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2480R - ALTERNATIVE EDUCATION PROGRAMS

The Board of Education may operate an alternative education program, pursuant to N.J.A.C. 6A:16-1.3. In the event the Board elects to operate an alternative education program, the program shall be approved by the Commissioner of Education in accordance with the requirements of N.J.A.C. 6A:16-9.1.

A. Establishment of Alternative Education Programs

1. The Board shall submit an initial or renewal application, as appropriate, to the County Office of Education, in accordance with the format prescribed by the Commissioner of Education.
2. The alternative education program approved and established by the Board shall be separate and distinct from the already existing programs operated by the Board.
3. Annually, the school district shall obtain certificates of fire inspection and, if applicable, health, sewerage plant and health, ventilation, and air conditioning (HVAC) inspections for an alternative education facility. These certificates shall be maintained and available upon request for review by the Department of Education.

B. Program Criteria

The alternative education program in the district will fulfill the following program criteria for both high school and middle school programs, unless otherwise noted:

1. A maximum pupil-teacher ratio of 12:1 for high school programs;
2. A maximum pupil-teacher ratio of 10:1 for middle school programs;
3. An Individualized Program Plan (IPP) will be developed for each general education pupil enrolled in the program:
 - a. The IPP will be developed by the school district in which the pupil is enrolled, in consultation with the pupil's parent(s) or legal guardian(s) and the receiving school district, pursuant to N.J.A.C. 6A:16-9.1(a), or other agency, pursuant to N.J.A.C. 6A:16-9.1(b), as appropriate.



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- b. The IPP will be developed by a multidisciplinary team of professionals with knowledge of the pupil's educational, behavioral, emotional, social, and health needs.
- c. The IPP will identify the appropriate instructional and support services for addressing the pupil's identified needs.
- d. The IPP will be developed in accordance with the format prescribed by the Commissioner of Education and implemented within thirty calendar days of the pupil's placement in the district's alternative education program.
 - (1) The IPP may, but need not, be developed prior to the pupil's placement.
- e. A multidisciplinary team will review and, as appropriate, revise the IPP prior to the completion of the pupil's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first.
 - (1) The multi-disciplinary team shall review and revise the IPP, as needed, at any time during the pupil's enrollment in the alternative education program.
 - (2) The multi-disciplinary team that reviews the IPP shall include staff from the sending school and the alternative education program who have knowledge of the pupil's educational, behavioral, emotional, social, and health needs.
 - (3) The pupil's parent(s) or legal guardian(s) shall be advised of revisions to the IPP.
- 4. For a pupil with a disability, the alternative education program shall be consistent with the pupil's Individualized Education Program (IEP), pursuant to N.J.A.C. 6A:14, Special Education;
- 5. Individualized instruction to pupils shall address the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1;



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6. Instructional staff shall be appropriately certified, pursuant to N.J.A.C. 6A:9-3.3;
7. Compliance with attendance policies, pursuant to N.J.A.C. 6A:16-7.8 and 6A:32-8.3, shall be required;
8. Academic instruction sufficient to fulfill graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, shall be provided to high school pupils;
9. Comprehensive support services and programs shall address each pupil's health, social and emotional development, and behavior;
10. Case management services including, but not limited to, monitoring and evaluating pupil progress and coordinating instructional and support services, pursuant to 5, 8, and 9 above, shall be provided;
11. Services to facilitate the transition of pupils returning to the general or special education program shall be provided; and
12. A minimum pupil enrollment period of not less than two complete marking periods shall be required.
 - a. If the pupil is enrolled with less than two complete marking periods remaining prior to the end of the school year, the decision regarding continued placement in the alternative education program shall be made in accordance with N.J.A.C. 6A:16-9.3(a).
 - b. If the pupil is removed from the general education program and placed in an alternative education program as a result of a firearm or assault with a weapon offense, the Superintendent may modify the term of removal or placement on a case-by-case basis, pursuant to N.J.A.C. 6A:16-5.5(b)1 and 5.6(b)1.
 - c. For the pupil with a disability, the enrollment period shall be determined by appropriate school personnel in accordance with the provisions of N.J.A.C. 6A:14, Special Education, and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. § § 1400 et seq.



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C. Pupil Placements

A pupil's placement in an alternative education program shall be made as follows:

1. For the general education pupil, the superintendent's designee shall make a determination of the pupil's risk for school failure and a decision regarding the pupil's placement in an alternative education program, at a minimum, based on the following:
 - a. The review of the pupil's academic, health, and behavioral records, including the pupil's IPP, if one has been developed in accordance with N.J.A.C. 6A:16-9.2(a)3i through v, and the results of available testing, assessment or evaluation of the pupil;
 - b. Consultation with and notice to the pupil's parent(s) or legal guardian(s); and
 - c. Information provided by the school-based multi-disciplinary team responsible to provide intervention and referral services, pursuant to N.J.A.C. 6A:16-8, or other multi-disciplinary team, as appropriate.
2. Decisions regarding the placement of the pupil with a disability in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) and (b), shall be based on the recommendation of appropriate personnel in accordance with N.J.A.C. 6A:14.
3. The district shall provide mandatory placement for a pupil in an alternative education program for removal due to a firearms offense, pursuant to N.J.A.C. 6A:16-5.5 or an assault with weapons offense, pursuant to N.J.A.C. 6A:16-5.6.
 - a. If placement in an alternative education program is not available in the instance of a mandatory pupil placement, the pupil shall be provided home or out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, until placement in an alternative education program is available.
 - b. For the pupil with a disability, placement in an alternative education program for a firearm offense or an assault with a



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weapon offense shall occur only upon a determination by appropriate school personnel to place the pupil in accordance with the provisions of N.J.A.C. 6A:14, Special Education Programs and the Individuals with Disabilities Act of 2004, 20 U.S.C. § 1400 et seq.

D. Alternative Education Program in Another District or Agency

If the district places a pupil in an alternative education program approved by another district Board of Education, pursuant to N.J.A.C. 6A:16-9.1(a), or another approved agency, pursuant to N.J.A.C. 6A:16-9.1(b), the sending school district shall be responsible for ensuring compliance with the requirements of N.J.A.C. 6A:16-9.

E. Continued Placement/Change of Placement

1. Decisions regarding continued placement in an alternative education program or a change to a pupil's placement shall be made as follows:
 - a. For the general education pupil returning to the general education program, the continued placement decision shall be made in accordance with B.11. above, as appropriate, and C.1. above.
 - b. For a pupil with disabilities, the continued placement decision shall be made in accordance with B.11. above, as appropriate, C.2. above, and N.J.A.C. 6A:14, Special Education.

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