

Regulations

2100 (2460)

Board of Education

Nutley

2100 (R 2460) SPECIAL EDUCATION

The following is a list of special education regulations:

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| R 2460.1 | Special Education – Identification, Location And Referral |
| R 2460.5 | Special Education – Exemption From Statewide Testing |
| R 2460.7 | Special Education – Free And Appropriate Public Education |

The following definitions shall apply to all special education regulations:

Definitions

Words and terms, unless otherwise defined below, when used in this chapter, shall be defined in the same manner as those words and terms used in the Individuals with Disabilities Education Act (IDEA).

“Adaptive behavior” means the ability to demonstrate personal independence and social responsibility according to age and socio-cultural group expectations.

“Adult pupil” means an emancipated minor or a person age eighteen through twenty-one, who is or was enrolled in the public education and who is not under legal guardianship.

“Approved private school for the disabled” corresponds to “approved private school for the handicapped” and means an incorporated entity approved by the New Jersey Department of Education according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to pupils with disabilities placed by the district Board of Education responsible for providing their education.

“Assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

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“Assistive technology service” means any service that directly assists a pupil with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

1. The evaluation of the needs of a pupil with a disability, including a functional evaluation of the pupil in his/her customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by pupils with disabilities;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for a pupil with a disability or, if appropriate, that pupil’s family; and
6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers or other individuals who may provide services to, employ, or are otherwise substantially involved in the major life functions of pupils with disabilities.

“Board of Education” means the school district of residence, the board of trustees of a charter school, the state agency or other public education agency which acts as the school district of residence for the location, identification, evaluation, determination of eligibility, development of an Individualized Education Program (IEP) and the provision of a free appropriate, public education to pupils with disabilities except as defined otherwise.

“Consent” means agreement in writing which is required by this chapter. Consent shall be obtained from the parent(s), legal guardian(s) and/or the adult pupil having legal responsibility for educational decision making. The district Board of Education shall ensure that the parent(s), legal guardian(s) and/or adult pupil:

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

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2. Understands and agrees in writing to the implementation of the activity; and
3. Understands that the granting of consent is voluntary and may be revoked at any time.

“Department of Education” means the New Jersey State Board of Education, the Commissioner of Education or his/her designee.

“Individualized Education Program” (IEP) means a written plan developed at a meeting according to N.J.A.C. 6A:14-2.3(h) 3, 2.3(i) 2 which sets forth present levels of performance, measurable annual goals and short-term objectives or benchmarks and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives. This plan shall establish the rationale for the pupil’s educational placement, serve as the basis for program implementation and comply with the mandates set forth in this chapter.

“IEP Team” means the group of individuals who are responsible for the development, review and revision of the pupil’s Individualized Education Program (IEP). The members of IEP Team are listed at N.J.A.C. 6A:14-2.3(h).

“Native language” means the language or mode of communication normally used by a person with a limited ability to speak or understand the English language.

“Nonpublic school” means an elementary or secondary school, other than a public school, within the State, providing education in grades kindergarten through twelve, or any combination of grades in which a pupil age five through twenty may fulfill compulsory school attendance and which complies with Title VI of the Civil rights Act of 1964 (P.L. 88-352).

“Nonpublic school pupil” means any pupil who is enrolled full time in a nonpublic school. A pupil who boards at a nonpublic school shall be considered a resident of the New Jersey school district in which the parent(s), legal guardian(s) and/or the adult pupil resides.

“Parent” means the natural parent, the legal guardian, foster parent, surrogate parent, person acting in the place of a parent such as the person with whom the pupil legally resides and/or a person legally responsible for the pupil’s welfare. Unless parental rights have been terminated by a court of appropriate jurisdiction, the natural parent retains all rights under this chapter.

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“Pupil” means a person age three through twenty-one who is entitled to receive educational programs and services in accordance with federal or state law or regulation.

“Pupil age” means the school age of a pupil defined by the following:

1. “Age three” means the attainment of the third birthday. Children attaining age three shall have a free appropriate public education available to them provided by the district Board of Education.
2. “Age five” means the attainment of age five by the month and day established as the kindergarten entrance cutoff date by the district Board of Education. Pupils with disabilities attaining age five after the kindergarten entrance cutoff date shall continue to be provided preschool services for the balance of that school year.
3. “Age 21” means the attainment of the twenty-first birthday by June 30 of that school year. Pupils with disabilities attaining age twenty-one during the school year shall continue to be provided services for the balance of that school year.

“Pupil with disability” means a pupil who has been determined to be eligible for special education and related services according to N.J.A.C. 6A:14-3.5 or 3.6.

“Recreation” for pupils with disabilities means instruction to enable the pupil to participate in appropriate leisure activities, including involvement in recreation programs offered by the district Board of Education and the facilitation of a pupil’s involvement in appropriate community recreation programs.

“Referral” means the written request for an initial evaluation to determine whether a pupil is eligible for services under this chapter.

“Related services” means transportation and such developmental, corrective, and other supportive services as are required to assist a pupil with a disability to benefit from special education as specified in the pupil’s IEP, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy recreation, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school nursing services, social work services in schools and parent and/or legal guardian counseling and training that is related to the education of the pupil.

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“Special education” means specially designed instruction to meet the educational needs of pupils with disabilities including, but not limited to, subject matter instruction physical education and vocational training.

“Speech-language specialist” means a speech correctionist or speech-language specialist.

“Transition services” means a coordinated set of activities for a pupil, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

5/5 Date Adopted:

Dated:
October 23, 2000

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2100 (R 2460.1) SPECIAL EDUCATION – IDENTIFICATION, LOCATION AND REFERRAL

All pupils with disabilities, who are in need of special education and related services, including pupils 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

Procedures for Locating Pupils With Disabilities

1. The Department of Special Services will coordinate the child find activities to locate, identify and evaluate all children, ages three through twenty-one, who reside within the Nutley School District and who may be disabled.
2. By December 1 of each school year, the Director of Special Services or his/her designee will conduct child find activities including but not limited to:
 - a. Development of child find materials for distribution.
 - b. Broadcasting of child find information on the school district cable television station. (if applicable)
 - c. Distribution of flyers to the parents of all pupils enrolled in the school district.
 - d. Mailing of child find material to nonpublic schools in the area.
 - e. Mailing of child find material to local pediatricians, hospitals and clergy.
 - f. Public service announcements on the local foreign language radio stations and cable television stations. (if available in our area)
 - g. Public service announcements in local newspapers.
 - h. Distribution of child find materials in supermarkets, convenience stores, shelters for the homeless, public and private social service agency locations and nursery school providers.
 - i. Mailing information letters to local physicians, hospitals, nursery schools, non-public schools, health departments, community centers, rescue squads and churches.

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- j. A guide to preschool services for potentially disabled children ages three to five is made available to: (pre-schools, physicians, community agencies)
 - k. Posting of state developed child find materials in all schools (designate areas) for potentially disabled pupils and/or early intervention program.
 - l. Training of home school advocate/school community liaisons or others to assist in the identification of potentially disabled pupils.
 - m. Listings of Early Intervention Program (EIP), local nursery schools and pediatricians are maintained. The district's preschool coordinator (or other) maintains contact with EIP coordinator and nursery school director.
 - n. Information is distributed through the Parent Advisory Committee.
 - o. School handbooks distributed to parents contain information describing special education services.
 - p. Distribution of information to the school district's ESL/Bilingual teachers describing child find activities.
 - q. Kindergarten entrants are reviewed with building principals relative to potential disabilities.
 - r. Intervention and Referral Services committee (I&RS) previously referred to as Pupil Assistance Committee (PAC) have been established in all school buildings.
 - s. Nonpublic schools or parents of children who attend nonpublic schools may make referrals regarding potentially disabled pupils directly to the Essex Educational Services Commission.
3. No later than December 1 of each school year, the Department of Special Services will contact by mail the representatives of the nonpublic school children for suggestions on ways to conduct child find activities for pupils attending nonpublic schools.

Based on the suggestions from the representatives of the nonpublic schools, the Department of Special Services will modify the child find activities for the next school year, as appropriate.

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Procedures for Intervention in the General Education Program

A staff member or agency shall provide in writing a request for intervention services to the building principal or designee. The request shall contain the following:

1. Reason for request (including parental or adult pupil request);
2. Descriptive behavior of pupil performance; and
3. Indication of the prior interventions.

Staff will be inserviced annually by the building principal or designee regarding the procedures for initiating and providing intervention services.

The Superintendent or designee will oversee the district's implementation and effectiveness of the procedures for interventions in the general education program.

Intervention and Referral Services Committee (I&RS) or Pupil Assistance Committee (PAC) will be in place in each school building.

The building principal or designee will be responsible for the following:

1. The implementation and effectiveness of building level I&RS/PAC Committee;
2. Will identify title roles and responsibilities of building staff who participate in planning and providing intervention services; and
3. Review, assess and document the effectiveness of the services provided in achieving the outcome identified in the intervention plan.
4. The I&RS/PAC Committee shall:
 - a. Plan and provide appropriate intervention services;
 - b. Actively involve parents/guardian in the development and implementation of intervention plans;
 - c. Develop an action plan for an identified pupil which specifies specific tasks, resources, persons responsible, completion dates, date for review;
 - d. Coordinate the services of community based social and health provider agencies.

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- e. Process and complete the documentation forms; and
 - f. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan.
5. The building principal will insure that:
- a. I&RS/PAC Committee receive inservice training by the building principal or designee;
 - b. Staff handbooks include information regarding intervention procedures;
 - c. New instructional staff attend the district's orientation program which includes information on I&RS/PAC committee;
 - d. School calendars provide information on intervention services; and
 - e. Parent/pupil handbooks include information on intervention services.

Procedures for Referral

Referral procedures are included in professional staff handbooks and referral forms are available in the Principal's office, the Child Study Team office, and the Office of Director of Special Services.

1. Parent Initiated Referral

When a parent makes a written request for an evaluation to determine eligibility for services:

- a. The written request shall be dated by the district recipient;
- b. Immediately forwarded to the office of special services;
- c. A file will be initiated (Attach any forms used to open a case);
- d. Upon receipt of the referral a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the Child Study Team (CTS);

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- e. The Department of Special Services (though not required, a case manager may be assigned) will convene a planning meeting (identification meeting) within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the district;
- f. A "Notice of a Planning Meeting" will be sent to the parent(s); (Attach form)
- g. The notice will contain "Parental Rights in Special Education" (PRISE) booklet; and
- h. The planning meeting (Identification Meeting) will be attended by the parent, CST and regular education teacher.

2. School Initiated Referral

Referral of a pupil may be made by administrative, instructional and other professional staff to determine eligibility for special services when:

- a. It is determined that interventions in the general education program have not adequately addressed the educational difficulties and it is believed that the pupil may be disabled; or
- b. It can be documented that the nature of the pupil's educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.
- c. The Nutley Public Schools, though inservice training, shall ensure that pupils who may be potentially disabled are referred even though they are advancing from grade to grade.

The following procedure will be followed for a school initiated referral:

- a. A referral to the CST (attach form) will be completed by the referring staff member;
- b. I&RS/PAC documentation shall be forwarded with the referral to the CST along with any other relevant data;
- c. I&RS/PAC documentation does not need to be forwarded for direct referral when the nature of the pupil's problem is such that the evaluation is warranted without delay;

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- d. The referral should be dated upon receipt by the CST (Attach any forms used to open a case);
- e. A file will be initiated;
- f. Upon receipt of the referral, a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the CST;
- g. The Department of Special Services (though not required, a case manager meeting may be assigned) will convene a planning meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date recorded on the referral;
- h. A Notice of a Planning Meeting” (Identification Meeting) will be sent to the parents;
- i. The notice shall contain “Parental Rights in special Education” (PRISE); and
- j. The planning meeting (Identification Meeting) will be attended by the parent, CST and regular education teacher.

6/6 Date Adopted:

Dated:
October 23, 2000

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2100 (R 2460.5) SPECIAL EDUCATION – EXEMPTION FROM STATEWIDE TESTING

Pupils with disabilities are included in statewide and districtwide assessment programs with appropriate accommodations where necessary according to N.J.A.C. 6A:14-4.

Procedures for Exemption from Statewide Testing

1. The IEP team decides if the pupil will participate or be exempt from each subject area of the statewide assessment.
2. During the IEP meeting for the grade in which the pupil would be taking a statewide assessment, the IEP team must decide/ensure the following and document it in the IEP:
 - a. Any NJDOE approved accommodations or modifications that will enable the pupil to participate in mandated content areas;
 - b. Any content areas in which the pupil will not participate;
 - c. The reason(s) for exemption(s);
 - d. How the pupil will be assessed in those content areas;
 - e. That the alternative assessment measures the pupil's progress in the New Jersey Core Curriculum Content Standards; and
 - f. That alternative assessment strategies are specified in the IEP.

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3. The Nutley Public Schools will ensure:
 - a. Special education staff members are knowledgeable of methods of assessing achievement in the New Jersey Core Curriculum Content Standards and of the Directories of Test Specifications and know the skills that are part of the statewide assessment and what type of tasks that are included;
 - b. Alternate assessment activities shall commence no later than the date of the statewide assessment;
 - c. The assessment measures the pupil's progress in the life skills or general education curriculum focusing on the skills tested by the statewide assessment, or listed in the IEP;
 - d. The IEP team selects a commercial assessment, teacher made test, portfolio or school district developed assessments that measure progress in the New Jersey Core Curriculum Content Standards and/or the New Jersey Core Curriculum Content Standards for Students with Severe Disabilities (CCSSSD);
 - e. Documentation of the pupil's performance on each curriculum content standard or CCSSSD shall be recorded for each pupil; and
 - f. A record of each standard shall be maintained and presented to the Superintendent or designee for final approval no later than two months before the end of the school year.
4. The Nutley Public Schools will ensure that pupils who attend out of district schools are included in the statewide assessment program unless exempted by the IEP team.
5. The CST will review IEP's of pupils who are exempt from participation in the statewide assessment program to ensure that they contain proposed alternative assessment strategies, or other appropriate activities and all required documentation.

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Dated:
October 23, 2000

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2100 (R 2460.7) SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

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

Procedures regarding the provision of a free appropriate public education to pupils with disabilities who are suspended or expelled

1. School officials responsible for implementing suspensions/expulsions in the district are the following: (List school officials/designees by district organizational level.)
 - a. 9-12 Principal/Vice Principal or designee;
 - b. 6-8 Principal/designee;
 - c. (Other)
2. Each time a pupil with disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager by the Principal or designee. (Notification must be in written format for documentation – Attach form)
3. Each Principal or designee will ensure that a system is in place to track the number of days a pupil with disabilities has been removed for disciplinary reasons. Documentation will include: (Attach form)
 - a. Pupil's name;
 - b. The infraction;

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- c. Time suspended; and
 - d. The cumulative days suspended including removal for a portion of the school which is counted proportionately.
- 4. When a disabled pupil is suspended from transportation services, such suspension from transportation is counted as a day of removal only if the pupil does not attend school.
- 5. When a pupil with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not counted as a day of removal if the program meets the following criteria:
 - a. The pupil has the opportunity to progress in the general curriculum,
 - b. Services and modifications specified in the pupil's IEP can be provided in the in-school suspension program,
 - c. Interaction with non-disabled peers to the extent they would have in the current placement, and
 - d. The pupil is counted as present for the time spent in the in-school suspension program.
- 6. When a series of short-term removals accumulate to more than ten school days in the year:
 - a. The Principal/Vice Principal or designee and the case manager will consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(b)2.
 - b. If it is determined that there is no change in placement, the Principal/Vice Principal or designee and the case manager, and special education teacher will consult to determine the extent to which services are necessary to:
 - (1) Enable the pupil to progress appropriately in the general education curriculum;

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- (2) Advance appropriately toward achieving the goals set out in the pupil's IEP; and
 - (3) Written documentation of the consultation and services provided is maintained in the pupil's file. (Attach any relevant forms).
7. When a disabled pupil is removed from his/her current placement for more than ten days and the removal does not constitute a change in placement, the case manager shall convene an IEP meeting to:
 - a. Review the behavioral intervention plan and its implementation;
 - b. Determine if modifications are necessary; and
 - c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary.

The case manager will document the date and the outcome of the meeting (Attach any relevant forms).

The documentation will be placed in the pupil's file.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Preschool Age Pupils with Disabilities

To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's implemented no later than age three, a written request for an initial evaluation shall be forwarded to the district.

The following procedures will be followed:

1. A parent of a preschool-age pupil suspected of having a disability, who requests a Child Study Team (CST) evaluation by telephone, will be advised to submit a written request for an evaluation to the Director of Special Services.
2. Upon receipt of the written request the request shall be dated and signed by the recipient;

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3. A file will be initiated for the potentially disabled preschooler (Attach any forms used to open a case);
 - a. The Department of Special Services (though not required, a case manager may be assigned) will convene a planning meeting within twenty calendar days (excluding school holidays but not summer vacation) of the date recorded on the request;
 - b. A "Notice of Planning Meeting" (Identification Meeting) will be sent to the parent(s) (Identify Form);
 - c. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet;
 - d. The meeting will be attended by the CST, including a speech language specialist, the parent(s), and a teacher who is knowledgeable about the district's program; and
 - e. A program shall be in place no later than ninety calendar days from the date of consent.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Pupils with Disabilities Who Are Advancing From Grade to Grade

The Nutley Public Schools through in-service training shall ensure pupils with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP team determines the pupil continues to require specially designed services to benefit from education and progress in the general education curriculum; and the IEP team will use functional assessment information to support the determination to continue eligibility.

4/4 Date Adopted:

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