

POLICY

210 (2460)

Board of Education Nutley

210 (2460) SPECIAL EDUCATION

The Nutley Board of Education assures compliance with Part B of the Individuals with Disabilities Education Act (IDEA) and the New Jersey Administrative Code 6A:14-1 et seq. Furthermore, the Board will have programs and procedures in effect to ensure the following:

1. A free appropriate public education according to N.J.A.C. 6A:14-1.1(b)1 is available to all pupils with disabilities between the ages of three and twenty-one, including pupils with disabilities that have been suspended or expelled from school;
2. Full educational opportunity to all pupils with disabilities is provided;
3. 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:14-3.6 and 3.7;
4. An Individualized Education Program (IEP) is developed, reviewed and, as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7;
5. To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2;
6. Pupils with disabilities are afforded procedural safeguards required by N.J.A.C. 6A:14-2. This will include the provision that any employee of the district or nonpublic agency that is involved in the education and/or care of the child will be excluded from consideration as a surrogate parent. The district will also disseminate a copy of the procedural safeguards statement to parent training and information centers, protection and advocacy agencies and other appropriate agencies to ensure that complaint procedures are widely disseminated to parents and other individuals;
7. Pupils with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4;

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8. The compilation, maintenance, access to and confidentiality of pupil records are in accordance with N.J.A.C. 6:3-6;
9. Children with disabilities participating in Early Intervention Programs (EIP) assisted under IDEA Part C who will participate in preschool programs under this chapter experience a smooth transition, and that by the pupil's third birthday an IEP has been developed and is being implemented according to N.J.A.C. 6A:14-3.3(e).
10. Provision is made for the participation of pupils with disabilities who are placed by their parent(s) or legal guardian(s) in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2;
11. Pupils with disabilities who are placed in private schools by the district Board are provided special education and related services at no cost to their parents;
12. All personnel serving pupils with disabilities are appropriately certified and licensed, where a license is required;
13. The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified, and that appropriate in-service training is provided. The district Board shall maintain information to demonstrate its efforts to:
 - a. Prepare general and special education personnel with content knowledge and collaborative skills needed to meet the needs of children with disabilities;
 - b. 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. 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;

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- d. Ensure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
 - e. Provide for joint training activities of parent(s) or legal guardian(s) and special education, related services and general education personnel. [34 C.F.R. §300.380]
14. Pupils with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary.

This policy will be submitted to the County Office of Education for approval as required in N.J.A.C. 6A:14-1.2 (b) and the district will submit a written assurance of compliance with one through fourteen above as required in N.J.A.C. 6A:14-1.2(c).

N.J.A.C. 6A:14-1 et seq.
20 USC §1400 et seq.
34 C.F.R. §300 et seq.

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210.1 (2461) SPECIAL EDUCATION/RECEIVING SCHOOLS

To demonstrate compliance with N.J.A.C. 6A:14 and the Individuals with Disabilities Education Act, the Board adopts policies and regulations/procedures that are required. These policies and regulations/procedures will be submitted with a Special Education Assurance Statement for Receiving Schools for Policies and Procedures to the County Office of Education no later than February 28, 2002 for approval.

1. Students with disabilities who are placed in a receiving school by a district Board of education must have an Individualized Education Program (IEP) in effect prior to the delivery of services.
 - a. Procedures regarding the student's IEP shall be developed and implemented to ensure that the receiving school determines whether the student's IEP can be implemented in that setting prior to accepting the student [N.J.A.C. 6A:14-7.5 (b) 1]; and
 - b. The student's teacher and, if appropriate, the student and other representatives of the receiving school will participate in meetings according to N.J.A.C. 6A:14-2.3 (i) 2.

2. The receiving school will collaborate with the sending district Board of Education in the provision of a free, appropriate public education for the population served including students with disabilities who are suspended.
 - a. Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended will be developed and implemented to ensure that school officials responsible for implementing suspensions/expulsions in the receiving school are identified.
 - b. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager of the sending district.
 - c. A system will be in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
 - d. Suspension from transportation is counted as a day of removal if the student does not attend school.

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- e. Removal for a portion of the school day is counted proportionately.
- f. If the receiving school has an in-school suspension program, participation in the program is not counted as a day of removal if the program provides the following:
 - (1) Opportunity for the student to progress in the general curriculum;
 - (2) Services and modification specified in the student's IEP;
 - (3) Interaction with peers who are not disabled to the extent they would have interaction with in the current placement; and
 - (4) The student is counted as present for the time spent in the in-school suspension program.
- g. When a series of short-term removals will accumulate to more than ten school days in the year:
 - (1) School officials 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;
 - (2) Written documentation of the consultation between school officials and the case manager of the sending district will be maintained;
 - (3) If it is determined there is no change in placement, school officials and, the case manager of the sending district and special education teacher will consult to determine the extent to which services are necessary to:
 - (a) Enable the student to progress appropriately in the general education curriculum; and
 - (b) Advance appropriately toward achieving the goals set out in the student's IEP.

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- (4) Written documentation of the consultation and services provided will be maintained.
 - h. 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. §300-520(c) (1) and (2).
3. The compilation, maintenance, access to and confidentiality of student records will be in accordance with N.J.A.C. 6:3-6.
 - a. The IEP will be accessible to each teacher or service provider in accordance with N.J.A.C. 6A:14-3.7 (a)2.
 - b. All student records will be returned to the sending district within fifteen calendar days of a student's last day of enrollment.
4. Students with disabilities, who are placed in receiving schools by a district Board of Education, will be provided special education and related services at no cost to their parents or legal guardian(s).
5. 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.
 - a. 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.
6. All personnel serving students with disabilities will be appropriately certified and licensed where a license is required as stated in N.J.A.C. 6:11.
7. The receiving school will terminate the placement of a student with disabilities according to N.J.A.C. 6A:14-7.7(a) and (a) 1.

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8. 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 will maintain information to demonstrate its efforts to:
 - a. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
 - b. 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. Acquire and disseminate to teacher, 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;
 - d. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities;
 - e. Provide for joint training activities of parents and special education, related services and general education personnel; and
 - f. Procedures shall be developed and implemented to ensure that the training needs of paraprofessionals, professionals and parents of students with disabilities in the five specified areas are identified and met.