed thirty calendar days. N.J.A.C. 6:28-4.1(i)1

I. Parental participation

The parent of an educationally handicapped or potentially educationally handicapped pupil:

1. Must be offered, without cost to the parent, a copy of:
 - a. On the parent's request, the special education statutes, N.J.S.A. 18A:chapter 46; special education rules, N.J.A.C. 6:chapter 28; pupil records rules, N.J.A.C. 6:3-2; and due process rules, N.J.A.C. 1:chapter 6A.
 - b. When the Board requests parental consent for initial evaluation or sends a notice of reevaluation, the procedural safeguards set forth at N.J.A.C. 6:28-2.1 et seq. and due process rules set forth at N.J.A.C. 1:chapter 6A.
 - c. Upon determination of a pupil's eligibility for special education and/or related services, N.J.A.C. 6:chapter 28. N.J.A.C. 6:28-2.1(d), (e), (f)
2. Must be encouraged to participate in:
 - a. Evaluation procedures and to provide necessary information for the evaluation process, N.J.A.C. 6:28-3.4(d).
 - b. The meeting held to determine the child's eligibility for special education and related services, N.J.A.C. 6:28-3.5(a)
 - c. Development of the pupil's basic plan, N.J.A.C. 6:28-3.6(c), at a meeting held at a mutually agreed upon time and place and to be consulted by telephone if a meeting is not possible. N.J.A.C. 6:28-2.3(a)2
 - d. Development of an instructional guide based on the pupil's basic plan, N.J.A.C. 6:28-3.6(g)
 - e. The review, annually or more often, of the pupil's individualized education program with professional staff members. N.J.A.C. 6:28-3.6(j)
3. Must be given written notice of:
 - a. The pupil's identification and a request for the parent's approval of referral to the child study team for evaluation. N.J.A.C. 6:28-3.3(c)
 - b. A request for the parent's consent to initial implementation of a special education program and/or related services. N.J.A.C. 6:28-2.3(a)

- c. A conference to determine a pupil's eligibility for special education and/or related services or to develop an individualized education program. Such notice shall be provided at least fifteen calendar days prior to the proposed conference unless the parent consents to a shorter time period. The notice will include the purpose, time, and location of the meeting and indicate the other participants. N.J.A.C. 6:28-2.3(a)2
- d. A plan to conduct a pupil's reevaluation. Such notice shall be provided at least fifteen calendar days prior to the proposed reevaluation. N.J.A.C. 6:28-3.4(j)2, 6:28-2.3(a)3
- e. The termination of a pupil's eligibility for special education. N.J.A.C. 6:28-3.5(d)
- f. The denial of the written request of the parent to initiate or change a special education program or service. Such notice shall be provided within thirty calendar days of the district's receipt of the parent's request. N.J.A.C. 6:28-2.3(a)4

Any notice supplied under this rule shall be clearly written and shall include descriptions of the action proposed or denied and the reasons therefore, the options considered and the reasons why those options were rejected, the procedures and factors used in the district's decision, and a full explanation of the parent's rights of appeal. N.J.A.C. 6:28-2.3(b)

- 4. Must be supplied an interpreter at meetings if the native language is other than English or the parent is deaf. N.J.A.C. 6:28-2.4(a)1, 6:28-3.6(c)3
- 5. Must be provided a copy of the individualized education program in the parent's native language, N.J.A.C. 6:28-3.6(k), if translation is feasible. If it is not feasible, the parent shall be given an English language copy and an appropriate explanation of its contents in the language of the parent. N.J.A.C. 6:28-2.4(a)3
- 6. Must be allowed to consent in writing to referral for evaluation and to implementation of the individualized education program. N.J.A.C. 6:28-3.3(b), 6:28-3.6(1)
- 7. Must be allowed to use an audio-tape recorder during conferences with professional staff members regarding the child's individualized education program. N.J.A.C. 6:3.6(c)4
- 8. Must be afforded all due process protections of notice and appeal set forth at N.J.A.C. 6:28-2.7.
- 9. Must be permitted to inspect, review, and appeal the contents of the pupil's records. N.J.A.C. 6:28-2.9

10. Must be permitted to request an independent child study team evaluation if the parent disagrees with the district's evaluation.
N.J.A.C. 6:28-2.5(b)

J. Conflict Resolution

1. Attempts shall be made to resolve a conflict between the district and the parent of an educationally handicapped or potentially handicapped pupil by informal resolution in a local administrative review before either the district or the parent resorts to formal appeal to the Department of Education. Administrative review is not a prerequisite to a formal hearing, however, and if either party declines to participate in the informal review, a request for a formal due process hearing may be filed in accordance with N.J.A.C. 6:28-2.7.
2. Local administrative review shall follow these procedures:
 - a. Whenever a conflict arises from the application of Board policy or these regulations, either or both of the parties to the conflict may invoke an administrative review of the conflict by submitting a written request for review to the Superintendent of Schools, the district agent responsible for conducting the review.
 - b. The request for administrative review shall set forth a summary of the conflict, the professional staff members involved in the dispute, and the relief sought by the requesting party. A copy of the request shall be given to the other party or parties to the conflict.
 - c. Within twenty calendar days after a written request for administrative review is received, the Director of Special Services (responsible review agent) shall convene a meeting at a time and place convenient to the parties in the dispute. Written notice of the meeting shall be given to the parties not less than 7 days in advance of the meeting date.
 - d. The meeting shall be attended by the parties in dispute, the Superintendent, a district health professional not involved in the pupil's evaluation, and a teacher not involved in the pupil's educational program. A parent whose native language is other than English or who is deaf will be provided with an interpreter. A parent will be permitted the use of a tape recorder at the meeting.
 - e. The meeting will be conducted informally. Each party will be afforded the opportunity to explain his or her position and to present documentation that supports that position. Every reasonable effort will be made to resolve the conflict in the pupil's best interests.

- f. In the event the conflict is resolved at the meeting, the Dir. of Special Ser. (responsible review agent) will prepare a written statement to that effect, setting forth the agreements reached, and will, within 10 days of the meeting, give a copy of the statement to the parent and to the professional staff members involved.
- g. In the event the conflict cannot be resolved at the meeting, the Dir. of Special Services (responsible review agent) will prepare a written statement of recommendations developed by the Superintendent, health professional, and teacher along with reasons for those recommendations. A copy of the statement will be given to the parent and to the professional staff members involved within 10 days of the meeting. The recommendations are not binding.
- h. The written copies of request for review, meeting notice, and statement given to a parent will, wherever feasible, be prepared in his or her native language.
3. The district shall cooperate with a parent who seeks mediation by the Department of Education in order to resolve a conflict. N.J.A.C. 6:28-2.6(c)
4. The district will, if the best interests of the pupil so dictate, appeal the failure or refusal of a parent to consent to the referral of a pupil for evaluation or to the initial implementation of a pupil's individualized education program. N.J.A.C. 6:28-3.3(d), 6:28-3.6(1)
5. No change will be made to an educationally handicapped pupil's classification, program, or placement pending the outcome of a conflict resolution effort except as ordered by way of emergency relief by the Office of Administrative Law. N.J.A.C. 6:28-2.1(h)

K. Surrogate parents

1. In the event that a pupil's parent cannot be located after reasonable efforts or a pupil is a ward of the State of New Jersey, the Superintendent will appoint a surrogate parent to act as parent under these rules. The surrogate parent may consent or withhold consent to the pupil's referral and to the implementation of the individualized education program and must act at all times in the pupil's best interest. N.J.A.C. 6:28-2.2
2. A surrogate parent shall be a resident of this school district not employed by this district. He or she shall be chosen from a panel of volunteers who possess the knowledge and skills that insure adequate representation of the pupil. The surrogate parent must have no interest that will conflict or appear to conflict with the pupil he or she represents. N.J.A.C. 6:28-2.2(c)

3. Surrogate parents will be prepared for service by a training program administered by the Nutley Public Schools. Each volunteer for service will be interviewed and must supply references and a resume.

L. Infant handicapped

1. Infant handicapped children are children below the age of eligibility for the preschool handicapped program of this district who are educationally handicapped or potentially educationally handicapped.
2. Information regarding early intervention services available for infant handicapped children shall be provided upon request.
N.J.A.C. 6:28-1.1(c)3
 - a. The Nutley Public Schools shall maintain a file of services provided by local, county, and state agencies for the infant handicapped and prepare written materials describing those services.
 - b. The Dir. of Special Ser. will be designated as public information officer for infant handicapped programs. His or her name and telephone number will be distributed through the district newsletter, newspaper announcements, and posters, and persons will be invited to call for information regarding services available for infant handicapped children.
 - b. A record shall be kept of each request and the response to that request.