

# REGULATION

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Special Education – Free and Appropriate  
Public Education

## 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 or designee;
  - b. 7-8 Principal/Vice Principal or designee;
  - c. K-6 Principal or designee.
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.)
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:
  - 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.
4. When a pupil is suspended from transportation:



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- 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 will 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(c)2. Written documentation of the consultation between the school administration and the case manager 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, the case manager, and special education teacher will consult to determine the extent to which services are necessary to:
  - (1) Enable the pupil to participate and progress appropriately in the general education curriculum; and
  - (2) Advance appropriately toward achieving the goals set out in the pupil's IEP.
  - (3) Written documentation of the consultation and services provided shall be 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 shall be placed in the pupil's file.

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



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To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's in effect by their third birthday, 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 Office 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 child study team will convene a referral/identification 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 child study team 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



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determines the pupil continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team's determination.

## 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. The parent(s) and/or adult pupil 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.

Adopted: 03 May 2004

Revised: 09 June 2014

