

Policy

No. 210 (2460)

Board of Education Nutley

PROGRAM

SPECIAL EDUCATION

The Board of Education shall endeavor to provide full educational opportunity to all pupils with disabilities from birth to twenty-one years of age or the pupil's transfer from this district. Accordingly, the Board shall, in compliance with law and rules of the State Board of Education, provide a free and appropriate public education and/or related services to eligible educationally handicapped pupils 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 and to preschool handicapped children who would be benefited by special education programs and services that will prevent their handicaps from becoming more debilitating.

As 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 or surrogate parent, or a person acting in the place of a parent such as the person with whom a pupil legally resides and/or the person legally responsible for the pupil's welfare. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under this policy and implementing regulations.

Exemption from graduation requirements N.J.A.C. 6:28-1.4(a)1

Unless specifically exempted, all educationally handicapped pupils must meet state and local requirements for graduation. An exempted pupil's individualized education program (IEP) must include a list of any exemptions from the regularly required educational program options or graduation requirements and a rationale for each such exemption. If the goals and objectives in a pupil's IEP do not include the proficiencies measured by the high school proficiency test (HSPT) and/or the requirement to demonstrate mastery of curricular proficiencies, the pupil's IEP will state the reasons for that exclusion. Any exemption from graduation requirements for the HSPT or demonstration of the mastery of curricular proficiencies must be approved by the Superintendent. The IEP of any pupil exempted from HSPT and/or curricular proficiencies must set forth alternate proficiencies, the achievement of which will qualify the pupil for a regular high school diploma.

Educationally handicapped pupils are subject to the provisions of Policy No. 519 (5460) High School Graduation, including eligibility for the special review assessment, in accordance with N.J.A.C. 6:8-7.1(b), and the option for receiving a diploma from this district on qualification for a diploma in a school outside this district, in accordance with N.J.A.C. 6:28-4.8(c).

Each educationally handicapped pupil who meets standards for graduation pursuant to this policy shall be offered the opportunity to participate in graduation ceremonies and related activities without discrimination.

The Superintendent shall report annually to the Commissioner of Education and to the Board at a public meeting the number of pupils graduating under special education.

Prevention of needless public labeling N.J.A.C. 6:28-1.4(a)2

The Board directs that the names and other personally identifiable data concerning identified and handicapped children be kept confidential and not be included in the public acts and records of this district, except upon the written request of the parent or adult pupil. Such names and data will be reduced to code for inclusion in the public record.

The use of school public address systems; the placement of signs in classrooms and hallways; the distribution and circulation of documents, photographs, audio tapes, and video tapes; and other means of identifying pupils will be consistent with this policy for the avoidance of needless public labeling of pupils as educationally handicapped.

Pupil records N.J.A.C. 6:28-1.4(a)3

The records of handicapped pupils will be compiled, maintained, protected, and accessed in strict compliance with N.J.A.C. 6:3-2 and Policy No. 516 (8330) on pupils records. The mandated records of a pupil placed in a State facility will be provided to the Department of Human Services or Corrections, as appropriate, and the parent or adult pupil will be given notice of the release of records.

The parent of an educationally handicapped pupil and an adult educationally handicapped pupil shall be afforded an opportunity to inspect and review all educational records with respect to the identification, evaluation, and education of the pupil and the provision of a free, appropriate public education. When inspection of records is requested in connection with a pending meeting regarding a pupil's IEP, the inspection will occur without unnecessary delay.

Identification, location, and evaluation N.J.A.C. 6:28-1.4(a)4

The Board directs the identification, location, and evaluation of all children residing within the Board's jurisdiction who are educationally handicapped, regardless of the severity of their handicap, and who are in need of special education and related services. Procedures will be instituted for the identification of such children with the participation of professional staff members, parents, and agencies concerned with the welfare of pupils. Unless it can be documented that the pupil's handicap requires direct referral to the child study team, prereferral intervention will 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 will 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 initial evaluation will receive written notification of procedural safeguards and will be requested to consent to the evaluation. An initial evaluation will proceed only when the parent has given consent or, in the event the parent withholds consent, the Office of Administrative Law has ordered initial evaluation.

The child study team shall determine each referred pupil's need for comprehensive evaluation and design and implement an evaluation plan.

Parents and adult pupils shall be informed of their right to an independent evaluation in accordance with N.J.A.C. 6:28-5(b)1-3, (c), and (d).

Full educational opportunity N.J.A.C. 6:28-1.4(a)5

All educationally handicapped pupils, from birth through the age of twenty-one years, shall have available to them the variety of educational programs and services available to pupils who are not educationally handicapped.

No pupil classified as handicapped will 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.

Participation of parents N.J.A.C. 6:28-1.4(a)6

The parents of educationally handicapped pupils shall be provided every opportunity afforded by law and rules of the State Board of Education to participate in the decisions and actions affecting their children and to consult with the professional staff members who shape and implement their children's education.

All communication with parents shall be in the language used for communication by the parents unless it is not feasible to do so. As necessary and feasible, parents shall be provided with foreign language interpreters or translators and sign language interpreters, at no cost to the parent.

Special services N.J.A.C. 6:28-1.4(a)7

An educationally handicapped pupil's IEP will include such special services as may be indicated and necessary to enable him or her to participate in regular educational programs to the maximum extent appropriate.

Individualized education program N.J.A.C. 6:28-1.4(a)8

An individualized education program (IEP), consisting of a basic plan and an instructional guide, will be prepared for every pupil determined to be educationally handicapped. Each such pupil will be provided with a special education program and/or related services as defined in his or her IEP and implemented in facilities approved by the State and accessible to the handicapped.

Each IEP will include as a minimum the components listed at N.J.A.C. 6:28-3.6(e) and (i). The program and/or services specified in a pupil's IEP will be implemented in accordance with the district program plan and rules of the State Board of Education.

A copy of the IEP will be given to the child's parent. The IEP will be reviewed and revised at least annually. Meetings will be conducted to develop, review, and revise each IEP.

Protection of pupils' rights in evaluation N.J.A.C. 6:28-1.4(a)9

The evaluation procedure, including all observation, tests, and interviews, will be conducted in strict accordance with N.J.A.C. 6:28-2.5(a)1-10. The procedure will 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; be neither racially nor culturally discriminatory; be conducted on an individual basis and use group tests information only to supplement individual evaluations; consider the pupil's sociocultural background and adaptive behavior in home, school, and community; and result in a written report dated and signed by the person who originated the data. Within ninety calendar days of the date on which parental consent is received, the pupil will be evaluated, his or her eligibility for special education and/or related services will be determined, and, if he or she is eligible, the basic plan section of the pupil's individualized education program will be implemented. Within that time period, no more than thirty days will elapse between the development and implementation of the basic plan section of the individualized education program.

Each child determined to be educationally handicapped will 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 will be notified of the plan. No change in classification will 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.

Parents and adult pupils shall be provided with notice in accordance with N.J.A.C. 6:28-2.3(f) and shall have the right to an independent evaluation in accordance with N.J.A.C. 6:28-2.5(b)1-3, (c), (d).

Least restrictive environment N.J.A.C. 6:28-1.4(a)10

An educationally handicapped pupil's IEP will 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 and, to the maximum extent possible, will be educated with children who are not educationally handicapped. A continuum of alternative placements will be available for educationally handicapped pupils.

Procedural safeguards N.J.A.C. 6:28-1.4(a)11

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

The Board directs that all reasonable attempts be made to mediate disputes 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 a due process hearing, but that no party be discouraged from pursuing relief along any avenue provided by law. The Board, the parent of a pupil aged three through twenty-one, or an adult pupil may initiate a due process hearing in accordance with N.J.A.C. 6:28-2.7 and N.J.A.C. 1:6A. The Board shall provide information regarding the availability of free or low cost legal and other relevant services, if the parent or adult pupil requests the information.

No change will be made to a pupil's classification, program, or placement pending the outcome of a conflict resolution effort unless both parties agree or emergency relief is granted 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 identified or located or who are wards of the State of New Jersey.

Educationally handicapped pupils will be subject to the disciplinary policies and procedures established by this Board, except that a pupil whose IEP contains exemptions to those policies and procedures shall be disciplined in accordance with his or her IEP. The child study team must conduct a reevaluation prior to the effectuation of any discipline that would result in a significant change in the pupil's placement. No educationally handicapped pupil may be disciplined if the pupil's behavior is primarily caused by his or her educational handicap. The Board will not consider the expulsion of an educationally handicapped pupil until the child study team has reevaluated the pupil and the Board has received the child study team's written report of that reevaluation.

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 as the Superintendent may recommend.

The Superintendent shall develop regulations to implement this policy that comply fully with all applicable federal and state statutes and rules of the United States Department of Education and the 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.

34 C.F.R. Part 300

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

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

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

N.J.A.C. 6:3-2; 6:8-4.3(a)7iii, 6:28-1.1 et seq.

N.J.A.C. 6:43-4.1 et seq. [vo-tech only]

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