

Regulations

2100 (2460.1)

Board of Education Nutley

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, and highly mobile pupils such as migrant workers' children and homeless pupils 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. The Superintendent or designee ensures that if any native language speakers for languages other than English are identified, public service communications will include but not be limited to native language announcements on local foreign language radio stations and/or cable television stations.
 - 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 Principal of the nonpublic school(s) to request input from nonpublic school parents and officials for suggestions on ways to conduct child find activities for pupils attending nonpublic schools. (A survey will be used to document data collected from nonpublic school parents and officials)

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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The following individual(s) shall serve as representatives from nonpublic schools:

| <u>School</u> | <u>Title of the Individual Representing the Nonpublic School</u> |
|-----------------------|--|
| Good Sheperd Academy | Principal |
| Abundant Life Academy | Principal |

Procedures for Intervention in the General Education Program

A staff member or agency shall provide in writing a request * for intervention services for pupils ages 5 to 14 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 the 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.

*Sample forms are located in the Resource Manual for Intervention and Referral Services published by the NJDOE.

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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.
 - 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 by October 1;
 - b. Staff handbooks are updated by September 15 and include information regarding intervention procedures;
 - c. New instructional staff attend the district's orientation program commencing in the month of August which includes information on I&RS/PAC committee;
 - d. School calendars distributed in the month of September and provide information on intervention services; and
 - e. Parent/pupil handbooks distributed in the month of September and 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. Parental or Legal Guardian Notification of Procedures

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Referral procedures shall be included in Parent Handbook, special education brochure, which shall be available to any parent(s) or legal guardian(s). These procedures and publications shall be updated annually and be available to parent(s) and legal guardian(s) not later than October 1 of each year.

2. 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 (CST);
- e. The Child Study Team 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);
- 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.

3. 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 (optional: through the I&RS/PAC Committee) 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

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- 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 Principal, through 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 will be completed by the referring staff member;
- b. I&RS/PAC documentation (including, but not limited to: teacher reports, grades and other relevant data) 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;
- d. The referral should be dated upon receipt by the CST;
- 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 CST (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.

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4. The district may use community rehabilitation programs approved by the New Jersey Department of Labor, Division of Vocational Rehabilitation Services or any other State agency empowered to accept secondary level pupil placement according to N.J.A.C. 6A:14-4.7 (f)1.
5. Each evaluation of the pupil requires an assessment to determine appropriate post-secondary outcomes as part of transition services planning.
6. Each IEP team member is required to certify in writing whether the IEP team report reflects his or her conclusions. In the event the IEP team report does not reflect the IEP team member's conclusion, the IEP team member must submit a dissenting opinion in order to ensure the parents are aware of dissenting opinions regarding the determination of eligibility for a specific learning disability.
7. Parent(s) or legal guardian(s) must receive a copy of their child's evaluation report and any documentation leading to a determination of eligibility not less than ten calendar days prior to the eligibility conference in order to ensure parent(s) or legal guardian(s) have a reasonable amount of time to review documentation prior to an eligibility conference.

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

A free and 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 and appropriate public education to pupils with disabilities who are suspended or expelled are as follows:

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
Director of Special Services or designee
 - b. 7-8 Principal/Vice Principal
Director of Special Services or designee
 - c. K-6 Principal, Director of Special Services
2. Each time a pupil with a 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;
 - c. Time suspended; and
 - d. The cumulative days suspended including removal for a portion of the school day which is counted proportionately.

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4. When a pupil is suspended from transportation:
 - a. Suspension from transportation is not counted as a day of removal if the pupil attended school.
 - b. Suspension from transportation is counted as a day of removal if the school district does not make available an alternate means of transportation and the pupil does not attend school.
 - c. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and 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. Written documentation of the consultation shall be maintained by the case manager.

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- 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;
 - (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.

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

Procedures Regarding the Provision of a Free and 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.

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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;
3. A file will be initiated for the potentially disabled preschooler;
 - a. The CST 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);
 - 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 Department of Special Services 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.

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Procedures Involving Procedural Safeguards to Pupils Not Yet Eligible For Special Education.

Disciplinary procedural safeguards will apply to pupils not yet eligible for special education. Parent(s) or legal guardian(s) and/or adult pupils may assert any of the protections of the law if the district had knowledge the pupil was a pupil with a disability before the behavior that precipitated the disciplinary action occurred.

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2100.1 (2461.02) SPECIAL EDUCATION/RECEIVING SCHOOLS – SUSPENSION/EXPULSION

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 210 (2460) and 210.1 (2461) and corresponding Regulations.

A. Procedures for Collaboration For Pupils With Disabilities Who Are Suspended/Expelled

The receiving school will collaborate with the district Board of Education in the provision for a free, appropriate public education for the population served including students with disabilities who are suspended.

1. The Principal or Designee is responsible for implementing suspensions/expulsions in the receiving school.
2. Each time a pupil with a disability is removed from his/her current placement for disciplinary reasons, the Principal or Designee will notify the case manager of the sending district.
3. The Building Principal or his/her designee will have a system in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
4. Suspensions from transportation will be counted as a day of removal if the student does not attend school.
5. Removal for a portion of the school day will be counted proportionately.
6. If the receiving school has an in-school suspension program, participation in the program will not be counted as a day of removal if the program provides the following:

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- a. An opportunity for the student to progress in the general curriculum;
 - b. The services and modifications specified in the student's IEP;
 - c. Interaction with peers who are not disabled to the extent they would have interaction with in the current placement; and
 - d. The student is counted as present for the time spent in the in-school suspension program.
- 7. When a series of short-term removals will accumulate to more than ten school days in the year:
 - a. The Principal or Designee of the receiving school and the sending district 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. Written documentation of the consultation between school officials and the case manager of the sending district will be maintained by the Department of Special Services.
 - c. If it is determined that there is no change in placement, the Principal or Designee of the receiving district, the case manager of the sending district and special education teacher will consult to determine the extent to which services are necessary to:
 - (1) Enable the student to progress appropriately in the general education curriculum; and
 - (2) Advance appropriately toward achieving the goals set out in the student's IEP.
 - d. Written documentation of the consultation and services provided will be maintained by the Principal of the receiving district.
 - e. Steps will be in place to review the behavioral intervention plan and if necessary convene the IEP team as required according to N.J.A.C. 6A:14 appendix D, 34 C.F.R. §300-500(c) (1) and (2).

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2100.1 (2461.03) SPECIAL EDUCATION/RECEIVING SCHOOLS – PUPIL RECORDS

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative code, the Individuals with Disabilities Act, Board Policies 210 (2460) and 210.1 (2461) and corresponding Regulations.

- A. Procedures to Ensure the Individualized Education Program (IEP) is Accessible.
1. Procedures regarding student records will be developed and implemented to ensure that the IEP is accessible to each teacher or service provider in accordance with N.J.A.C. 6A:14-3.7(a)2.
 2. The compilation, maintenance, access to and confidentiality of student records will be in accordance with N.J.A.C. 6:3-6. Access means the right to view, to make notes, and/or have a reproduction of the record.
 3. All student records will be returned to the sending district within fifteen calendar days of a student's last day of enrollment.
 4. If the IEP is copied, the receiving district will be sure the IEP is kept confidential and is maintained according to N.J.A.C. 6:3-6.4(b). The IEP will be maintained in a central file at the school attended by the pupil and if the records are maintained in a different location, there will be a notation on the central file as to where such other records are located.

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2100.1 (2461.05) SPECIAL EDUCATION/RECEIVING SCHOOLS – IEP COMPLIANCE

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 210 (2460) and 210.1 (2461) and corresponding Regulations.

- A. Procedures Regarding the Provision of Services Required by the Individualized Education Program (IEP)
 - 1. The programs and services provided by the receiving school will be in accordance with the requirements of N.J.A.C. 6A:14-1.1 et seq.; and
 - 2. If a change in the delivery of special education or related services is necessary due to a change in personnel or student need, the receiving school will contact the sending district to convene an IEP team meeting to review and, if appropriate, revise the IEP.

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2100.1 (2461.08) SPECIAL EDUCATION/RECEIVING SCHOOLS – IN-SERVICE TRAINING

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 210 (2460) and 210.1 (2461) and corresponding Regulations.

- A. Procedures to Meet the Training Needs of Paraprofessionals, Professionals and Parents of Pupils with Disabilities.
 - 1. The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services will be identified and appropriate in-service training will be provided. The receiving school shall maintain information to demonstrate its efforts to address training as defined in the five following areas:
 - a. To prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
 - b. To enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
 - c. To acquire and disseminate to teachers, administrators, school Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
 - (1) The adoption of promising practices will be addressed through the review and dissemination by the school building curriculum committee, through turnkey trainings, presentations at Board meetings, Parent-Teacher Association meetings and other methods as determined by the receiving district.

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- d. To insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
 - e. To provide for joint training activities of parents, special education, and related services and general education personnel [34 C.F.R. § 300.380].
- 2. The Assistant Superintendent in the receiving district will conduct a needs assessment on an annual basis to identify the in-service training needs as part of the district-wide development activities.
 - 3. The effectiveness of the in-service program will be evaluated at least once at the end of each year by a written survey administered and compiled by the Assistant Superintendent.
 - 4. Documentation of the needs assessment, training activities and evaluation procedures will be maintained by Assistant Superintendent in the receiving district for three years after the activities are completed.